DRAFT ENVIRONMENTAL IMPACT REPORT

Monterey Avenue Skate Park

SCH# 2015062067

CITY OF CAPITOLA

November 2015

DRAFT ENVIRONMENTAL IMPACT REPORT

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MONTEREY AVENUE SKATE PARK

STATE CLEARINGHOUSE #2015062067

PREPARED FOR City of Capitola

PREPARED BY

Strelow Consulting in association with City of Capitola Community Development Department

November 2015

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IN THIS SECTION:

- 1.1 Purpose of EIR
- 1.2 Project Overview
- 1.3 Consideration of Impacts
- 1.4 EIR Issues
- 1.5 EIR Process
- 1.6 Report Organization

1.1 PURPOSE OF EIR

This EIR has been prepared for the City of Capitola (City), which is the lead agency for the project. This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, which are found in Title 14 of the California Code of Regulations, commencing with section 15000. CEQA and the State CEQA Guidelines were most recently amended in 2009, and the amendments became effective in 2010.

As stated in the CEQA Guidelines section 15002, the basic purposes of CEQA are to:

- □ Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- □ Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- Disclose to the public the reasons a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Pursuant to State CEQA Guidelines section 15121, an EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency. While the information in the EIR does not control the ultimate decision about the project, the agency must consider the information in the EIR and respond to each significant effect identified in the EIR by making findings pursuant to Public Resources Code section 21081.

Pursuant to CEQA (Public Resources Code section 21002), public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which would substantially lessen the significant environmental effects of such projects. Pursuant to section 15021 of the State CEQA Guidelines, CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors. This section further indicates that CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors, and an agency shall prepare a "statement of overriding considerations" as to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment. The environmental review process is further explained below in subsection 1.5

1.2 PROJECT OVERVIEW

This Environmental Impact Report (EIR) addresses the potential environmental effects of construction and use of an approximate 6,000 square foot skate park located within an existing neighborhood park (Monterey Park) in the city of Capitola. The proposed skateboard facility consists of a concrete, bowl-shaped facility with ramps and jump features. The facility will be enclosed by a fence. The park would be open to the public during daylight hours; no facility lighting is proposed. A full description of all project components is provided in the PROJECT DESCRIPTION (Chapter 3.0) of this EIR.

1.3 CONSIDERATION OF IMPACTS

As indicated above, the focus of the environmental review process is upon significant environmental effects. As defined in section 15382 of the CEQA Guidelines, a "significant effect on the environment" is:

... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether a physical change is significant.

In evaluating the significance of the environmental effect of a project, the State CEQA Guidelines require the lead agency to consider direct physical changes in the environment

and reasonably foreseeable indirect physical changes in the environment which may be caused by the project (CEQA Guidelines section 15064[d]). A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project.

CEQA Guidelines section 15064(e) further indicates that economic and social changes resulting from a project shall not be treated as significant effects on the environment, although they may be used to determine that a physical change shall be regarded as a significant effect on the environment. In addition, where a reasonably foreseeable physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.

1.4 EIR ISSUES

An Initial Study and Notice of Preparation were prepared for the project; the Initial Study is included in Appendix A, and the NOP is included in Appendix B. The Initial Study identifies potentially significant impacts and discusses issues that were found to result in no impacts or less-than-significant impacts. The discussions in the Initial Study of impacts that are not being addressed in detail in the text of the Draft EIR are intended to satisfy the requirement of CEQA Guidelines section 15128 that an EIR "shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and therefore were not discussed in detail in the EIR." As indicated below, corrections and/or revisions to the Initial Study have been made as shown in Appendix A.

Based on the analyses in the Initial Study and responses to the Notice of Preparation (as discussed below), this EIR evaluates potentially significant impacts for the topics listed below. The EIR also evaluates topics required by CEQA and CEQA Guidelines, including growth inducement, project alternatives, and cumulative impacts. The environmental analysis for this EIR includes:

- Aesthetics
- Drainage and Water Quality
- Noise
- □ Transportation and Traffic
- Hazardous Materials

1.5 EIR PROCESS

An Initial Study and Notice of Preparation (NOP) for this EIR were circulated on June 22, 2015. The Initial Study is included in Appendix A, and the NOP is included in Appendix B. The NOP was circulated to the State Clearinghouse and to local, regional, and federal agencies, as well as to organizations and interested citizens. Comment letters were received from one public agency (Soquel Union Elementary School District), one organization (POPP-Protecting Our Public Parks), and 13 individuals. These letters are included, along with the NOP, in Appendix B. An agency and public scoping meeting also was held on June 30, 2015, to take public comments on the proper scope of the EIR's analyses and project alternatives.

Both the written comments and oral comments received at the scoping meeting have been taken into consideration in the preparation of this EIR. Additionally, corrections and/or revisions to the Initial Study have been made in response to comments, which are shown in Appendix A. Comments received during the scoping period regarding environmental issues include:

- □ Noise impacts to residents and the adjacent middle school;
- **Traffic and parking impacts;**
- □ Visual impacts of the facility, including fencing and areas of concrete;
- Drainage and water quality impacts;
- □ Tree removal and impacts to birds;
- □ Construction impacts;
- Soil contamination; and
- □ Alternatives.

The Draft EIR will be published and circulated for review and comment by the public and other interested parties, agencies, and organizations for a public review period from November 18, 2015 through January 8, 2016. Written comments on the Draft EIR may be submitted to the City of Capitola at the address below or submitted by email to Richard Grunow at rgrunow@ci.capitola.ca.us, by 5:00 pm on January 8, 2016.

Richard Grunow, Community Development Director City of Capitola 420 Capitola Avenue Capitola, CA 95010

The Final EIR will include written responses to any significant environmental issues raised in comments received during the public review period in accordance with State CEQA Guidelines section 15088. The Final EIR will also include Draft EIR text changes and additions that become necessary after consideration of public comments. The Final EIR then will be presented to the City Planning Commission, and if the project is appealed, the City Council.

The Planning Commission or the City Council must ultimately certify that it has reviewed and considered the information in the EIR, that the EIR has been completed in conformity with the requirements of CEQA, and that the document reflects the City's independent judgment.

Pursuant to sections 21002, 21002.1 and 21081 of CEQA and sections 15091 and 15093 of the State CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

- 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects on the environment.
- 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by such other agency.
- 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Although these determinations (especially regarding feasibility) are made by the public agency's final decision-making body based on the entirety of the agency's administrative record as it exists after completion of a final EIR, the draft EIR must provide information regarding the significant effects of the proposed project and must identify the potentially feasible mitigation measures and alternatives to be considered by that decision-making body.

1.6 REPORT ORGANIZATION

The Draft EIR is organized with the following sections.

SUMMARY OF ENVIRONMENTAL IMPACTS: This section provides a summary of all impacts, level of significance, and mitigation measures identified for the project, as

well as a summary of alternatives. An overview of the project is provided, and issues of concern are summarized.

- **PROJECT DESCRIPTION:** A full description of all elements of the proposed project development and operations is provided.
- □ ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES: Each topical section in this EIR presents information in three parts. The "Environmental Setting" section provides an overview of the existing conditions on and adjacent to the project site. Local, State and federal regulations also are identified and discussed, when relevant.

The "Impacts and Mitigation Measures" section provides an outline of the criteria used to evaluate whether an impact is considered significant based on standards identified in the California Environmental Quality Act (CEQA) and State CEQA Guidelines. Agency policies or regulations and/or professional judgment also are used to further define what actions may cause significant effects. Any project feature or element that may cause impacts, as well as project features that may serve to eliminate or reduce impacts, will be identified and addressed for both direct and reasonably foreseeable indirect impacts. Mitigation measures that would reduce significant impacts are identified. The significance of the impact after mitigation also is identified. For impacts found to be less-than-significant, mitigation measures are not required, but where relevant, the EIR recommends project modifications or appropriate conditions of approval.

- **CEQA CONSIDERATIONS:** This section evaluates the topics required to be included in an EIR, including significant unavoidable impacts, irreversible impacts, growth inducement, cumulative impacts, and project alternatives.
- **REFERENCES:** This section identifies all contacted agencies and all references that were cited or utilized in preparation of the EIR.
- **FIGURES:** All EIR figures are located in one section at the end of the document for ease of reference, as some figures are referenced in several sections.
- □ **APPENDICES:** The Initial Study, NOP and NOP comments, and technical studies are included in the Appendices.

It should be noted that a Mitigation Monitoring and Reporting Program will be included in the Final EIR, although it is not required to be included in the EIR.

IN THIS SECTION:

- 2.1 Project Summary
- 2.2 Areas of Controversy or Concern
- 2.3 Summary of Alternatives
- 2.4 Summary of Impacts & Mitigation Measures
- 2.5 Issues to Be Resolved

This summary provides a brief description of the proposed project, known areas of controversy or concern, project alternatives, all potentially significant impacts identified during the course of this environmental analysis, and issues to be resolved. This summary is intended as an overview and should be used in conjunction with a thorough reading of the EIR. The text of this report, including figures, tables and appendices, serves as the basis for this summary.

2.1 PROJECT SUMMARY

This Environmental Impact Report (EIR) addresses the potential environmental effects of construction and use of an approximate 6,000 square foot skate park. The proposed skateboard facility consists of a concrete bowl-shaped center with ramps and jump features. The facility will be enclosed by a wrought iron fence. The park would be open to the public during daylight hours only as no lighting is proposed. A full description of all project components is provided in the PROJECT DESCRIPTION (3.0) of this EIR.

2.2 AREAS OF CONTROVERSY OR CONCERN

The City of Capitola, as the Lead Agency, has identified areas of concern based on preparation of the Initial Study and Notice of Preparation (NOP), which are included in Appendices A and B, respectively. In response to the NOP, letters of comment were received from one public agency (Soquel Union Elementary School District), one organization (POPP-Protecting Our Public Parks), and 13 individuals. The NOP and responses to the NOP are included in Appendix B. An agency and public scoping also was held on June 30, 2015, to take public comments on the proper scope of the EIR's analyses and project alternatives.

Comments on the NOP and received at the scoping meeting raised the following environmental concerns, some of which may be areas of controversy:

- □ Noise impacts;
- □ Traffic;
- □ Impacts during construction;
- Drainage;
- □ Visual impacts;
- □ Impacts to birds; and
- □ Alternatives.

2.3 SUMMARY OF ALTERNATIVES

CEQA Guidelines require that an EIR describe and evaluate alternatives to the project that could eliminate significant adverse project impacts or reduce them to a less-than-significant level. The following alternatives are evaluated in the CEQA CONSIDERATIONS section (Chapter 5.0) of this EIR

- □ No Project Alternative Required by CEQA
- □ Alternative 1 Revised Onsite Location
- □ Alternative 2 Reduced Project Size
- □ Alternative 3 Alternate Offsite Location

Table 5-1 in the CEQA CONSIDERATIONS (5.0) section of this EIR presents a comparison of project impacts between the proposed project and the alternatives. The No Project Alternative, would eliminate the identified significant impacts, but would not attain any of the project objectives. Neither Alternative 2 nor 3 would eliminate or substantially reduce in significance the impact related to noise and potential impacts to nesting birds during construction. None of the alternatives would eliminate the potential significant impact related to exposure to soil contamination. Alternative 1 would potentially reduce the significant noise impact to a less-than-significant level to some residences and also could reduce the significance of potential impacts to nesting birds. Alternative 1 would attain all project objectives, while Alternative 1, Alternative Onsite Location, is considered the environmentally superior alternative of the alternatives reviewed as it would result in reduction of severity of two impacts (noise and a potential nesting bird impact), while best meeting project objectives.

2.4 SUMMARY OF IMPACTS & MITIGATION

All impacts identified in the subsequent environmental analyses are summarized in this section. This summary groups impacts of similar ranking together, beginning with significant unavoidable impacts, followed by significant impacts that can be mitigated to a less-than-significant level, followed by impacts not found to be significant. The discussions in the Initial Study of impacts that are not being addressed in detail in the text of the Draft EIR are intended to satisfy the requirement of CEQA Guidelines section 15128 that an EIR "shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and therefore were not discussed in detail in the EIR." The Initial Study is included in Appendix A of this EIR. A summary of less-than-significant and no impacts identified in the Initial study is presented at the end of this section.

SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts were identified as a result of the impact analyses.

SIGNIFICANT IMPACTS

The following impacts were found to be potentially significant, but could be reduced to a lessthan-significant level with implementation of identified mitigation measures should the City's decision-makers impose the measures on the project at the time of final action on the project.

<u>Noise</u>

Impact 4.3-3: Permanent Increase in Noise. Use of the proposed skate park is predicted to result in ambient noise levels below 60 dBA L_{dn} /CNEL, would not result in an increase of 3 to 5 dBA L_{dn} /CNEL over existing levels and would be within the range of existing L_{eq} and L_{max} noise levels. However, the average L_{eq} and average L_{max} would be exceeded by 5-7 dBA.

<u>Mitigation Measures</u>

Implementation of Mitigation Measure NOISE-1 will reduce the project impact related to permanent increases in ambient noise levels to a less-than-significant level.

NOISE-1: Require construction of six-foot noise barriers at the north and south boundaries of the skate park, along the proposed fence line, to reduce maximum instantaneous and hourly average noise levels by a minimum of 5 dBA at the Soquel Union Elementary School District Offices and single-family residences at the west end of Orchid Avenue. Noise barriers shall be constructed from materials having a minimum surface weight of 3 lbs/sf, such as one-inch thick wood fence boards,

masonry block, or concrete, and be constructed in a manner free of any cracks or gaps between barrier materials and between the barrier and the ground. Alternately, suitable barrier materials such as Acoustifence by Acoustiblok or ¼-in. plexiglass could be attached to the proposed metal fence surrounding the skate park to provide an equivalent noise level reduction.

<u>Hazards and Hazardous Materials</u>

Impact 4.5-1: *Exposure to Soil Contamination.* Project grading and subsequent use of the proposed skate park could pose a hazard to workers and users due to presence of contaminated soils.

<u>Mitigation Measures</u>

HAZMAT-1: Require removal with proper disposal and/or encapsulation of contaminated soils at the project site to prevent exposure to arsenic found in the soils, and require proof of final signoff from the County of Santa Cruz Environmental Health Services.

HAZMAT-2: Prepare and implement a Safety Plan to ensure that appropriate worker health and safety measures are in place during grading and construction activities.

<u>Biological Resources (Revised Initial Study)</u>

Impact IS-BIO-1: *Disturbance to Nesting Birds.* Construction activities or tree removal, if the City determines removal of trees are necessary for public safety, could potentially disturb nesting birds if they are present and nesting in trees adjacent to the proposed project.

Mitigation Measures

Implementation of Mitigation Measure IS-BIO-1 below will reduce potential impacts to nesting birds to a less-than-significant level.

IS BIO-1: If construction or tree removal is scheduled to begin between February and August, require that a pre-construction nesting survey be conducted by a qualified wildlife biologist to determine if migratory birds are nesting in the trees adjacent to the project site. If nesting birds are found, schedule construction to begin after fledging of young is completed (usually by August) or after a qualified biologist has determined that the nest is no longer in use or unless a suitable construction zone buffer can be identified by a qualified biologist.

LESS-THAN-SIGNIFICANT IMPACTS

The following impacts were found to be less-than-significant. Mitigation measures are not required.

<u>Draft EIR</u>

AESTHETICS

Impact 4.1-1: Degradation of Visual Character of Surrounding Area. The proposed project will result in construction of a skate park within an existing neighborhood park, but will not result in a substantial degradation to the visual character of the surrounding area due to its low-profile appearance and partial screening by berms.

DRAINAGE & WATER QUALITY

Impact 4.2-1: Stormwater Runoff. The proposed project will result in a net increase in runoff, but would not exceed capacity of existing or planned storm drain facilities, cause downstream or offsite drainage problems, or increase the risk or severity of flooding in downstream areas.

Impact 4.2-2: Water Quality. The proposed project would not result in a substantial degradation of water quality due to the limited potential for generation of pollutants, implementation of proposed erosion control measures, and compliance with required City regulations.

NOISE

Impact 4.3-1: Exposure to Noise That Exceeds Standards. The project would expose project users to existing and future ambient noise levels, but would not expose people to noise levels that exceed the Capitola General Plan Land Use-Noise Compatibility Standards and City regulations.

Impact 4.3-2: Exposure to Groundborne Vibration During Construction. Vibration levels generated during construction activities would not be excessive and thresholds for building damage or human annoyance would not be exceeded.

Impact 4.3-4: Temporary Increase in Noise. Noise levels generated during construction activities would result in a temporary increase in ambient noise levels for approximately 8-10 weeks, but would not result in substantial noise increases given the limited construction equipment, short duration, and intermittent sound levels throughout a given day.

Although no mitigation is required, the following is recommended as a project Condition of Approval to limit construction activities to normal construction hours, thereby minimizing temporary construction noise.

RECOMMENDED CONDITION OF APPROVAL: Require implementation of the following measures during project construction:

- Construction Scheduling. Limit noise-generating constructions activities to daytime, weekday hours (8 a.m. to 6 p.m.).
- *Equipment*. Properly muffle and maintain all construction equipment powered by internal combustion engines.
- Idling Prohibitions. Prohibit unnecessary idling of internal combustion engines.

TRANSPORTATION AND TRAFFIC

Impact 4.4-1: Circulation System Impacts. The project will result in an increase in daily and peak hour trips, but would not cause existing or planned intersections to operate at an unacceptable Level of Service (LOS), and would not adversely affect non-auto modes of transportation. However, project trips would contribute to the existing unacceptable LOS of E at the Kennedy Drive/Park Avenue intersection, but the project's contribution would not be significant.

<u>Initial Study</u>

The Initial Study (see Appendix A) includes analyses that found the following impacts to be less-than-significant, and thus, are not further analyzed in the EIR.

AIR QUALITY: Air Emissions; Expose Sensitive Receptors to Substantial Pollutants

GEOLOGY/SOILS: Exposure to Seismic Shaking Hazards; Soil Erosion

GREENHOUSE GAS EMISSIONS: GHG Emissions

PUBLIC SERVICES: Police Protection

RECREATION: Increase Use of Parks

UTILITIES & SERVICE SYSTEMS: Water Supply; Solid Waste

NO IMPACTS

The State CEQA Guidelines section 15128 require that an EIR contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Through the Initial Study, NOP scoping process, and EIR, the City of Capitola determined that the proposed project would have no impact on the environmental issues outlined below, and thus, are not further analyzed in the EIR. See the Initial Study in Appendix A for further discussion.

<u>Initial Study</u>

AESTHETICS: Scenic Views; Scenic Resources; New Source of Substantial Light and Glare

AGRICULTURAL & FOREST RESOURCES

AIR QUALITY: Conflict with Air Quality Management Plan; Odors

BIOLOGICAL RESOURCES: Special Status Species; Riparian, Wetland or Sensitive Habitat; Conflict with local policies or adopted HCP or Natural Community Conservation Plans

CULTURAL RESOURCES: Historical Resources; Archaeological Resources; Paleontological Resources

GEOLOGY/SOILS: Landslides and Geologic Hazards; Expansive Soils; Soil Capability for Septic Systems

GREENHOUSE GAS EMISSIONS: Conflict or Obstruct Implementation of Adopted Plans to Reduce GHG Emissions

HAZARDS AND HAZARDOUS MATERIALS: Use of Hazardous Materials; Emissions Emit Hazardous Emissions within ¼ mile of a School; On a List of Hazardous Materials Sites; Located within an Airport Land Use Plan; Private Airstrip Hazards; Exposure to Wildland Fire Hazards

HYDROLOGY & WATER QUALITY: Deplete Groundwater or Interfere with Groundwater Recharge; Alter Course of Stream or River; Exposure to Flooding Due to Levee or Dam Failure, Tsunami or Seiche

LAND USE: Physically Divide an Established Community; Conflict with Adopted Policies, Habitat Conservation Plan or Natural Community Conservation Plan

MINERAL RESOURCES

NOISE: Exposure to Airport Noise

POPULATION AND HOUSING: Induce Population Growth ;

Display Housing or People

PUBLIC SERVICES: Fire Protection; Schools; Parks

TRANSPORTATION / **TRAFFIC:** Conflict with Congestion Management Plans; Air Traffic; Emergency Access; Conflict with Adopted Plans

UTILITIES & SERVICE SYSTEMS: Wastewater

2.5 ISSUES TO BE RESOLVED

CEQA Guidelines section 15123 requires the Summary to identify "issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects." This EIR has presented mitigation measures and project alternatives, and the City Planning Commission will consider the Final EIR when considering the proposed project. In considering whether to approve the project, the Planning Commission will take into the consideration the environmental consequences of the project with mitigation measures and project alternatives, as well as other factors related to feasibility. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines, section 15364). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or already owns the alternative site). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. The concept of feasibility also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, feasibility under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

3.0 PROJECT DESCRIPTION

IN THIS SECTION:

- 3.1 Project Location
- 3.2 Project Characteristics
- 3.3 Area & Regional Plans & Zoning
- 3.4 Intended Uses of EIR

3.1 PROJECT LOCATION

The project site is located along Monterey Avenue in the eastern portion of the City of Capitola, west of New Brighton State Beach (see Figure 1-1¹). The site is located at Monterey Park, a neighborhood park owned and maintained by the City of Capitola. The park is situated on the south side of Monterey Avenue between Kennedy Drive and Bay Avenue. The park is within the Cliffwood Heights residential neighborhood, which consists primarily of detached single-family homes as well as multi-family housing on Monterey Avenue and Park Avenue.

The existing 4-acre Monterey Park consists of grass play areas, including a baseball diamond which also serves as a soccer field. A 26-space parking lot is located adjacent to Monterey Avenue, and an approximate 6- to 8-foot wide unpaved path extends around the perimeter of the park. Monterey Park is bordered by Monterey Avenue and residences on the north, single-family homes on the east and south, and the New Brighton Middle School on the west. The middle school facilities adjacent or nearest to the project site includes a grassy play field. A private residence and the school's administrative offices are located north of the project site along Monterey Avenue.

The proposed skate park is located near the western portion of Monterey Park. It is surrounded by park land on all sides, except the New Brighton Middle School's playing field borders the skate park site on the west. Figure 1-2 shows the location of the proposed skate park in relation to existing Monterey Park facilities.

The skate park site is situated on a slightly elevated sloped mound within the relatively flat park area. The project site is situated on a flat-lying terrace with a slight slope to the south. Topographic elevations range from 112 to 100 feet above Mean Sea Level across the entire Monterey Park. The site consists of maintained grass. Four eucalyptus trees and two redwood trees are located just north of and outside of the proposed skateboard park facility.

¹ All figures are included at the end of the document in Section 7.0 for ease of reference as some figures are referenced in several sections.

3.2 PROJECT CHARACTERISTICS

PROJECT OBJECTIVES

Based on the Applicant's goals for the project and the City's existing policy framework, as embodied in City's *General Plan*, the project objectives are as follows:

Applicant Objectives

- 1. Develop an approximate 6,000 square-foot public skate park in Capitola that is centrally located and easily accessible to children, teens, and young adults.
- 2. Provide skate park features and elements which can be enjoyed by beginner to intermediate level skaters.

City Objectives

- 3. Implement the policies and development standards of the City's General Plan, Zoning Code, and Local Coastal Program.
- 4. Develop recreational opportunities for residents and visitors of all ages which are safe, healthy, and enjoyable.
- 5. Improve and maintain City parks and open spaces with uses and activities which cater to community needs.
- 6. Develop park and facility improvements in locations which are accessible, highly visible, and provide a safe environment for park users.
- 7. Develop park and facility improvements which are compatible with existing, neighboring land uses.
- 8. Minimize the City's development and operational costs.
- 9. Mitigate environmental impacts to the greatest extent possible.

PROJECT ELEMENTS

The project consists of construction of an approximate 6,000 square foot skate park, which would comprise approximately 3.5% of the existing four-acre Monterey Park. The proposed facility consists of a concrete bowl-shaped center with ramps and jump features. The project site plan is shown on Figure 2-1, and the general layout and features are shown on Figure 2-2. Cross sections identified on Figure 2-2 are shown on Figure 2-3. The site will be graded to create the contours of the skate park with a compacted subgrade and crushed rock that will be overlaid with concrete. The skate park bowl will generally be at a lower elevation than the existing topography at the site, which consists of a gently sloping knoll. Earthen berms would be created at the northern and southern edges of the facility. Another low berm will be created south of

the skate park and existing walking path. The preliminary grading plan is shown on Figure 2-4. A three-dimensional rendering of the facility provided as part of the project application is shown on Figure 3-1.

The facility will be enclosed by a fence with one entrance at the southeastern portion of the facility that would be accessed from the existing adjacent path. Following the Architecture and Site Review Committee, the applicant will use a decorative, wrought-iron fence instead of black, vinyl-coated chain-link fence as shown on the plans. The proposed skate park does not encroach onto the existing pathway that extends around the perimeter of Monterey Park. No lighting is proposed. Vehicle parking is available at the Monterey Park parking lot fronting Monterey Avenue. Public parking is also available along Monterey Avenue.

The facility has been designed to serve beginner to intermediate riders generally in the 5-14 year-old age range, although the facility could be available for use by anyone over the age of five years. Use would vary throughout the day and times of the year, but given the size of the facility, it is estimated that approximately 1-25 skateboarders would potentially be using the facility at the same time depending on the participant's experience.

Hours of operation have not been specified, but the facility would not be available for daily use until at least 8:00 AM to be consistent with City regulations², and would close at dusk at the latest. Additionally, in accordance with the City regulations, the use of amplified music would be prohibited pursuant to Municipal Code Section 9.12.040, which prohibits use of loudspeakers, public address system, sound amplification system, or musical instruments without a permit except for limited exceptions, such as in automobiles and private homes. If approved, park rules and management practices would ultimately be established by the City Council. No special or organized events would be permitted at the facility without separate approval of a Temporary Events Permit by the City of Capitola.

Construction Activities

Pursuant to the City Noise Ordinance, construction activities would be restricted to Monday through Friday from 7:30 AM to 9:00 PM and Saturday between 9:00 AM and 4:00 PM. The project is expected to be completed within eight to ten weeks. The grading component of construction is anticipated to be completed within 10 days. Allowable hours for construction activities could be further restricted at the discretion of the Planning Commission or City Council.

 $^{^2}$ Section 9.12.010 of the Municipal Code limits any loud, boisterous, irritating, penetrating, or unusual noise resulting from the operation of projects to between the hours of 10:00 p.m. and 8:00 a.m.

3.3 AREA PLANS & ZONING

GENERAL PLAN AND ZONING DESIGNATIONS AREA

The project site currently is designated "Parks and Open Space"—P/OS in the City's General Plan, adopted in 2014, and in the City's Local Coastal Plan (LCP). The property is zoned "Public Facility-Park" (PF-P). General Plan Policy LU-13.13 addresses Monterey Park where the proposed project is located and states: "Develop Monterey Park as an active park site with neighborhood-serving recreational facilities and amenities."

OTHER REGULATIONS

Chapter 12.54 of the Capitola Municipal Code regulates skateboard parks on public property. A skateboard park is defined as a "public facility designed specifically for use by persons riding skateboards or skates and which is designated a 'skateboard' park by the director of public works." Section 12.54.020 outlines the following prohibitions:

No person in a skateboard park shall:

- A. Ride or be in possession of a skateboard or skates in a skateboard park without wearing a properly fitted and fastened helmet, elbow pads, and knee pads at all times;
- B. If under the age of ten, enter or use the skateboard park unless accompanied by a parent or adult guardian;
- C. Ride, operate or utilize any device other than a skateboard or skates;
- D. Use, consume or possess food, beverages, glass bottles or any breakable items in the skateboard park.
- E. Place or utilize additional obstacles, objects or other materials in the skateboard park;
- F. Engage in reckless behavior or any other activity that could endanger the safety of persons using the skateboard park or present in the skateboard park.

CONSISTENCY WITH LOCAL PLANS

The State CEQA Guidelines section 15125(d) require that a discussion be provided regarding any inconsistencies between a proposed project and applicable general and regional plans. Examples of other regional plans include air quality plans, water quality control plans, regional transportation plans, regional housing allocation plans, habitat conservation plans and regional land use plans. As discussed in the Initial Study (see Appendix A), the project would not conflict with the Monterey Bay Unified Air Pollution Control District's "Air Quality Management Plan". There are no Habitat Conservation Plans in the project area or other regional plans with which the project may be in conflict. The project does not include residential uses, and would not conflict with regional housing allocation plans. There are no provisions in the current Basin Plan³ (water quality) that are applicable to the proposed project. Applicable regional transportation plans are discussed in the TRANSPORTATION and TRAFFIC (Chapter 4.4) section of this EIR.

Capitola's General Plan was updated and subsequently adopted by the City Council in 2014. The City's Local Coastal Plan was certified by the California Coastal Commission in 1982, and has been amended over the years. Table 1-1 provides a preliminary review of potential project conflicts with relevant local policies. In accordance with State CEQA Guidelines, Appendix G, the review focuses on existing policies or regulations adopted for the purpose of avoiding or mitigating an environmental impact. The ultimate interpretation of policies will be by the City Council in their deliberation of the project actions.

There are no sensitive environmental resources as defined by CEQA (i.e., agricultural, biological, cultural, hydrological, mineral, timber or scenic resources) present on the project site. The proposed project would not result in conflicts with City policies adopted to mitigate an environmental impact as summarized in Table 1-1.

3.4 INTENDED USES OF EIR

As indicated in the INTRODUCTION (Chapter 1.0) of this EIR, the EIR is an informational document for decision makers. The EIR includes a "project-level" analysis, meaning that no additional CEQA review should be required if the project is approved and constructed without change. Pursuant to State CEQA Guidelines, section 15161, the EIR examines all phases of the project including construction and operation.

The City of Capitola is the lead agency and responsible for approving the following permits for the project: Conditional Use Permit, Coastal Development Permit, Design Permit, and a right-of-entry agreement. CEQA requires that decision makers review and consider the EIR in their consideration of this project.

There are no other known agencies whose approval is required. The project site is located within the coastal zone, but it is not within the area of appeals to the California Coastal Commission.

³ Regional Water Quality Control Board, Central Coast Region. June 2011. "Water Quality Control Plan for the Central Coastal Basin."

TABLE 1-1: Potential Project Conflicts with Capitola Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
General Plan P	Policies		
LAND USE	LU-13.3	Sustainable Park Design. Design, construct, and maintain park facilities in an environmentally sustainable manner. This can be achieved with techniques such as: Preserving sensitive species and habitats. Designing environmentally friendly features into new recreational facilities. Using reused, renewable, locally sourced, and recycled materials. Employing integrated pest management practices as part of parks maintenance programs. Utilizing drought-resistant and climate-appropriate landscaping with water- efficient irrigation controllers. Integrating on-site stormwater management into park design.	NO CONFLICT – There are no environmental sensitive species or habitats on the site or within Monterey Park, and no landscaping is proposed that requires irrigation or pest management. Stormwater management is incorporated into the project design, consistent with State and City requirements.
OPEN SPACE & CONSERVATION	OSC-6.3	Development Projects. Ensure that new development avoids, minimizes, and/or mitigates impacts to biological resources and sensitive habitat.	NO CONFLICT – The proposed project is not located within, adjacent to or in proximity of sensitive habitat. The project, as proposed, does not include removal of trees. Should tree removal be undertaken by the city, mitigation measures are included to avoid impacts to nesting birds.
	OSC-8.2	Non-Point Source Pollution. Minimize, avoid, or eliminate non-point source pollution by controlling stormwater runoff, polluted dry weather runoff, and other pollution in compliance with Capitola's National Pollutant Discharge Elimination System (NPDES) Permit and Stormwater Management Plan.	NO CONFLICT – Stormwater management is incorporated into the project design, and will be required to be consistent with State and City requirements.
	OSC-8.3	Best Management Practices. Require all new development, public and private, to meet or exceed State stormwater requirements and incorporate best management practices to treat, infiltrate, or filter stormwater runoff and reduce pollutants discharged into the storm drain system and surrounding coastal waters during construction and post-construction, to the maximum	NO CONFLICT – Best Management Practices will be incorporated into the drainage plan to treat and/or filter stormwater, consistent with State and City requirements.

TABLE 1-1: Potential Project Conflicts with Capitola Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
		extent practicable.	
	OSC-8.8	Drainage Plans. Require new development to protect the infiltration, purify- cation, and retentive functions of natural systems that exist on the site. Drainage plans shall be designed to complement and utilize existing drainage patterns and systems, providing drainage for the developed area in a non- erosive manner.	NO CONFLICT – Best Management Practices will be incorporated into the drainage plan to treat and/or filter stormwater, consistent with State and City requirements.
	OSC-8.9	Impervious Surfaces. Require all new development to minimize the creation of new impervious surfaces and reduce unused impervious surfaces. Prohibit post- project peak stormwater runoff discharge rates from exceeding the estimated pre-project rate.	NO CONFLICT – Stormwater management is incorporated into the project design, and with be required to be consistent with State and City requirements
SAFETY & NOISE	SN-1.3	Site Drainage. Require new development to incorporate storm drainage systems that minimize erosion and control the rate and amount of runoff so that development does not increase downstream flooding potential.	NO CONFLICT – Stormwater management is incorporated into the project design, and will be required to be consistent with State and City requirements.
	SN-1.4	Impervious Surfaces. Minimize impervious surfaces within the city to reduce stormwater runoff, protect water quality, and reduce flood hazards.	NO CONFLICT – Stormwater management is incorporated into the project design, and with be required to be consistent with State and City requirements.
	SN-4.1	Mitigation Processes. Mitigate hazard exposure from new development projects through the environmental review process, design criteria, and standards enforcement.	NO CONFLICT – Areas of soil contamination will be remediated and potential impact will be mitigated.
	SN-4.2	Site Assessments. Where deemed necessary, based on the history of land use, require site assessments for hazardous and toxic soil contamination prior to approving development project applications.	NO CONFLICT – A Phase I/II Environmental Site Assessment prepared for the City as part of the environmental review process.
	SN-7.1	Noise Sensitive Land Uses. Minimize the exposure of noise sensitive land uses to unacceptable noise levels as identified in Table SN-1. Noise sensitive land uses shall be as determined by the Community Development Director, including land	NO CONFLICT – The project would not expose project users to noise levels that exceed standards identified in Table SN-1 of the

TABLE 1-1: Potential Project Conflicts with Capitola Policies

[POLICIES RELATED TO MITIGATING ENVIRONMENTAL IMPACTS]

Element	Policy Number	Policy	Potential Conflict
		uses such as residential areas, lodging facilities, libraries, schools, parks, and medical care facilities.	General Plan.
	SN-7.2	Noise Level Standards. Ensure that noise generated from all land uses and activities in Capitola complies with the noise level standards identified in Table SN-1. The City Council may allow exceptions to these noise level standards when mitigation of noise impacts is not technically or economically feasible or inconsistent with other City goals, policies, and regulations.	NO CONFLICT – The project would result in increased noise levels, but would not significantly increase or exceed ambient noise level standards identified in Table SN-1 for adjacent uses. With mitigation, the project would not result in a significant increase in peak hour and maximum noise levels.
	SN-7.3	Acoustical Analyses. Require an acoustical analysis for all proposed projects that would locate noise sensitive land uses where the projected ambient noise level is greater than the respective "normally acceptable" noise level, as shown in Table SN-1, and require mitigation of noise impacts that exceed the land use compatibility standards.	NO CONFLICT – The proposed skate park is not a noise sensitive use and is located in an area with "normally acceptable" existing noise levels. A noise study was prepared to assess impacts of noise generated by the project on surrounding properties. A mitigation measure is included to ensure that impacts on the surrounding area are less than significant.
Local Coastal	Plan Policies		
	POLICY VI-5	The City shall, as a condition of new development, ensure that run-off does not significantly impact the water quality of Capitola's creeks and wetlands through increased sedimentation, biochemical degradation or thermal pollution.	NO CONFLICT – Best Management Practices will be incorporated into the drainage plan to treat and/or filter stormwater, consistent with State and City requirements.

4.0 ENVIRONMENTAL EVALUATION INTRODUCTION

The following sections evaluate the environmental impacts of the proposed Monterey Avenue SkatePark Project:

- 4.1 Aesthetics
- 4.2 Drainage and Water Quality
- 4.3 Noise
- 4.4 Transportation and Traffic
- 4.5 Hazards and Hazardous Materials

Other topics are addressed in the Revised Initial Study in Appendix A, including potential impacts to biological resources if the City decides to remove some existing trees, which is not part of the proposed project.

Each section in Chapter 4 generally follows the same format and consists of the following subsections:

- ENVIRONMENTAL SETTING: This section describes the existing physical environment, and applicable laws and regulations relevant to a discussion of impacts in the topic category. The Environmental Setting sections provide a general overview of the existing conditions throughout the City related to the topic being addressed. Local, State, and federal regulations also are identified and discussed, when relevant.
- ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES: The Environmental Impacts and Mitigation Measures section provides an outline of the thresholds of significance and criteria used to evaluate whether an impact is considered significant based on standards identified in or criteria derived from the California Environmental Quality Act (CEQA) and State CEQA Guidelines. In some cases, agency policies and regulations or professional judgment are used to further define CEQA standards of significance.

This section first identifies issues for which no impacts have been identified. The section then evaluates and analyzes significant or potentially significant project impacts, states the level of significance prior to mitigation, and proposes mitigation measures (in bold) that can reduce such impacts. A statement regarding the level of significance of each impact after mitigation follows the mitigation measures for those impacts identified as significant. For impacts found to be less than significant, mitigation measures are not required, but where relevant, the EIR recommends project modifications or appropriate conditions of approval.

4.1.1 ENVIRONMENTAL SETTING

IN THIS SECTION:

- Regulatory Setting
- Visual Character of the Project Area
- Visual Character of Project Site
- Scenic Views & Scenic Resources

REGULATORY SETTING

There are limited state or local regulations regarding scenic resources or aesthetic concerns. Scenic roadways are designated by the State of California (for state highways) under the Scenic Highway Program. There are no officially designated scenic highways within the city limits of Capitola, although Highway 1 (State Route 1) to the north of the project site passes through Capitola and is eligible for designation as a scenic highway.

Title 17 of the Capitola Municipal Code, the Zoning Code, implements the land use and development policies in the General Plan. Among the primary objectives of the Zoning Code are the regulation of building form, placement, density, and the provision of sufficient parking and open space in conjunction with development. The code includes provisions regarding design standards and the process by which development is reviewed by the various boards and councils.

Chapter 17.63 governs Architectural and Site Review of proposed projects. The intent of architectural and site review is to maintain the character and integrity of the neighborhood by promoting excellence of development, preventing undue traffic hazards or congestion, encouraging the utilization of solar energy, and encouraging the most appropriate development and use of land in harmony with the neighborhood. In fulfilling its intent, architectural and site approval may result in the placement of reasonable conditions. Additionally, a design permit for architectural and site review is required for any use requiring a conditional use permit. Design permits are considered at a public hearing following review and consideration by the Architectural and Site Review Committee.

VISUAL CHARACTER OF PROJECT AREA

The project site is located within the "Cliffwood Heights" neighborhood, which consists primarily of detached single-family homes as well as multiple-family housing on Monterey

Avenue and Park Avenue. Monterey Park, Cortez Park, the New Brighton Middle School, and two churches are also located within the Cliffwood Heights neighborhood. The aesthetic character of the surrounding Cliffwoood Heights neighborhood is comprised of a mix of visual components. Monterey Park provides an open space area with grass play fields within the developed residential neighborhood. The New Brighton Middle school is located to the west of the project site, which contains classrooms and other buildings, as well as playing fields adjoining Monterey Park. Wood fencing generally borders the existing residences along the park's perimeter, which are interspersed with a variety of trees, mostly as part of landscaping adjacent to the park. Eucalyptus trees along Park Avenue provide a landscape feature to views within the neighborhood.

VISUAL CHARACTER OF PROJECT SITE

The project site is located within an existing neighborhood – Monterey Park, which has a baseball diamond within a larger grassy playing area surrounded by a walking path. Monterey Park is relatively flat with a gentle slope to the south. The existing visual quality of the immediate project vicinity is characterized by the existing grass playing field at Monterey Park and the adjoining play area at the New Brighton Middle School with distant views of trees along Park Avenue. A variety of trees have been planted generally along the perimeter of Monterey Park.

The proposed project is located on a grassy knoll at the western edge of Monterey Park. There are four eucalyptus and two redwood trees to the north of the project site, and there are 14 smaller trees to the south, including eight oaks, three redwoods, one pine, and two juniper trees.

The site is prominently visible in the immediate vicinity of the proposed skate park entrance, and the dominant visual feature is the large grassy field of the Monterey Park and at New Brighton Middle School. The project area is bordered by mature tree cover on the north and south, and the chain fencing of the adjacent school play field is visible in the immediate vicinity, but is not prominently visible from Monterey Avenue.

Views of the project site as seen from Monterey Avenue are shown on Figure 4.1-1.¹ The project site is most visible to westbound motorists, pedestrians and bicyclists along Monterey Avenue. The grassy knoll that comprises the project site appears as part of the park and adjacent school grass playing fields. Eastbound views of the park along Monterey Avenue become available directly in front of the park. From this vantage point, the project site is partially obscured by existing structures and the eucalyptus and redwood trees just north of the project site.

¹ All figures are included at the end of the document in Section 7.0 for ease of reference as some figures are referenced in several sections.

SCENIC VIEWS & SCENIC RESOURCES

There are no officially designated scenic vistas or view corridors in Capitola. However, there are places in the city that provide for expansive views of the community, ocean to the southwest and foothills to the north (City of Capitola, December 2013). There are no officially designated scenic highways within the city limits of Capitola, although Highway 1 (State Route 1) to the north of the project site passes through Capitola and is eligible for designation as a scenic highway (Ibid.). Capitola's General Plan Policy LU-7.3, Scenic Resources, calls for protection and enhancement of significant scenic views and resources that contribute to the unique identity and public enjoyment of Capitola Village. The project is not within nor visible from Capitola Village.

The proposed project is located within an existing developed residential area that is generally only visible from properties within the neighborhood. The project site is not located within an officially designated scenic vista or view corridor, and the project site is not visible from Highway 1. The project site is not located within Capitola Village and is not visible from a designated vista point. The project site is surrounded by residential development, and it is not located within a scenic view. There is no definition of a scenic tree within the City's Local Coastal Program (LCP), General Plan or Zoning Code or as part of CEQA. The definition from Oxford Dictionary for scenic is as follows: "Providing or relating to views of impressive or beautiful natural scenery." A scenic view would generally consist of a panoramic view of a natural setting with outstanding or exceptional scenic qualities that is available from a wide public vantage point.

The proposed project is located on a grassy knoll within Monterey Park, and there are no trees or physical features, such as rock outcroppings, located on the project site that would be considered scenic resources. There are four eucalyptus and two redwood trees just north of the project site between the site and Monterey Avenue. There are 14 smaller trees to the south, including eight oaks, three redwoods, one pine, and two juniper trees. Tree location is shown on Figure 1-2, and representative views of the trees adjacent to the project site are shown on Figure 4.1-1. The City's General Plan does identify the trees on and around Monterey Park as "Major Tree Coverage" on Figure OSC-1, Natural Resources.

The trees to the north of the project site are not visually distinctive or prominent from public viewpoints or from a wide area within the neighborhood. Portions of the trees are visible generally within a one to two block area. Other tree cover, especially eucalyptus trees along Park Avenue, is more prominent as part of the background views along Monterey Avenue. The existing trees to the south of the project site blend with other existing trees along the fences of neighboring residential properties.

4.1.2 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

In accordance with the California Environmental Quality Act (CEQA); State CEQA Guidelines (including Appendix G); City of Capitola plans, policies and/or guidelines; and agency and professional standards, a project impact would be considered significant if the project would:

- 1 a Eliminate or substantially adversely affect, modify, or obstruct a visually prominent or significant public scenic vista, public viewing area, or public view corridor, including views of the ocean, to and along the shoreline, and panoramic background mountain views;
- 1b Eliminate or substantially adversely affect significant scenic resources along a scenic highway or designated scenic roadway, including, but not limited to, visually prominent trees, rock outcrops, or historic buildings, or visually prominent trees or historic-landmark buildings in other locations within the City;
- 1c Substantially degrade the existing visual character or quality of the surrounding area--i.e., be incompatible with the scale of the surrounding area or substantially detract from the aesthetic character of the neighborhood; or
- 1d Create a new source of substantial light or glare that would adversely affect daytime or nighttime views or activities in the area, or pose a nuisance. This includes ambient nighttime illumination levels that would be increased beyond the property line, or use of highly reflective building materials.

IMPACT ANALYSIS

Based on the analyses in the Revised Initial Study (Appendix A of this DEIR), the project would not obstruct or remove scenic views as none exist in the area, and thus, the project would have no effect on scenic views (1a). The project would not create a new source of substantial light or glare (1d) as no lighting is proposed at the project site. If lighting were added as a condition of project approval, it would be for security purposes and would be aimed downward with low pressure sodium bulbs or equivalent to prevent light trespass.

The proposed project does not involve removal of any trees. There are four eucalyptus and two redwood trees to the north of the project site, and there are 14 smaller trees to the south, including eight oaks, three redwoods, one pine, and two juniper trees. The project, including proposed grading, has been designed to avoid these trees. Although the current project proposal does not call for removal of any trees, it is possible that the Planning Commission or City Council could require removal of up to eight mature trees located between the proposed skate park and Monterey Avenue to improve visibility for public safety purposes. As discussed in the Revised Initial Study (see Appendix A), these trees are not visually distinctive or prominent from public viewpoints or from a wide area within the neighborhood. Moreover, tree removals would be subject to the City's Tree Protection Ordinance which requires a 2:1 tree replacement ratio which would ensure that existing canopy coverage would be maintained or increased.

There is no definition of a scenic tree within the City's Local Coastal Program (LCP), General Plan or Zoning Code or as part of CEQA. Typically, for CEQA purposes, a scenic tree would be one that is highly visible, prominent and possesses unique or distinctive aesthetic qualities due to its size, structure, unusual specimen, etc. A model municipal tree ordinance indicates that a "scenic tree" is any tree which, "because of its size, shape, location or other aesthetic feature is deemed by the (governing body) to significantly add to the scenic beauty of the general location in which it is situated."

While any tree may be considered to possess aesthetic attributes, the trees in the immediate vicinity of the project site do not possess qualities under which it would be considered scenic. The trees are not a prominent visual landmark or feature in the landscape nor are they prominently visible from a wide area. The trees do not possess unique or distinctive aesthetic qualities compared to other trees of the same size or specimen. The trees adjacent to the proposed project represent a small percentage of the tree cover surrounding Monterey Park and other distant tree cover along Park Avenue and in the surrounding neighborhood. Due to the limited visibility of the trees, they do not represent significant features that contribute to the identity of the neighborhood. Therefore, the trees are not considered scenic resources, and if removal is required by the City, there would be no effect on a scenic resource (1b).

The following impact analyses address the potential for the project to substantially degrade the visual character or quality of the surrounding area (1c).

Effects on Visual Character of Surrounding Area

Impact 4.1-1: Visual Effects on Surrounding Area

The proposed project will result in construction of a skate park within an existing neighborhood park, but will not result in a substantial degradation to the visual character of the surrounding area due to its low-profile appearance and partial screening by berms. This is considered a *less-than-significant impact*.

The project site is located within an existing park adjacent to an existing school within a developed residential neighborhood. The project consists of grading and construction of a concrete skate park at the western edge of the existing park, adjacent to a playing field at the middle school. There would be no above-ground structural development, such as buildings. The proposed facility consists of a concrete bowl-shaped center with ramps and jump features. The facility will be enclosed by a fence; no lighting is proposed. See Figures 2-2 and 2-3 regarding the facility features and cross sections. A three-dimensional rendering of the facility, shown on Figure 3-1, provides a visual representation of how the skate park would look, although it should be noted that the model is not to scale with the project plans.

The site will be graded to create the contours of the skate park. The existing knoll at the site gently descends from an elevation of nearly 109 feet to 104 feet (NAVD88- North American Vertical Datum of 1988). The skate park site will be graded to create the "bowl" with the lowest finished grades within the bowl at an elevation of 102 to 104 feet NAVD88. The majority of the facility consists of the bowl feature that will be approximately five feet lower than the existing knoll at the site and the adjacent playing fields. Figure 2-4 shows the preliminary grading plan. Thus, the proposed grading and facility design will result in the skate park bowl being at a lower elevation than the existing topography at Monterey Park.

The upper ledges of the facility would be at or slightly higher than the adjacent play areas and approximately the same elevation or slightly higher as the top of the existing knoll at the site. A low, approximate three to five foot high earth berm would be created at both the northern and southern edges of the proposed facility. Another low berm (approximately three feet tall) will be created south of the skate park and existing walking path.

As indicated in Capitola's General Plan EIR, a proposed project would have a significant environmental impact if it would considerably diminish the existing visual character of a neighborhood or district. The proposed project would result in a concrete park feature that would be mostly at a slightly lower elevation than the surrounding park. The proposed berms at each end of the facility and the additional berm to the south would partially screen the facility from view and would blend with the existing grass fields surrounding the site. Thus, the facility itself would not be highly visible, although skateboarders would be seen using the facility, similar to visibility of other users at Monterey Park or the adjacent school.

The fencing and some of the concrete features would be visible in the immediate vicinity. However, the proposed project would not be highly visible from Monterey Avenue given the distance of the project site from the street and the fact that Monterey Park slightly slopes to the south from Monterey Avenue. The concrete features that may be visible would be comparable to, but less prominent than, the existing parking lot along Monterey Avenue. Overall, the facility would be low profile in appearance, and would not result in a substantial degradation of the visual quality of the surrounding area.

The project plans show use of six-foot high, black vinyl-coated fencing around the facility, which provides a more subdued appearance than traditional metal chain-link. However, following the Architecture and Site Review Committee, the applicant has agreed to use a decorative, wrought-iron fence design instead of black, vinyl-coated chain-link fence as shown on the plans. It is also noted that fencing at the school baseball diamond is adjacent to the proposed site and also visible from various viewpoints, but it is not a prominent visual feature. Furthermore, neither the existing Monterey Park nor the proposed skate park site is visible from a wide area. The sites are visible from Monterey Avenue and properties within the immediate area.

As previously indicated, the proposed project does not involve the removal of trees. There are four eucalyptus and two redwood trees to the north of the project site, and there are 14 smaller trees to the south, including eight oaks, three redwoods, one pine, and two juniper trees. The project has been designed to avoid these trees, and if approved, the project will be conditioned to avoid impacts to trees and their root systems during grading.

Although the current project proposal does not call for removal of any trees, as indicated above, it is possible that the City Council could require removal of some or all of the trees located between the proposed skate park and Monterey Avenue to improve visibility for public safety purposes. Should the City decide that removal of some or all of the trees would be necessary, the site would become slightly more visible from Monterey Avenue in the location that has direct line-of-sight with the facility. From this area, direct views of the site would be more open, but the removal would not substantially degrade the visual character of the area due to the other existing tree cover along Monterey Avenue, around the perimeter of Monterey Park and in the distance along Park Avenue to the south, which is more visually prominent than the six trees north of the project site.

In conclusion, the proposed skate park would have a low-profile appearance and would be partially screened by earthen berms. The site would not be visible from a wide area, but would be most visible from the immediate area. From distant viewpoints, such as Monterey Avenue, the project would be partially screened and less prominent in appearance than surrounding structures and trees. The facility, including the proposed fencing, would not be out of scale with the surrounding area. Thus, the project would not substantially degrade the existing visual quality or character of the surrounding area.

It is also noted that the project is subject to review by the City's Architecture and Site Review Committee, an advisory committee to the City Planning Commission. This review was undertaken in July 2015 at a meeting open to the public. Comments will forwarded to the Planning Commission.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

4.2.1 ENVIRONMENTAL SETTING

IN THIS SECTION:

- Regulatory Setting
- Existing City Drainage Patterns
- Project Site Drainage

REGULATORY SETTING

Federal and State Regulations

The U.S. Environmental Protection Agency (EPA) is the lead federal agency responsible for water quality management. The Clean Water Act (CWA, codified at 33 U.S.C. Sections 1251-1376) of 1972 is the primary federal law that governs and authorizes water quality control activities by the EPA, as well as the states. Various elements of the CWA address water quality, and they are discussed below (City of Capitola, December 2013).

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act, codified in Division 7 of the California Water Code) of 1969 is California's statutory authority for the protection of water quality. Under the Act, the State must adopt water quality policies, plans, and objectives that protect the State's waters for the use and enjoyment of the people. Such "waters of the State" include streams, groundwater, isolated wetlands, and other bodies of water that are not under federal jurisdiction as "waters of the United States" (under the Clean Water Act). These waters include those that are not tributary to navigable waterways. The Act sets forth the obligations of the SWRCB and RWQCBs to adopt and periodically update water quality control plans (Basin Plans). Basin Plans are the regional water quality control plans required by both the CWA and Porter-Cologne Act in which beneficial uses, water quality objectives, and implementation programs are established for each of the nine regions in California. The Act also requires waste dischargers to notify the RWQCBs of their activities through the filing of Reports of Waste Discharge (RWD) and authorizes the SWRCB and RWQCBs to issue and enforce waste discharge requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) permits, Section 401 water quality certifications, or other approvals (City of Capitola, December 2013).

Urban runoff and other "non-point source" discharges are regulated by the federal Clean CWA. The National Pollutant Discharge Elimination System (NPDES) permit program was established by the CWA to regulate municipal and industrial discharges to surface waters of the United States, including discharges from municipal separate storm sewer systems (MS4s).

The California SWRCB elected to adopt a statewide general permit (Water Quality Order No. 2013-0001 DWQ effective July 1, 2013) for Small Municipal Separate Storm Sewer System (MS4s) operators to efficiently regulate stormwater discharges under a single permit. The 2013 Order supersedes the previous 2003 statewide general permit for MS4 operators (including Capitola). The previous (2003) permit required permittees to develop and implement a Stormwater Management Plan (SWMP) with the goal of reducing the discharge of pollutants to the maximum extent practicable. The new Order (2013) eliminates the requirement of submittal for review and approval of an SWMP; however, the requirement to develop a planning/guidance document has been retained for new Permittees. Above and beyond post-construction stormwater management practices, the Statewide General Permit also requires municipalities to adopt trash and street sweeping programs to regulate discharges into storm drain systems or directly into waters of the United States.

Construction activities that disturb one or more acres of must comply with the requirements of the SWRCB Construction General Permit (Statewide 2013-0001-DWQ, adopted on February 5, 2013, and effective July 1, 2013). The operative Construction General Permit requires stormwater pollution prevention controls, including the imposition of minimum BMPs. Under the terms of the permit, applicants must file Permit Registration Documents (PRDs), including a Notice of Intent (NOI), risk assessment, annual fee, and a signed certification statement with the SWRCB. Applicants must demonstrate conformance with applicable BMPs and prepare a Stormwater Pollution Prevention Plan (SWPPP).

City of Capitola Plans and Regulations

The City of Capitola first adopted its SWMP in 2010 as a requirement of the Phase II Small MS4 General. The City's current "Stormwater Guidance Document" was adopted by the SWRC in May 2014 and outlines the actions the City will take to comply with the permit. The Guidance Document replaces the 2010 SWMP and identifies Best Management Practices (BMPs) that align with the permit requirements.

Chapter 13.16 of the City's Municipal Code, Stormwater Pollution Prevention and Protection, establishes regulations for controlling the introduction of pollutants into the storm water system to ensure the city of Capitola's compliance with provisions of the SWRCB's NPDES General Permit and Waste Discharge Requirements. The City's regulations will provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-storm-water discharges to the storm drainage system as required by federal and State law.

Chapter 15.28, Excavation and Grading, of the City's Municipal Code establishes requirements for obtaining a grading permit and implementation of erosion control measures to prevent accelerated erosion.

EXISTING CITY DRAINAGE PATTERNS

The City of Capitola encompasses approximately 1.7 square miles centrally located in the county of Santa Cruz. The lower reaches of the Soquel Creek watershed are located within the City. Active waterways in the city include Soquel Creek and Noble Gulch, both of which drain to Monterey Bay at the city's southern boundary (City of Capitola, December 2013). Soquel Creek flows year round; it flows from the Santa Cruz Mountains through Capitola and discharges to Monterey Bay. Historically, Soquel Creek was allowed to flow freely into Monterey Bay. However, since the mid-1900s Soquel Creek has been blocked to create Soquel Lagoon and expand the beach area during summer months. Currently, a berm is placed across the mouth of Soquel Creek during the summer months only; during this time, a pipe outlets creek flow to discharge onto the beach (Ibid.).

The City of Capitola maintains its street drainage systems. The infrastructure associated with flood protection and stormwater drainage includes underground storm drain systems, above ground drainage ditches and water courses, and pump stations, catch basins, and outfalls. Five storm drain outfalls discharge stormwater into Soquel Creek. Three outfalls flow directly to the beach and four outfalls discharge stormwater onto the coastal cliffs (three on Grand Avenue and one on Cliff Drive). Storm drainage from most of the 41st Avenue area flows to a County flood control drainage basin near 38th Avenue and Brommer Street, and then flows into Moran Lake, north and west of the City (City of Capitola, December 2013).

PROJECT SITE DRAINAGE

The project site is located within a developed residential neighboring within the existing approximate 4-acre Monterey Park. The Park is currently covered with grass. Stormwater drainage in the area is by sheet flow to an existing 12-inch storm drain that is located immediately west of the project site. This storm drain collects neighborhood runoff and ultimately discharges into Monterey Bay. There are no capacity or other issues with the existing storm drains in the project vicinity (Jesberg, personal communication, November 2015).

The project site is not located adjacent to or in proximity to a water body and is not within a mapped floodplain.

WATER QUALITY

Urban runoff transporting non-point source pollution is widely regarded as the nation's leading threat to water quality (Santa Cruz County, City of Capitola, 2010). Pollutants may include toxic metals, hydrocarbons, nutrients, suspended solids, and many other chemicals that are detrimental to aquatic life. Urbanization and increases in population directly affect

the type of pollution that enters storm drains. Impervious surfaces such as roads and parking lots prevent storm water from penetrating into the ground. These surfaces become conduits for pollutants. Some common examples include oil that washes off roads, fertilizers and pesticides from lawns, and detergents from car washing and commercial activities (Ibid.).

The City's Local Coastal Plan seeks to protect and improve the water quality in the Monterey Bay. Within urbanized areas such as the City of Capitola, pollutants frequently associated with storm water include sediment, nutrients, oil and grease, heavy metals, and litter. The primary sources of storm water pollution in urban areas include automobiles, parking lots, landscape maintenance, construction, illegal connections to the storm water system, accidental spills, and illegal dumping. In Capitola, the primary pollutants of concern specific to the City of Capitola are fecal indicator bacteria, which are found in urban runoff, domesticated animal waste, manure application, septic systems, nonpoint sources, and natural sources. Sediment and nutrients are also of concern elsewhere in the County, but current information does not indicate that these pollutants are present in city water courses (Santa Cruz County, City of Capitola, 2010).

The City's Guidance Document describes how pollutants in local stormwater runoff will be controlled to be in compliance with Phase II General Permit as previously described. The objectives of the Guidance Document are to:

- Reduce the discharge of pollutants to stormwater to the "maximum extent practicable" (MEP).
- **D** Protect Water Quality.
- □ Provide long term protection of the watershed.
- □ Satisfy the appropriate water quality requirements of the Clean Water Act.
- Educate residents and businesses about stormwater pollution and efforts being made to improve water quality.

Best Management Practices (BMPs) are described to address the six minimum measures required by the General Permit, which includes:

- D Public Education and Outreach on Stormwater Impacts
- Public Involvement and Participation
- □ Illicit Discharge Detection and Elimination
- **D** Construction Site Stormwater Runoff Control
- D Post Construction Stormwater Management in New Development / Redevelopment
- D Pollution Prevention/Good Housekeeping for Municipal Operations

4.2.2 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

In accordance with the California Environmental Quality Act (CEQA); State CEQA Guidelines (including Appendix G); City of Capitola plans, policies and/or guidelines; and agency and professional standards, a project impact would be considered significant if the project would:

- 2a Substantially deplete groundwater supplies or interfere substantially with groundwater recharge;
- 2b Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river in a manner that could result in substantial offsite erosion or siltation;
- 2c Substantially increase the rate or amount of surface runoff, which would exceed capacity of existing or planned storm drain facilities, cause downstream or offsite drainage problems, or increase the risk or severity of flooding in downstream areas;
- 2d Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality;
- 2e Result in construction of habitable structures within a 100-year floodplain as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, which would expose people or structures to a significant risk of loss, injury or death due to flooding;
- 2f Locate structures within a 100-year flood hazard area that would impede or redirect flood flows;
- 2g Expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam;
- 2h Expose people or structures to a significant risk of loss, injury or death as a result in inundation by seiche, tsunami, or mudflow.

IMPACT ANALYSIS

Based on the analyses in the Revised Initial Study (Appendix A of this DEIR), the project would not substantially deplete groundwater or interfere with groundwater recharge (2a), alter the course of a stream or river that could lead to erosion (2b), or expose people or structures to flood hazards (2e, 2f, 2g) or due to inundation by a seiche or tsunami (2h). The following impact analyses address potential drainage impacts (2c) and water quality impacts (2d).

<u>Drainage</u>

Impact 4.2-1: Stormwater Runoff

The proposed project will result in a net increase in runoff, but would not exceed capacity of existing or planned storm drain facilities, cause downstream or offsite drainage problems, or increase the risk or severity of flooding in downstream areas. This is considered a *less-than-significant impact*.

The project site is within an existing neighborhood park that has a baseball diamond within a larger grassy playing area surrounded by a walking path. The existing park is relatively flat with a gentle slope to the south. The project will result in a 6,000 square-foot concrete skate park facility that would be constructed of impervious material.

The project is designed with a 120-foot long, 6-inch PVC storm drain that traverses the on the bottom of the facility as shown on Figure 2-4. The preliminary plans propose connecting the project site storm drain to an existing 12-inch storm drain just west of the site. Preliminary City staff review indicates that the proposed storm drain is adequate to serve the proposed project. However, City staff review indicates that the project will be required to revise project plans to provide a bioswale or other low impact development feature to pre-treat runoff prior to discharging into the City's storm drain for compliance with the City's stormwater requirements. (See Impact 4.2-2 below for further discussion.) Additionally, according to City staff, the existing downstream storm drain has capacity to serve the project, and increased runoff from the project to site would not exceed capacity of existing drainage facilities or cause offsite drainage problems.

At the time of submittal of plans for building permit review and prior to issuance of a building permit, a drainage plan, grading plan, and sediment and erosion control plan must be submitted to the City and approved by the Public Works Department. The plans must be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection. Additionally, as a condition of project approval, the City requires that Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

The project drainage plan will be subject to City review to verify that the proposed system is designed to accommodate increased flows and would not exceed the capacity of downstream drainage systems. Therefore, the impact of increased stormwater runoff is less than significant.

<u>Mitigation Measures</u>

No mitigation measures are required as a significant impact has not been identified.

<u>Water Quality</u>

Impact 4.2-2: Water Quality

The proposed project would not result in a substantial degradation of water quality due to the limited potential for generation of pollutants, implementation of proposed erosion control measures, and compliance with required City regulations. This is considered a *less-than-significant impact*.

Project runoff would not result in significant water quality degradation, primarily because the project does not include parking areas or facilities that would generate typical urban pollutants, such as automobile oils that can be conveyed into storm drains and ultimately discharged into Monterey Bay. Additionally, the project would be required to comply with City stormwater regulations that require implementation of BMPs to minimize or avoid water quality impacts.

As previously indicated, the preliminary project drainage plan proposes connecting the project site storm drain to an existing 12-inch storm drain just west of the site. However, City staff review indicates that the project will be required to revise project plans to provide a bioswale or other low impact feature to pre-treat runoff prior to discharging into the City's storm drain. Prior to issuance of building permits, a drainage plan, grading plan, sediment and erosion control plan would be required for review and approval by the City Public Works Department to insure that the project is in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 - Storm Water Pollution Prevention and Protection. The stormwater management must implement all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID), including elimination of a direct discharge into the existing storm drain as shown on the project plans.

Project excavation could result in potential off-site transport of sediments into the municipal storm drain system if not properly controlled during construction. The project grading plan indicates that approximately 350 cubic yards of soil will be excavated, most of which will be utilized onsite to create the earth berms adjacent to the skate park. Approximately 19 cubic yards of excavated material are proposed to be exported offsite. However, the project site is not located adjacent to an existing stream or water bodies. The area of grading is limited and would be managed with the project's proposed erosion control measures. An Erosion, Sediment and Pollution Control Plan is part of the project plans that species erosion control measures, including:

- □ Installation of a gravel construction entrance with a wheel wash-out for construction equipment.
- □ Installation of a temporary erosion and sediment control, such as fiber rolls and sediment fence (filter fabric) around the perimeter of the construction area.

□ Installation of bio-filter bags at area drains for temporary protection of drainage inlets.

A grading permit would be issued with building permits. Prior to any land disturbance, a presite inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan. Erosion and sediment control shall be maintained throughout the duration of the construction project. Grading and all construction must be occur only on park property.

With the proposed erosion control measures and required compliance with City stormwater pollution prevention requirements, potential project impacts to water quality would be less than significant.

<u>Mitigation Measures</u>

No mitigation measures are required as a significant impact has not been identified.

4.3 NOISE

4.3.1 ENVIRONMENTAL SETTING

IN THIS SECTION:

- Noise Fundamentals
- Regulatory Setting
- Citywide Noise Setting
- Project Site Noise Setting

The following section is based on the analyses and conclusions contained in a "Noise and Vibration Assessment" of the proposed project prepared for the City of Capitola by Illingworth & Rodkin, Inc. (September 2015). This section summarizes the technical noise study unless otherwise cited. The noise assessment is included in Appendix C of this document and also is available on the City of Capitola website at:

http://www.cityofcapitola.org/communitydevelopment/page/proposed-monterey-avenue-skate-park.

This section also draws from analyses contained in the City of Capitola *General Plan* and General Plan EIR, which are available for review at the City of Capitola Community Planning office and online at: <u>http://www.cityofcapitola.org/documents_sub/communitydevelopment</u>.

NOISE FUNDAMENTALS

In general, noise is defined as "unwanted" sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its *pitch* or its *loudness*. *Pitch* is the height or depth of a tone or sound; higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear.

A typical noise environment consists of background noise that is the combination of many indistinguishable noise sources as well as local noise sources that may be individually identified. The background noise is known as the ambient noise environment. The predominant noise sources in an urban environment include traffic noise from area roadways, trains, and aircraft, as well as potential industrial uses and construction activities.

<u>Measuring Noise</u>

There are several measurement scales that are used to describe noise. The decibel (dB) is the noise unit of measurement that indicates the amplitude of sound. A zero on the decibel scale is the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in

decibels are calculated on a logarithmic basis; an increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense. Each 10-decibel increase in sound level is perceived approximately as a doubling of loudness over a fairly wide range of intensities.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports.

There are several methods of characterizing sound. The most common is the "A-weighted sound level" (measured in dBA), which gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 4.3-1. Different descriptors used to measure noise are summarized below.

- □ L_{eq} . Sound fluctuates depending on the source, distance, and time of day and can vary markedly over a short period of time. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events, known as L_{eq} . The L_{eq} measurement provides an averaging measure of sound over a given duration of time. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of any duration.
- □ 24-Hour-CNEL and L_{dn} . Sensitivity to noise increases during the evening and at night when the ambient noise environment tends to be quieter and excessive noise interferes with the ability to sleep. Twenty-four-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level, CNEL,* provides a measure of the cumulative noise exposure in a community by weighting the evening hours from 7:00 p.m. to 10:00 p.m. with a 5-decibel increase and the hours from 10:00 pm to 7:00 a.m. with a 10-decibel increase. The *Day/Night Average Sound Level (L_{dn})* is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.
- \Box L_{max} , L_{min} . The maximum and minimum A-weighted noise level during the measurement period.
- \Box L₁₀, L₅₀, L₉₀. The A-weighted noise levels that are exceeded 10%, 50%, and 90% of the time during the measurement period.

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110 dBA	Rock band
Jet fly-over at 1,000 feet		
	100 dBA	
Gas lawn mower at 3 feet		
	90 dBA	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	80 dBA	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawn mower, 100 feet	70 dBA	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	60 dBA	
		Large business office
Quiet urban daytime	50 dBA	Dishwasher in next room
Quiet urban nighttime	40 dBA	Theater, large conference room
Quiet suburban nighttime		
	30 dBA	Library
Quiet rural nighttime		Bedroom at night, concert hall
	20 dBA	Broadcast/recording studio
	10 dBA	broadcast/recording studio
	O dBA	

TABLE 4.3-1: Typical Noise Levels in the Environment

SOURCE: Technical Noise Supplement, Caltrans, September 2013, as cited in Illingworth & Rodkin Inc., September 2015

Effects of Noise

HEARING LOSS

While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The federal Occupational Safety and Health Administration (OSHA) has a noise exposure standard which is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over eight hours.

SPEECH AND SLEEP INTERFERENCE

The threshold for speech interference indoors are is about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noise of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Typically, the highest steady traffic noise level during the daytime is about equal to the L_{dn} and nighttime levels are 10 dBA lower. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial.

Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA L_{dn} . The standard is designed for sleep and speech protection, and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-62 dBA L_{dn} with open windows and 65-70 dBA L_{dn} if the windows are closed.

ANNOYANCE

Attitude surveys have been used for measuring the annoyance felt for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. It was found that there is an increase in annoyance due to ground vehicle noise of about 1 percent per dBA between a L_{dn} of 60-70 dBA. Between a L_{dn} of 70-80 dBA, each decibel increase increases the percentage of the population highly annoyed by about 2 percent.

<u>Groundborne Vibration</u>

Certain activities generate groundborne vibration, which consist of rapidly fluctuating motions or waves. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

REGULATORY SETTING

Although there are no established federal regulations that govern noise levels, the State of California and the City of Capitola have adopted guidelines, regulations, and policies designed to limit noise exposure. These regulations are summarized in the following section.

<u>State Regulations</u>

The California Department of Health Services, Office of Noise Control has developed guidelines for evaluating the compatibility of land uses based on community noise exposure. These guidelines are included in the City's General Plan and are shown on Table 4.3-2. As previously indicated, interior residential standards for multi-family dwellings are set by the State of California at 45 dBA L_{dn} , and most jurisdictions apply this standard to all residential uses.

Local Regulations

CAPITOLA GENREAL PLAN

The City's Safety and Noise Element of the General Plan addresses noise concerns, quantifies current and projected noise levels, establishes noise compatibility guidelines for different land uses, and defines strategies for reducing the negative impact of noise to the community. The goal of the Safety and Noise Element is to minimize the community's exposure to excessive noise.

The objective of the land use-noise compatibility guidelines is to provide the community with a means of judging the noise environment that it deems to be generally acceptable and to minimize noise-related complaints from residents. The land use-noise compatibility levels are

taken from the State of California as shown on Table 4.3-2. The guidelines show the sound level ranges at which different types of lands are considered acceptable. For example, single-family residential land uses are considered "normally acceptable" where the ambient noise level is below 60 dBA CNEL and "conditionally acceptable" up to 70 dBA CNEL. Schools, libraries, churches, hospitals, playgrounds and neighborhood parks are considered normally acceptable up to 70 dBA CNEL. If ambient noise levels in the area of a proposed project would exceed "normally acceptable" thresholds for a proposed land use category, the City requires a detailed analysis of feasible noise reduction requirements in order to reduce exterior noise levels to meet the acceptable thresholds, or, for uses with no active outdoor use areas, to ensure maintenance of acceptable interior noise levels for the proposed land use.

General Plan Policy SN-7.1 addresses noise sensitive land uses, and seeks to minimize the exposure of noise sensitive land uses to unacceptable noise levels as identified in Table 4.3-2 (Table SN-1 in the Capitola General Plan). Noise sensitive land uses shall be as determined by the Community Development Director, and include land uses such as residential areas, lodging facilities, libraries, schools, parks, and medical care facilities. Policy SN-7.2 seeks to ensure that noise generated from all land uses and activities in Capitola complies with the noise levels identified in Land Use-Noise Compatibility Standards, but the policy also indicates that the City Council may allow exceptions to these noise level standards when mitigation of noise impacts is not technically or economically feasible or inconsistent with other City goals, policies, and regulations. Policy SN-7.4 requires an acoustical analysis (and specifies the parameters) for all proposed projects that would locate noise sensitive land uses where the projected ambient noise level is greater than the respective "normally acceptable" noise level as shown in General Plan Table SN-1 (see Table 4.3-2 below), and requires mitigation of noise impacts that exceed the land use compatibility standards.

CAPITOLA MUNICIPAL CODE

Chapter 9.12 of the City of Capitola Municipal Code presents the noise-related regulations of the City. Section 9.12.010 states that:

"It is unlawful for any person, firm or corporation to make, or permit to be made, any loud, boisterous, irritating, penetrating or unusual noise, or to keep, harbor or maintain, or to permit the keeping, harboring or maintaining of any barking or howling dogs, or to engage in, hold, conduct, operate, or permit the engaging in, holding, conduct or operation of, any business, public meeting or gathering, game, dance, amusement, appliance, contrivance, device, structure, construction, ride, machine, implement, or instrument, the use, engaging in, conduct or operation of which makes a loud, penetrating, irritating, boisterous or unusual noise, within two hundred feet of any residence, hotel, apartment house, cabin, cottage, cottage court, lodging facility or any building or place regularly used for sleeping purposes in the city between the hours of ten p.m. and eight a.m. of any day or days." Section 9.12.010 also prohibits construction activities between the hours of 9:00 p.m. and 7:30 a.m. on weekdays. Construction noise is prohibited on weekends with the exception of Saturday work between 9 a.m. and 4 p.m. or emergency work approved by the building official.

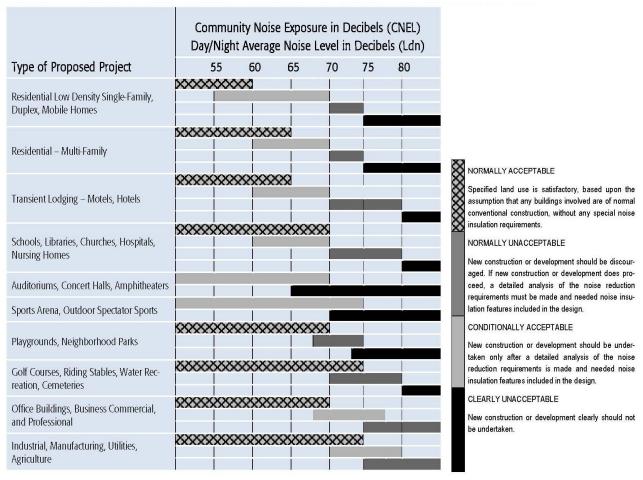


TABLE 4.3-2: Land Use – Noise Compatibility Standards

Source: Office of Planning and Research, California, General Plan Guidelines, October 2003.

SOURCE: City of Capitola General Plan Table SN-1

Section 9.12.040 addresses amplified sound:

"It is unlawful for any person without a city permit to operate a loudspeaker, public address system or sound amplification system, or to play any musical instrument anywhere in the city except as follows:

- A. Sound reproduction within automobiles for the pleasure and entertainment of the occupants of such automobiles; provided, however, that the sound reproduction shall not be amplified beyond the reasonable necessity of the occupants of such automobiles, nor to a level which a nonoccupant of ordinary sensibilities would find bothersome;
- B. The operation of sound reproduction or broadcasting equipment within the dwelling for the pleasure and entertainment of the occupants of such dwelling; provided, however, that the reception shall not be amplified to a level which persons of ordinary sensibility located on another property or in another dwelling would find bothersome;
- C. The use of such equipment or musical instruments outside of automobiles or dwelling houses between the hours of nine a.m. and nine p.m. on private property for the private entertainment of people, provided it cannot be heard on any other property; or
- D. The use of such equipment or musical instruments by duly authorized agents of the city or other governmental bodies or their agents in connection with activities related to health, safety and welfare." (Ord. 745 § I (part), 1992; Ord. 370 § 1, 1973).

CITYWIDE NOISE SETTING

City-wide Noise Sources

According to the City's General Plan, Capitola's most significant noise concerns stem from roadway noise, particularly along well-traveled corridors such as Highway 1 and local arterials. Trains currently do not operate in Capitola, but were operations to resume, trains along the rail line could become an intermittent source of noise, depending on their source of locomotion. Aircraft flying overhead is occasionally audible in Capitola, but is not a significant or continuous noise source relative to traffic noise. Other noise sources typical in this urban location include dogs barking, leaf blowers, and children playing. These sources are not significant compared to the noise produced by the dominant transportation sources (City of Capitola, June 2014).

The primary noise source within the City is largely from automobile traffic (cars and trucks) traveling on local roadways. Primary roadways that generate the most noise in Capitola include Highway 1, 41st Avenue, Capitola Avenue, Capitola Road, Bay Avenue, Monterey Avenue, Wharf Road, and Park Avenue. As a general rule, peak pass-by noise levels for passenger vehicles on local streets are 60 to 70 dBA at 25 feet. Buses, trucks, motorcycles, and poorly muffled cars produce pass-by noise level 5 to 15 dBA higher. The sound level of noise from traffic in decibels is related to the amount of traffic. Noise intensity increases as the proximity of the noise source physically approaches the listener to a greater degree. A

doubling or halving of traffic volume typically results in a 3-dB increase or decrease, respectively, in the traffic sound level (City of Capitola, June 2014).

Sensitive Receptors

Noise sensitive land uses are typically given special attention to achieve protection from excessive noise. Sensitive populations are more susceptible to the effects of noise than are the general population. Generally, a sensitive receptor is identified as a location where human populations (especially children, senior citizens, and sick persons) are present, and where there is a reasonable expectation of continuous human exposure to noise (City of Capitola, December 2013).

According to the City's General Plan, noise sensitive land uses include residential areas, hospitals, libraries, schools, parks, and retirement homes. Sensitive receptors in the vicinity of the proposed project include: nearby residential uses, the existing New Brighton Middle School, and Monterey Park. The distance of existing sensitive receptors from the project site are shown below:

	Location	Approximate Distance from Proposed Skate Park
•	Residential	
	 Residence to northeast adjacent to School District Office 	60-70 Feet
	 Residences to south on Orchid Avenue 	80-100+ Feet
	 Residences to east on Junipero Court 	300 Feet
	 Residences to north on Monterey Avenue 	250-300+ Feet
•	New Brighton Middle School	
	 Nearest Classrooms 	140 Feet
	 School District Offices 	80 Feet

PROJECT SITE NOISE SETTING

Existing Noise Levels in Project Vicinity

The proposed skate park site is located within the existing Monterey Avenue Park, adjacent to Monterey Avenue to the north and New Brighton Middle School and the Soquel Union Elementary School District offices to the west and northwest, respectively. Single-family residential land uses bound Monterey Avenue Park to the north, east, and south. Noise sources in the area are primarily associated with vehicle traffic along Monterey Avenue, school activities, and outdoor activities at both the school and Monterey Park. The Capitola General Plan shows the general level of noise conditions resulting from traffic traveling on roadways in Capitola, rated on a scale from Moderate to High to Very High. Monterey Avenue is shown as having an existing "moderate" level of noise intensity. The General Plan EIR identifies a noise level of 55 dBA at 100 feet from the centerline of Monterey Avenue between Bay Avenue and Park Avenue. Future noise intensity levels identified in the General Plan show most of Monterey Avenue and adjacent areas below 60 dB CNEL except for the segment adjacent to the New Brighton Middle School, which is within 60-65 dB CNEL.

An ambient noise monitoring survey was conducted by Illingworth & Rodkin at representative locations of sensitive receptors located closest to the proposed skate park to document existing noise conditions during the anticipated hours of operation. The noise monitoring consisted of two five-day noise measurements (LT-1 and LT-2) adjacent to residential areas to the east and south, respectively and one ten-minute noise measurement at residential land uses near Monterey Avenue (ST-1). Noise measurement locations are shown on Figure 4.3-1.

For the long-term measurements, noise levels were measured in consecutive hourly intervals over a period of three weekdays and a weekend. During each interval, the maximum sound level, the minimum sound level, and the hourly equivalent level (L_{eq}) for each hour was measured, as well as the L_{10} , L_{50} , L_{90} sound levels (sound levels exceeded 10, 50, and 90 percent of the time, respectively). The noise measurements were taken at time when the adjacent New Brighton Middle School was in session. See Appendix C for details regarding monitoring equipment, methods and hourly sound measurements over the survey period.

Existing ambient sound levels are summarized on Table 4.3-3. The existing hourly average daytime noise levels ranged from 42 to 65 dBA L_{eq} , and maximum hourly noise levels ranged from 52 to 87 dBA L_{max} . The day-night average noise level was 51 to 56 dBA L_{dn} on weekdays and 48 to 52 dBA L_{dn} on the weekend. The noise data collected at Sites LT-1 and LT-2 showed a strong correlation in similarity of noise levels measured at the two sites.

The short-term noise measurement was made to supplement the long-term noise data and provide a data point representative of residential receptors located adjacent to Monterey Avenue. The measured average noise was 59 dBA L_{eq} , and the estimated day-night average noise level at this location is approximately 60 dBA L_{dn} .

Noise Measurement Location	Distance From Project Site		Daytime Maximum Hourly	Average Day- Night Noise Level, Ldn			
	-	L _{eq}	Lmax	Weekday	Weekend		
LT-1: East boundary of Monterey Avenue Park near Junipero Court residences	300 feet	43-63 dBA	55-87 dBA	51-55 dBA	50-52 dBA		
LT-2: South boundary of Monterey Avenue Park near Orchid Avenue residences	80-100 feet	42-65 dBA	52-87 dBA	54-56 dBA	48-52 dBA		
ST-1: 45 feet from the centerline of Monterey Avenue at the northeast corner of Monterey Avenue Park	300 feet	59 dBA	N/A	60 dBA*			
* Estimated							

TABLE 4.3-3: Summary of Noise Measurements (dBA)

SOURCE: Illingworth & Rodkin

4.3.2 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines (including Appendix G), City of Capitola plans, policies and/or guidelines, and agency and professional standards, an impact would be considered significant if the project would result in:

- 3a Exposure of persons to or generation of noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies;
- 3b Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;
- 3c A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- 3d A substantial temporary or periodic increase in ambient noise levels in the project vicinity;
- 3e For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or
- 3f For a project within the vicinity of a private airstrip would the project expose people residing or working in the project area to excessive noise levels.

With regards to significance Threshold 3b, a significant impact would be identified if the construction of the project would expose persons or structures to excessive vibration levels. A Peak Particle Velocity (PPV) descriptor with units of millimeters per second (mm/sec) or inches per section (in/sec) is used to evaluate construction- generated vibration for building damage and human complaints. Groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in cosmetic damage to normal buildings. For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern (California Department of Transportation, 2013 as cited in Illingworth & Rodkin, September 2015). Therefore, groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in a significant vibration impact. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. For adverse human reaction, the noise analysis uses an annoyance threshold of 0.1 in/sec PPV, which corresponds with vibration levels that are "strongly perceptible".

With regards to significance Threshold 3c, neither CEQA nor the State CEQA Guidelines define what level of noise increase would be considered substantial. Based on professional standards developed for noise assessments, project-generated noise would be considered significant if:

- Noise levels would exceed 60 dBA L_{dn} /CNEL (the normally acceptable noise and land use compatibility standard for residential land uses); OR
- □ Noise levels would substantially exceed existing ambient noise levels (in terms of hourly average noise level or maximum instantaneous noise level, L_{eq} or L_{max}, respectively). A substantial permanent noise increase would occur if a project would result in:
 - a) a noise level increase of 5 dBA L_{dn} /CNEL or greater where the ambient noise level is less than 60 dBA L_{dn} /CNEL, or
 - b) a noise level increase of 3 dBA CNEL or greater where the ambient or future noise level is greater than 60 dBA L_{dn} /CNEL.

Increases of 3 dBA L_{dn} /CNEL or greater typically are considered significant where exterior noise levels would exceed the normally acceptable noise level standard (60 dBA L_{dn} /CNEL for residential land uses). Capitola's General Plan also indicates that a change of 3 dB is generally considered to be the threshold for a perceptive change in sound, although a specific noise measure descriptor is not given. Where noise levels would remain at or below the normally acceptable noise level standard with the project, noise level increases of 5 dBA L_{dn} /CNEL or greater would be considered significant because such an increase in noise level is clearly perceptible by most persons.

IMPACT ANALYSIS

Based on the analyses in the Revised Initial Study (Appendix A of this DEIR), the project site would not be exposed to excessive noise levels due to proximity to an airport (3e) or private airstrip (3f) as there are none in the vicinity. Thus, there is no further discussion of noise impacts associated with airports or airstrips. The following impact analyses addresses the potential exposure to noise in excess of City standards (3a), exposure to groundborne vibration (3b), and the potential for the project to result in a substantial permanent increase in ambient noise (3c) or a substantial temporary increase in ambient noise levels (3d).

Exposure to Noise

Impact 4.3-1: Exposure to Noise That Exceeds Standards The project would expose project users to existing and future ambient noise levels, but would not expose people to noise levels that exceed the Capitola General Plan Land Use-Noise Compatibility Standards and City regulations. This is a *less-than-significant impact*.

The proposed project consists of a skate park facility located within an existing neighborhood park. The Capitola General Plan establishes noise and land use compatibility guidelines to provide the community with a means of judging the noise environment that it deems to be generally acceptable and to minimize noise-related complaints from residents. Playgrounds and neighborhood parks are considered to be "normally acceptable" in noise environments of 70 dBA L_{dn} /CNEL or less and conditionally acceptable up to about 75 dBA CNEL.

Based on noise measurements taken for the noise study, the existing ambient noise levels in the project vicinity are between 50 and 56 dBA L_{dn} ; see summary on Table 4.3-3. Thus, the existing ambient noise levels are well below the "normally acceptable" noise levels for parks . Therefore, the existing ambient noise level is compatible for the proposed skate park use, and the project location would not expose skate park users to noise levels that could conflict with the City's General Plan Land Use-Noise Compatibility guidelines for the park users.

Effects of skate park use on ambient noise levels and sensitive receptors in the neighborhood is discussed below under Impact 4.3-3, which evaluates noise levels resulting from use of the proposed skate park.

Mitigation Measures

None are required as a significant impact has not been identified.

Exposure to Groundborne Vibration

Impact 4.3-2: Exposure to Groundborne Vibration During Construction Vibration levels generated during construction activities would not be excessive and thresholds for building damage or human annoyance would not be exceeded. This is considered a *less-than-significant impact*.

Construction of the proposed skate park would involve use of equipment that could result in minor levels of groundborne vibration. The two primary concerns with construction-induced vibration are the potential to damage a structure and the potential annoyance to humans. Structural damage can be classified as cosmetic only, such as minor cracking of building elements, or may threaten the integrity of the building. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

Construction of the proposed skate park would occur over an 8-10 week period and would not include pile driving, which typically has one of the highest levels of construction-related vibration. Construction would involve excavation and grading of the existing grass knoll and subsequent creation of the skateboard facility via the pouring and forming of the concrete. These activities do not normally use equipment that cause excessive vibration levels. Table 4.3-4 presents typical vibration levels that typically could be expected from construction equipment at a distance of 25 feet. For the proposed project, the use of a vibratory roller would likely be required for soil compaction purposes, and this activity would be expected to generate the highest vibration levels at off-site receptors. A vibratory roller can produce vibration levels of 0.21 in/sec PPV at a distance of 25 feet.

Equipme	PPV at 25 ft. (in/sec)				
Pile Driver (Impact)	upper range	1.158			
	typical	0.644			
Pile Driver (Sonic)	upper range	0.734			
	typical	0.170			
Clam shovel drop		0.202			
Hydromill (slurry wall)	in soil	0.008			
	in rock	0.017			
Vibratory Roller		0.210			
Hoe Ram		0.089			
Large bulldozer		0.089			
Caisson drilling		0.089			
Loaded trucks	Loaded trucks				
Jackhammer		0.035			
Small bulldozer		0.003			

 TABLE 4.3-4: Vibration Source Levels for Construction Equipment

SOURCE: Noise and Vibration Impact Assessment, U.S. Department of Transportation, as cited in Illingworth & Rodkin Inc., September 2015

Table 4.3-5 summarizes reactions of people and the effects on buildings that continuous and transient vibration levels produce. As discussed above, vibration threshold limits are: 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards and 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern. No ancient buildings or buildings that are documented to be structurally weakened surround the project sites.

Maximum PPV (in/sec)		
Transient Sources	Continuous/Frequent Intermittent Sources	
0.12	0.08	
0.2	0.1*	
0.5	0.25	
0.5	0.3	
1.0	0.5	
2.0	0.5	
0.035	0.01	
0.24	0.04	
0.9	0.10	
2.0	0.4	
	0.12 0.2 0.5 0.5 1.0 2.0 0.035 0.24 0.9	

 TABLE 4.3.-5: Potential Vibration Damage & Annoyance Threshold Criteria

pile drivers, and vibratory compaction equipment. **SOURCE:** Transportation and Construction Vibration Guidance Manual, California Department of Transportation, September 2013 as cited in Illingworth & Rodkin Inc., September 2015.

The nearest sensitive buildings include the Soquel Union Elementary School District Offices and one residential unit, located approximately 60-70 feet to the north and single-family residences along Orchid Avenue, approximately 100 feet to the south. Vibration levels produced by a vibratory roller would be expected to be 0.06 in/sec PPV or less at the nearest receptors, well below the 0.3 in/sec PPV significance threshold for damage to buildings and also below the 0.1 in/sec PPV significance threshold for human annoyance to construction vibration levels. Vibration generated by construction activities may be perceptible at times during the construction period, but would not be expected to result in "structural" damage to nearby buildings or be considered excessive.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

<u>Permanent Increase in Noise</u>

Impact 4.3-3: Permanent Increase in Noise Use of the proposed skate park is predicted to result in ambient noise levels below 60 dBA L_{dn} /CNEL, would not result in an increase of 3 to 5 dBA L_{dn} /CNEL over existing levels and would be within the range of existing L_{eq} and L_{max} noise levels. However, the average L_{eq} and average L_{max} would be exceeded by 5-7 dBA. This is considered a *significant impact*.

The following discussion addresses increased noise levels as a result of use of the proposed skate park as well as traffic associated with the skate park.

SKATE PARK USE

Skate park use will vary depending on the day (weekday versus weekend or school-year versus summer), the time of day, and the popularity of the park. Similar to other existing park activities (including the use of the park by New Brighton Middle School), use of the skate park would vary on a daily basis. Based on observations at other skate parks, there are typically 5 to 12 skaters using the skate park during busy periods, although it is possible that up to 25 skaters could simultaneously use the proposed facility. There are also periods where the skate park is not used by more than one to two skaters at a time. Additionally, there are periods of time where no activity occurs.

The proposed skate park would replace an existing grass-covered area in Monterey Avenue Park. Other noise generating sources at the park (e.g., baseball/softball/soccer fields, track) would remain unchanged. The nearest sensitive receptors include one residence and the Soquel Union Elementary School District offices approximately 60-70 feet to the north and single-family residences along Orchid Avenue approximately 80 feet to the south of the project site. New Brighton Middle School classrooms are located approximately 140 feet to the west and Junipero Court residences are located approximately 300 feet to the east. Residences to the north of Monterey Avenue are approximately 250-300 feet from the project site.

Potential noise increases with use of the proposed skate park was modeled based on noise measurements conducted at other skate parks by Illingworth & Rodkin that are summarized below.

□ Sunnyvale Skatepark is approximately 18,000 square feet (approximately three times the size of the proposed Monterey Avenue Skatepark) and includes some similar

features such as ramps, bowls, banks, quarter pipes, and grind rails. At the time of the measurements in 2011, approximately 25 to 30 skateboarders were in the skate park at any given time, of which, about 5 to 12 were actively skating at any given time. Four measurements were taken between 13 and 60 feet of the facility; results are summarized below.

Distance From Skaters	L _{eq} (dBA)	L _{max} (dBA)
13 feet	64	77
60 feet	56	68
75 feet (2 locations)	55-57	68-73

□ Jose Avenue Park in the unincorporated Live Oak area of Santa Cruz County is of similar size as the proposed Monterey Avenue Skatepark. Noise levels were monitored during a typical weekday afternoon and were measured approximately 30 feet from the edge of the "skate park bowl". There were typically three spectators and 4 to 5 skaters using the facility during the measurements. Sound levels were measured in 5-minute intervals for approximately one hour. Average sound levels ranged from 52 to 60 dBA L_{eq}. Sources of noise identified during the survey included the sound of the skateboards rolling on the surface, wipeouts, grinding, yelling, talking, and biking. The sounds of the skateboards rolling on the surface were typically in the range of 55 to 60 dBA. Tricks generated maximum noise levels of about 59 to 62 dBA, and falls occasionally generated maximum instantaneous noise levels of up to 65 to 67 dBA. Shouts reached 75 dBA. The one hour average was 56 dBA L_{eq}.

Additional noise measurements taken in June 2015 with three skaters using the facility showed five-minute average sound levels that ranged from 54 dBA to 55 dBA $L_{eq.}$ Maximum noise levels from voices ranged from 45 to 51 dBA, "grinds" generated maximum instantaneous noise levels of approximately 58 to 64 dBA, and the sounds of tricks (e.g., the skateboard slapping the concrete surface) ranged from 57 to 67 dBA.

The noise assessment assumes that the use of the proposed skate park will be limited to between the hours of 8:00 a.m. and dusk. Hours of operation have not been specified, but the facility would not be available for use until at least 8:00 a.m. to be consistent with City regulations¹. Noise impacts resulting from the proposed skate park are evaluated using four separate acoustical descriptors: L_{dn} , CNEL, L_{eq} , and L_{max} . The L_{dn} is the day-night average noise levels resulting from the use of the skate park on a daily basis. The CNEL is similar to the L_{dn} , but applies an additional 5 dBA penalty to noises occurring during the evening. The Land Use-Noise Compatibility standards in the Capitola General Plan, which are used throughout the state of California, are measured in CNEL or L_{dn} . The L_{eq} is the logarithmic average of all

¹ Section 9.12.010 of the Municipal Code also limits any loud, boisterous, irritating, penetrating, or unusual noise resulting from the operation of projects to between the hours of 10:00 p.m. and 8:00 a.m.

sounds measured during the period, including skateboarding activities, and is highly influenced by maximum instantaneous noise events. The L_{max} is the maximum instantaneous noise level resulting from activities, and would likely be the result of shouting, the slapping of the skateboard, or "grinds".

The noise measurements taken at the Sunnyvale skate park were utilized in modeling noise from the proposed skate park to represent a credible worst-case scenario using the SoundPLAN noise model. Point-sources and line-sources modeled at locations throughout the skate park were reflective of areas where shouting, the slapping of the skateboard, or "grinds" would be concentrated. The model represents a worst-case scenario as the Sunnyvale facility is larger than the proposed project. The predicted noise levels with the skate part are summarized on Table 4.3-6 and explained below.

Location	Distance From	Daytime Hourly	Daytime Maximum	Average Day- Night Noise Level	
Location	Project Site	Average L _{eq}	Hourly L _{max}	L _{dn}	CNEL
Soquel Union Elementary School District Offices and Adjacent Residence	80	50-55 dBA	65-70 dBA 50-55* dBA	47-52 dBA	48-53
New Brighton Middle School nearest Classrooms	140 feet	50 dBA	60-65 dBA 45-50*	47 dBA	48
LT-1: East boundary of Monterey Avenue Park near Junipero Court residences	300 feet	50 dBA or less	60 dBA 45* dBA		48
LT-2: South boundary of Monterey Avenue Park near Orchid Avenue residences	80-100 feet		65-70 dBA 50-55* dBA	47 dBA	
Sound levels are exterior except as noted below * Interior sound levels with windows partially					

 TABLE 4.3-6: Predicted Noise Levels with Proposed Skate Park (dBA)

SOURCE: Illingworth & Rodkin, September 2015

□ 24-Hour Noise Levels – Ldn/CNEL. Assuming a worst-case scenario in which the proposed skate park operates at full occupancy for the entire daily operational period, the L_{dn} noise level with the proposed skate park would be approximately 47 to 52 dBA L_{dn} at the Soquel Union Elementary School District offices and adjacent residence and 47 dBA L_{dn} or less at nearby single-family residences on Orchid Avenue and New Brighton Middle School classrooms. This is below the most-restrictive threshold used to evaluate noise impacts at land uses (60 dBA L_{dn}). CNEL noise levels attributable to skate park operations would be approximately 48 to 53 dBA CNEL at the Soquel Union Elementary School District Offices and 48 dBA CNEL or less at nearby single-family residences and New Brighton Middle School District Offices and 48 dBA CNEL or less at nearby single-family residences and New Brighton Middle School District Offices and 48 dBA CNEL or less at nearby single-family residences and New Brighton Middle School District Offices and 48 dBA CNEL or less at nearby single-family residences and New Brighton Middle School Classrooms.

Thus, the operation of the project would result in ambient noise levels below 60 dBA, and would not result in an increase of 3 to 5 dBA L_{dn} /CNEL over existing levels. Thus, the operation of the project would not result in a substantial permanent increase in ambient noise levels as measured on a daily basis, as noise levels would not exceed 60 dBA L_{dn} /CNEL or be substantially increased with the project.

□ Hourly Average Noise Levels – L_{eq} . Existing hourly average noise levels ranged from 43 to 65 dBA L_{eq} between the hours of 8:00 a.m. and dusk at Sites LT-1 and LT-2 as summarized on Table 4.3-2, and the arithmetic average² L_{eq} was 48 dBA. In the rear yards of residences bordering the site, noise levels are assumed to be 5 dBA less because of the acoustical shielding provided by the existing six-foot wood fences (arithmetic average L_{eq} of 43 dBA) that block the line-of-sight from the rear yards to the park.

 L_{eq} noise levels with the proposed project would be approximately 50 to 55 dBA L_{eq} at the Soquel Union Elementary School District Office and adjacent residence and 50 dBA L_{eq} or less at nearby single-family residences on Orchid Avenue and at New Brighton Middle School classrooms. Predicted L_{eq} noise levels resulting from the use of the skate park would fall within the existing range of L_{eq} noise levels generated by existing Monterey Park activities, but would exceed the arithmetic average L_{eq} by up to seven dBA L_{eq} at the nearest residence and Soquel Union Elementary School District Office and at several residences on Orchid Avenue, which would be considered significant as it exceeds the threshold for increases in sound levels. At the New Brighton Middle School classrooms, the operation of the skate park would generate noise levels that exceed the arithmetic average L_{eq} by up to 2 dBA, which would not exceed the significance threshold. Figure 4.3-2 illustrates the extent of the L_{eq} noise levels on adjacent properties.

□ Maximum Instantaneous Noise Levels – L_{max} . Existing maximum instantaneous noise levels at the quietest locations surrounding the proposed skate park ranged from 53 to 87 dBA L_{max} between the hours of 8:00 a.m. and dusk, and the arithmetic average L_{max} was 65 dBA. In the rear yards of residences bordering the site, the arithmetic average L_{max} was assumed to be 5 dBA less because of the acoustical shielding provided by the existing six-foot wood fences (60 dBA L_{max}).

 L_{max} noise levels would be approximately: 65 to 70 dBA L_{max} at the Soquel Union Elementary School District offices and single-family residences located at the west

 $^{^2}$ The average of $L_{\rm eq}$ for each hour during the period when the proposed skate park would be in use over the five days of noise measurements.

The average of the L_{max} for each hour during the period when the proposed skate park would be in use over the five days of noise measurements.

end of Orchid Avenue; 60 to 65 dBA L_{max} at the nearest New Brighton Middle School classrooms; and up to 60 dBA L_{max} at Junipero Court residences approximately to the east. Noise levels attributable to exterior noise sources are approximately 15 dBA lower inside a building of standard construction assuming that the building's windows are partially open for ventilation. Maximum instantaneous noise levels within existing buildings are calculated to range from 50 to 55 dBA L_{max} at the Soquel Union Elementary School District Offices/residence and 45 to 50 dBA L_{max} at the nearest New Brighton Middle School classrooms assuming the windows of the buildings are open for ventilation. Interior noise levels at Junipero Court residences are calculated to reach 45 dBA L_{max} assuming the windows are open for ventilation. Figure 4.3-2 shows the results of the maximum instantaneous noise level calculations.

Predicted L_{max} noise levels resulting from the use of the skate park would fall within the existing range of L_{max} noise levels generated by existing Monterey Avenue Park activities, but would exceed the arithmetic average L_{max} by up to 5 dBA L_{max} at the nearest residence and Soquel Union Elementary School District Office and several Orchid Avenue residences. This is considered a potentially significant impact at these locations. Predicted L_{max} noise levels attributable to the skate park would fall within the existing range of L_{max} noise levels and the arithmetic average L_{max} generated by Monterey Avenue Park activities at New Brighton Middle School classrooms and Junipero Court residences. This is a less-than-significant impact at these locations.

TRAFFIC-RELATED NOISE

The project traffic report was reviewed to calculate noise level increases attributable to project-generated traffic. The traffic analysis included peak hour traffic counts at two intersections in the immediate vicinity of the project site. The project is expected to generate eight trips during the weekday p.m. peak hour and 11 trips over the Saturday peak hour. The low amount of vehicle trips resulting from the project would not measurably increase ambient traffic noise levels along roadways serving the site (the noise increase would be less than one dBA L_{eq} during the peak traffic hour and less than one dBA L_{dn} /CNEL on a daily average basis). Ancillary noise could result from automobiles coming and going from the skate park and circulating in the parking lot. Given the existing volume of traffic and associated noise levels along Monterey Avenue, and recognizing that the parking lot is located on the other side of the roadway from the nearest residences, the incremental increase in noise resulting from the noise of project's vehicular traffic would be insignificant.

Similarly, the noise generated by skate park users riding skateboards to the skate park is much less than the noise produced by vehicle traffic along roadways, and thus, skateboard noise produced as skaters ride to the skate park along sidewalks would also not measurably increase ambient traffic noise levels along roadways serving the site. The noise monitoring data showed that vehicle traffic along Monterey Avenue produced an average noise level of 59 dBA Leq at a distance of 45 feet, with individual vehicle pass-by events generating noise

levels typically ranging from 64 to 69 dBA Lmax. Noise measurements made at the San Jose skate park showed that the sound of the wheels rolling over the concrete bowl were about 49 to 53 dBA Lmax at a distance of 45 feet. The Lmax noise levels produced by a skater riding a skateboard are more than 10 dBA below the Lmax noise levels resulting from vehicles traveling along the roadway. Additionally, there would be far fewer skateboards along the roadway as compared to vehicles during an hour, so average noise levels would not be affected by the low-level, infrequent noise attributable to skateboards.

Conclusion. The operation of the project would result in ambient noise levels below 60 dBA L_{dn} /CNEL, and would not result in an increase of 3 to 5 dBA L_{dn} /CNEL over existing levels. Thus, the operation of the project would not result in a substantial permanent increase in ambient noise levels as measured on a daily basis, as noise levels would not exceed 60 dBA L_{dn} /CNEL or be substantially increased with the project.

Predicted L_{eq} and L_{max} noise levels resulting from the use of the skate park would fall within the existing range of L_{eq} and L_{max} noise levels currently generated by Monterey Avenue Park activities. However, noise levels would exceed the arithmetic average L_{eq} by up to 7 dBA L_{eq} and the arithmetic average L_{max} by up to 5 dBA L_{max} at the nearest Soquel Union Elementary School District Office and residence and at some residences on Orchid Avenue. Therefore, the impact is considered to be significant at these locations as the threshold for noise increases exceeds the 3-5 decibel noise increase.

It should be noted that this is a conservative, worst-case analysis in which the model used to calculate noise levels with the proposed project assumes maximum use during the entire period of operation and is based on use at a larger facility. However, hourly and daily use will vary depending on the time of day and year. For example, it would be expected that there would be less use during school days during the school year since the targeted users would be in school. Additionally, the L_{max} standard accounts for full use of the proposed skate park and includes the highest level of sounds that could occur as result of skateboard jumps and shouting.

The proposed project includes berms at each end of the skate park facility and a second berm slightly south of the facility. This was considered in the noise analysis, and would help reduce sounds within the bowl of the skate park. However, the sounds from boards on the upper ledges and overall sounds of the users would not be blocked by the berms.

Mitigation Measures

Implementation of Mitigation Measure NOISE-1 will reduce the project impact related to permanent increases in ambient noise levels to a less-than-significant level.

NOISE-1: Require construction of six-foot noise barriers at the north and south boundaries of the skate park, along the proposed fence line, to reduce maximum instantaneous and hourly average noise levels by a minimum of 5 dBA at the Soquel Union Elementary School District Offices and single-family residences at the west end of Orchid Avenue. Noise barriers shall be constructed from materials having a minimum surface weight of 3 lbs/sf, such as one-inch thick wood fence boards, masonry block, or concrete, and be constructed in a manner free of any cracks or gaps between barrier materials and between the barrier and the ground. Alternately, suitable barrier materials such as Acoustifence by Acoustiblok or ¼-in. plexiglass could be attached to the proposed metal fence surrounding the skate park to provide an equivalent noise level reduction.

Figure 4.3-3 shows the approximate locations of the proposed noise barriers and the resultant noise levels assuming mitigation. With the additional acoustical shielding provided by the six-foot noise barriers, predicted Lmax noise levels resulting from the use of the skate park would not exceed 70 dBA Lmax or the arithmetic average Lmax plus 5 dBA at the nearest Soquel Union Elementary School District Office. Predicted Lmax noise levels within the rear yards of residences located at the west end of Orchid Avenue would not exceed the existing arithmetic average L_{max} noise level of 60 dBA by more than 5 dBA. Similarly, the six-foot noise barriers would reduce hourly average noise to less than 50 dBA L_{eq} . The implementation of Mitigation Measure NOISE-1 would ensure that the proposed project does not result in a substantial noise increase in terms of L_{max} and L_{eq} , reducing the noise impact to a less-than-significant level.

The acoustical shielding would be similar to heights of existing fences surrounding the park, and would be limited to the width of two sides of the proposed skate park. The barriers would be similar in scale and appearance as fencing and would not result in a significant aesthetic impact as the barriers would not visually degrade the character of the surrounding area, which contains multiple fences.

Temporary Construction Noise Impacts

Impact 4.3-4: Temporary Increase in Noise

Noise levels generated during construction activities would result in a temporary increase in ambient noise levels for approximately 8-10 weeks, but would not result in substantial noise increases given the limited construction equipment, short duration, and intermittent sound levels throughout a given day. This is considered a *less-than-significant impact*.

Construction of the proposed skate park project will result in temporary, short-term increases in ambient noise levels due to construction activities. Noise levels at sensitive receptors in the project vicinity would increase during the construction period. Pursuant to the Municipal Code, construction activities would be restricted to Monday through Friday from 7:30 a.m. to 9:00 p.m. and Saturday between 9:00 a.m. and 4:00 p.m. The project is expected to be completed within 8 to 10 weeks. The grading component of construction is anticipated to be completed within 10 days.

Construction-related noise levels would vary throughout the day, depending on the type of equipment in use at any one time and the distance to the receptors. Construction activities for the proposed project would include site grading and excavation, and subsequent concrete and finishing work. The highest construction-related noise levels would be generated during grading, which is expected to occur over an approximate two-week period.

Noise impacts from project construction activities are a function of the level of noise generated by individual pieces of construction equipment, the amount of equipment operating at any given time, the distance and sensitivities of nearby land uses, the presence of noise barriers or other structures that provide acoustical shielding, and the timing and duration of the noise-generating activities. The highest construction noise levels would be generated during grading and excavation with lower noise levels occurring during the skate park construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers (which would not be necessary to construct the proposed skate park), generate maximum instantaneous noise levels of 85 to 90 dBA L_{max} at a distance of 50 feet during their individual operation. Table 4.3-7 presents the typical range of hourly average noise levels generated by different phases of construction measured at a distance of 50 feet. Typical hourly average construction-generated noise levels for the proposed project would be about 77 to 89 dBA L_{eq} measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Constructiongenerated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor.

	Domestic Housing		Domestic Housing Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
		I		I		I		I
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84

TABLE 4.3-7:

Hourly Average Noise Levels for Construction Equipment at 50 Feet (dBA)

I – All pertinent equipment present at site.

II – Minimum required equipment present at site.

SOURCE: United States Environmental Protection Agency, 1973 as cited in Illingworth & Rodkin

The nearest sensitive receptors include the Soquel Union Elementary School District Office and adjacent residence and single-family residences along Orchid Avenue, located approximately 80 feet to the north and south, respectively. New Brighton Middle School classrooms are located approximately 140 feet to the west, and Junipero Court residences are located approximately 300 feet to the east. Construction noise levels are calculated to range from 73 to 85 dBA L_{eq} at a distance of 80 feet, from 68 to 80 dBA L_{eq} at a distance of 140 feet, and from 61 to 73 dBA L_{eq} at a distance of 300 feet.

As noted in the City's General Plan EIR, construction noise is one of the most common stationary noise sources in the City and can result in short and sporadic elevated noise levels. Although construction noise is generally short-term in nature, it can disturb nearby sensitive uses. Construction-generated noise levels would exceed the ambient noise levels at receptors surrounding the project site, but construction activities would occur over a relatively short duration (8 to 10 weeks). Construction activities associated with the proposed project are limited in comparison to other types of development, such as residential or commercial and of a relatively short duration of approximately two months with the noisiest equipment associated with grading that would occur over a couple of weeks. Additionally, noise levels would fluctuate throughout any given day. Construction noise would be temporary and intermittent, and hours of construction noise is regulated by the Capitola's Municipal Code, which prohibits construction noise on weekends with the exception of Saturday between 9 a.m. and 4 p.m. or emergency work approved by the building official. Therefore, the construction noise would not result in a substantial increase in temporary noise levels, and the impact would be a less-than-significant impact.

Mitigation Measures

No mitigation measures are required, as a significant impact has not been identified. However, the following is recommended as a project Condition of Approval to limit construction activities to normal construction hours, thereby minimizing temporary construction noise.

RECOMMENDED CONDITION OF APPROVAL: Require implementation of the following measures during project construction:

- Construction Scheduling. Limit noise-generating constructions activities to daytime, weekday hours (8 a.m. to 6 p.m.).
- Equipment. Properly muffle and maintain all construction equipment powered by internal combustion engines.
- Idling Prohibitions. Prohibit unnecessary idling of internal combustion engines.

4.4 TRANSPORTATION & TRAFFIC

4.4.1 ENVIRONMENTAL SETTING

IN THIS SECTION:

- Regulatory Setting
- Roadway Network
- Existing Traffic Conditions
- Other Transportation Modes
- Parking

The following section is based on the analyses and conclusions in a "Traffic Impact Study" of the proposed project prepared for the City of Capitola by Kimley Horn Associates (August 2015). The traffic study is included in Appendix D of this document and also is available on the City of Capitola website at: <u>http://www.cityofcapitola.org/communitydevelopment/page/proposed-monterey-avenue-skate-park</u>. The section also draws from analyses contained in the City of Capitola *General Plan* and General Plan EIR, which are available for review at the City of Capitola Community Planning office and online at:

http://www.cityofcapitola.org/documents_sub/communitydevelopment.

REGULATORY SETTING

The California Department of Transportation (Caltrans) is the primary State agency responsible for transportation, including construction and maintenance of the State highway system. Regionally, the Association of Monterey Bay Area Governments (AMBAG) is the federally designated Metropolitan Planning Organization (MPO) for transportation planning activities in the tri-county Monterey Bay Region. AMBAG is the lead agency responsible for developing and administering plans and programs to maintain eligibility and receive federal funds for the transportation systems in the Monterey, San Benito, and Santa Cruz counties (City of Capitola, December 2013).

The Santa Cruz County Regional Transportation Commission (SCCRTC), comprised Santa Cruz County and city officials, set priorities for major transportation infrastructure projects, including highways, major roads, rail, and alternative transportation facilities in Santa Cruz County. One of the primary responsibilities of the SCCRTC is to prepare a Regional Transportation Plan (RTP), a state mandated, long range planning document to guide future transportation funding decisions. The RTP includes a list of transit, highway, local road, bike, and pedestrian needs throughout Santa Cruz County (City of Capitola, December 2013).

ROADWAY NETWORK

Regional access to the City of Capitola is provided by Highways 1, which is referenced as a State Route (SR) by the California Department of Transportation (Caltrans). There are three freeway interchanges providing access to Capitola from Highway 1. These interchanges are located at 41st Avenue, Bay Avenue/Porter Street, and Park Avenue. The Highway 1/Park Avenue interchange is located nearly one mile to the northeast of the project site.

The project site is located on Monterey Avenue between Bay Avenue and Kennedy Drive. There are no signalized intersections in the project vicinity; stop signs control intersection movements along Capitola and Bay Avenues. Monterey Avenue provides access to the project site. The street consists of two lanes with on-street parking, and it becomes Kennedy Drive to the northeast of the site before intercepting with Park Avenue. It serves as a connector for the neighborhood and provides access to New Brighton Middle School and the Monterey Park. The posted speed limit in the project vicinity is 25 miles per hour. Monterey Avenue accommodates approximately 4,000 vehicles daily.

The existing roadway network in Capitola consists of freeways, arterials, collectors, and local streets. Streets have often been classified by their function, commonly referred to as the functional classification system (FCS). This traditional FCS is based on the mobility and access functions of roads for motor vehicle traffic (City of Capitola, December 2013). The City's General Plan identifies Monterey Avenue as a "collector" street east of Bay Avenue (Figure MO-1). According to the General Plan, collector streets provide both access and traffic circulation to neighborhoods and distributes traffic between neighborhoods and the arterial streets; traffic typically ranges between 800 and 4,500 average daily trips on collector roads.

EXISTING TRAFFIC CONDITIONS

Traffic conditions are measured by average daily traffic (ADT), peak hour traffic volumes, level of service (LOS), average delay, and/or volume to capacity (V/C) ratio. Average daily traffic is the total number of cars passing over a segment of the roadway, in both directions, on an average day. Peak hour volumes are the total number of cars passing over a roadway segment during the peak hour in the morning (AM) or afternoon/evening (PM).

To evaluate the performance of roadways and levels of traffic congestion, many jurisdictions, including Capitola, use a measurement know as level of service (LOS). "Level of Service" (LOS) is a qualitative scale that describes the level of traffic congestion and delay at intersections based on the amount of auto traffic that a roadway or intersection can accommodate and factors such as maneuverability, driver dissatisfaction, and delay. Traffic flows along city streets typically are controlled by the volume and capacity of the nearest intersection. Intersections are rated based on a grading scale of LOS "A" through LOS "F," with LOS A representing free-flowing conditions and LOS F representing congested conditions. The

intermediate levels of service represent incremental levels of congestion and delay between these two extremes. Levels of Service for the project traffic study were determined using methods defined in the *Highway Capacity Manual, 2010* (HCM) and Synchro 8 traffic analysis software, which are described in Appendix D. Table 4.4-1 relates the operational characteristics associated with each LOS category for signalized and unsignalized intersections.

Level of Service	Description	Signalized (sec/veh.)	Unsignalized (sec/veh.)
A	Free flow with no delays. Users are virtually unaffected by others in the traffic stream.	<u><</u> 10	<u><</u> 10
В	Stable traffic. Traffic flows smoothly with few delays.	>10 - 20	>10 - 15
С	Stable flow but the operation of individual users becomes affected by other vehicles. Modest delays.	>20 - 35	>15 – 25
D	Approaching unstable flow. Operation of individual users becomes significantly affected by other vehicles. Delays may be more than one cycle during peak hours.	>35 – 55	>25 – 35
E	Unstable flow with operating conditions at or near the capacity level. Long delays and vehicle queuing.	>55 – 80	>35 – 50
F	Forced or breakdown flow that causes reduced capacity. Stop and go traffic conditions. Excessive long delays and vehicle queuing.	> 80	> 50

TABLE 4.4-1:	Intersection	Level of	Service	Definitions

SOURCE: Transportation Research Board, *Highway Capacity Manual 2010*, National Research Council as presented in MO-2 of Capitola General Plan.

The City of Capitola General Plan establishes LOS C as the minimum acceptable LOS for at intersections within the City (Policy MO-3.3) with the exception of the Village area, Bay Avenue, and 41st Avenue. General Plan Policy MO-3.4 also calls for acceptance of a lower level of service and higher congestion at major regional intersections if necessary improvements are considered infeasible, as determined by the Public Works Director, or result in significant, unacceptable environmental impacts.

The two intersections closest to the project site are the Monterey Avenue/Bay Avenue intersection to the west and the Kennedy Drive/Park Avenue to the east. Both intersections are controlled by stop signs on each approach. Intersection traffic volumes for these intersections were taken directly from the City of Capitola General Plan EIR published in 2013. No growth has occurred in the City since 2013; thus the traffic counts were deemed applicable for use in the weekday PM analysis. Additional Saturday midday intersection traffic volumes were collected in May 2015. Volumes for intersections were collected during the weekday peak period between 4:00 and 6:00 PM and on a Saturday, midday, between 12:00 and 2:00 PM. The weekday counts were taken when local schools were in session and the weather was fair. Existing traffic volumes and turning movements are shown in Figure 4.4-1. Intersection volume data sheets for all traffic counts are provided in Appendix D.

Existing intersection levels of service are summarized on Table 4.4-2. The Kennedy Drive / Park Avenue intersection currently operates at an acceptable LOS C in the Saturday midday peak, but operate at an unacceptable LOS E in the weekday PM peak hour. The Monterey Avenue / Bay Avenue currently operates at acceptable LOS B or better during the time periods of analysis.

	Intersection	Existing Traffic Control	Delay [in seconds per vehicle]	PM Peak Hour LOS
1	Kennedy Drive / Park Avenue	AWSC		
	Weekday PM		38.4	E
	Weekend Midday		21.1	С
2	Monterey Avenue / Bay Avenue	AWSC	21.1	C
	Weekday PM		10.6	В
	Weekend Midday		9.2	А

TABLE 4.4-2: Existing Intersection Peak Hour Levels of Service

SOURCE: Kimley Horn

OTHER TRANSPORTATION MODES

Pedestrian and Bicycle Facilities

In the immediate project vicinity, there are currently sidewalks located on both sides of Monterey Avenue. Existing ramps at the driveways are non-compliant with ADA (Americans with Disabilities Act) requirements. Class 3 bicycle facilities (shared vehicular-bicycle travel lanes marked with "sharrows") are currently provided on Monterey Avenue in both directions within the project vicinity. The City anticipates looking into bike lane improvements along an east-west corridor with a number of streets, including Monterey Avenue, under consideration.

<u>Transit Service</u>

Transit service in Santa Cruz County is provided by the Santa Cruz Metropolitan Transit District (SCMTD). The vicinity of the proposed project lies within the Capitola service region, which provides two bus routes (Routes 54 and 55) along Park Avenue and along Bay Avenue. There are three bus stops within walking distance of the proposed skate park. One bus stop is located 0.4 miles from the proposed skate park on Bay Avenue, just northwest of its intersection with Monterey Avenue. Two bus stops are located less than 0.5 miles from the skate park on Park Avenue, at the intersections of Monterey Avenue and Park Avenue and Monterey Avenue and McCormick Avenue.

PARKING

Monterey Park currently has a small parking lot adjacent to Monterey Avenue. The lot includes 26 striped parking spaces. There is also on-street parking available along Monterey Avenue.

4.4.2 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

In accordance with the California Environmental Quality Act (CEQA); State CEQA Guidelines (including Appendix G); City of Capitola plans, policies and/or guidelines; and agency and professional standards, a project impact would be considered significant if the project would:

- 4a Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (see discussion of City standards below);
- 4b Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;
- 4c Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment);
- 4d Result in inadequate emergency access; or

4e Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

The City of Capitola General Plan establishes LOS C as the minimum acceptable LOS for at intersections within the City (Policy MO-3.3) with the exception of the Village area, Bay Avenue, and 41st Avenue. General Plan Policy MO-3.4 also calls for acceptance of a lower level of service and higher congestion at major regional intersections if necessary improvements are considered infeasible, as determined by the Public Works Director, or result in significant, unacceptable environmental impacts.

IMPACT ANALYSIS

As described in the Initial Study (see Appendix A), there are no adopted congestion management programs for the project area (4b). The proposed project is a skate park within an existing neighborhood park that does not include construction of new roads or driveways or modifications to existing streets or park entrances. Therefore, the project would not substantially increase hazards due to a design feature or result in inadequate emergency access (4c-d) as no new or modified circulation systems are proposed. There are no policies or programs related to transit, bicycle or pedestrian facilities in either the Santa Cruz County "Regional Transportation Plan" or Capitola General Plan with which the proposed project would result in conflicts (4f). The following impact analyses address impacts to City streets and intersections (4a).

Although, potential parking impacts are no longer included in the State CEQA Guidelines (Appendix G), the traffic analysis reviewed parking demand of the proposed project. The proposed skate park would require 6 parking spaces during the peak use periods, which is based on the maximum number of trips generated as discussed in the following section. Assuming 20 baseball team members would play at peak use, 20 vehicles could be parked at the site. This is a worst case analysis since some parents may park on the street or carpool. With the proposed skate park use overlapping with baseball field activities, a total of 26 vehicles would be parked during peak use at the skate park. Thus, there would be available existing parking. The traffic analysis also indicates that the skate park would be used primarily by children later in the afternoon (after school, but before sunset) and on weekends during the day, peaking around lunchtime or just thereafter. Outdoor activity use will also be dictated by weather conditions. The park will be located immediately adjacent to the residential neighborhood in the area. The majority of visitors are anticipated to originate from the surrounding neighborhoods and would travel to the park by skateboard/bicycle.

Impacts to Circulation System

Impact 4.4-1: Circulation System Impacts

The project will result in an increase in daily and peak hour trips, but would not cause existing or planned intersections to operate at an unacceptable Level of Service (LOS), and would not adversely affect non-auto modes of transportation. However, project trips would contribute to the existing unacceptable LOS of E at the Kennedy Drive/Park Avenue intersection, but the project's contribution would not be significant. Therefore, this is a *less-than-significant impact*.

PROJECT TRIP GENERATION

The project would generate approximately 8 weekday PM peak hour trips (4 in and 4 out) between 4 and 6 PM and 11 weekend peak hour trips 6 in, 5 out) on a Saturday between 12 and 2 PM. The estimated trip generation is summarized on Table 4.4-2.

Land Use	Project Size	PM Peak Hour ¹			Weekend Midday Peak Hour²		
		Total	In	Out	Total	In	Out
Trip General Rates ³							
Center Avenue Skatepark Huntington Beach, CA ⁴	45.5 KSF	1.36	50%	50%	1.86	50%	50%
Jose Avenue Skate Park Santa Cruz, CA	5.0 KSF	0.80			1.20		
Weighted Average Used for Proposed Monterey Avenue Skatepark		1.30	50%	50%	1.79	50%	50%
Proposed Trips	6 KSF	8	4	4	11	6	5

TABLE 4.4-3: Project Trip Generation

¹ Weekend Midday Peak Hour is from 2PM-3PM, based on observations at skate parks listed in the table. In/Out rates taken from City of Huntington TIA.

² Weekday PM Peak Hour is from 4PM-5PM, based on findings in Huntington Beach Center Avenue skate park.

³ Trip generation rates were calculated from observations made at comparable skateboard parks observed on June 6-7, 2015 and from TIAs of comparable skate parks.

⁴ Trip generation rates from Center Avenue Skatepark found in the Huntington Beach Center Avenue Skatepark TIA..

SOURCE: Kimley-Horn and Associates, August 2015

Trip generation for the project was calculated based on available information at similar sites and engineering judgement of the traffic consultant. Information from similar studies included a survey at the Jose Avenue skate park in the unincorporated Live Oak area west of Capitola. Jose Avenue Park is similar in size to the proposed project and contains skate park features with a level of difficulty intended for beginners and young children. Jose Avenue Park also contains a playground and open spaces and is located well within a residential neighborhood. The trip rate was also compared to a skate park in Huntington Beach, which though larger in size than the proposed project, uses trip generation rates that account for its size. Thus, a trip generation rate was used that factored trip generation rates of these skate parks, taking into account the smaller footprint of the proposed facility.

In addition, many neighborhood children will bike, walk or skate to the facility and would not contribute additional vehicular trips to the Project. Non-vehicular access to the McGregor skate park is more difficult compared to the proposed Monterey Avenue Skatepark, and the vehicular trip generation rate to the Monterey Skatepark is estimated to be lower. The highest trip generation will occur on a Saturday. The location of the proposed project does not lend itself to attract regional traffic, and it is expected that this skate park will remain a local attraction, mainly due to its location within a residential neighborhood.

PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

Most trips to the project will be to and from the surrounding residences since the proposed project is located within a local neighborhood and is not located adjacent to an arterial road. Most of the project trips also will likely be non-motorized trips as the project has nearby existing pedestrian facilities as well as the New Brighton Middle School. However, it is estimated that 30% of project trips will be distribute north towards Park Avenue leading to Highway 1, and 70% will be distributed south towards Bay Avenue.

TRAFFIC VOLUMES WITH PROJECT AND LEVEL OF SERVICE ANALYSIS

Traffic operations were evaluated at the study intersections under existing conditions plus traffic generated. Traffic volumes are shown on Figure 4.4-1, and results of the LOS calculations are summarized in Table 4.4-4. Analysis sheets from Synchro are provided in Appendix D.

The Monterey Avenue /Bay Avenue, would continue to operate at LOS B in the PM peak hour and LOS A during the Saturday peak hour. The delay at the intersection during these analysis periods also remains unchanged with the addition of project trips.

The Park Avenue / Kennedy Drive will continue to operate at an unacceptable LOS E, and the delay at the intersection LOS remains unchanged with the addition of project trips due to the small increases in volumes to non-critical movements. During the Saturday Midday, the delay would only increases slightly, but the LOS will remain acceptable at C.

	Intersection	Existing (2015) Traffic Control	Delay [in seconds per vehicle]	PM Peak Hour LOS	Delay [in seconds per vehicle]	PM Peak Hour LOS		
1	Kennedy Drive / Park Avenue	AWSC						
	Weekday PM		38.4	E	38.4	E		
	Weekend Midday		21.1	С	21.3	C		
2	Monterey Avenue / Bay Avenue	AWSC	21.1	С	21.1	C		
	Weekday PM		10.6	В	10.6	В		
	Weekend Midday		9.2	А	9.2	А		

TABLE 4.4-	4: Intersection	n Peak Hour Lev	els of Service	With Project
1ADEE 7.7-	T. Intersection	I I CUK HOUI LEV	ers of bervice	with the let

SOURCE: Kimley Horn

The Kennedy Drive / Park Avenue intersection would continue to operate at an unacceptable level as it does under existing conditions for the weekday PM peak period. The proposed project would add 2 trips to this intersection and would increase traffic volumes at this intersection by less than one-half of one percent during the weekday PM peak period. This increase in trips is not considered substantial given daily fluctuations in traffic¹ nor would the overall intersection delay increase with addition of project traffic. Thus, the project's traffic would result in a less-than-significant impact, and no mitigation measures are required. It is also noted that the City's General Plan EIR indicates that installation of a roundabout or traffic signal at the Kennedy/Park intersection would improve operations to an acceptable level. There are no current plans for improvement at this intersection.

<u>Mitigation Measures</u>

None are required as a significant impact has not been identified.

¹ Caltrans has identified the standard deviation expected with regards to reliability of traffic count data. The standard deviation ranges indicate a 12% deviation at 10,000 vehicle trips, meaning that if a traffic count totals 10,000 vehicles per day, then approximately 90% of the time, the actual traffic counts will lie within a range of 8,800 to 11,200 vehicles (California Department of Transportation,"2013 Traffic Volumes on the California State Highway System").

4.5 HAZARDS & HAZARDOUS MATERIALS

4.5.1 ENVIRONMENTAL SETTING

IN THIS SECTION:

- Overview
- Regulatory Setting
- Site Conditions
- Results of Site Assessments

The following section is based on the analyses and conclusions in a "Phase I/II Environmental Site Assessment" prepared for the City of Capitola by WHA, Weber Hayes and Associates (September 2015). The traffic study is included in Appendix E of this document and also is available on the City of Capitola website at:

http://www.cityofcapitola.org/communitydevelopment/page/proposed-monterey-avenue-skate-park.

OVERVIEW

Hazardous materials include toxic metals, chemicals and gases; flammable and/or explosive liquids and solids; corrosive materials; infectious substances; and radioactive materials. Potential hazards include disturbing contaminated soil or groundwater and potential dangers to public health and welfare related to transport, storage, handling, and disposal of these materials. Hazardous wastes are a subset of hazardous materials that pose potential hazards to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The California Health & Safety Code (Section 15501) defines hazardous material as "any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment." The California Code of Regulations (Title 22, Section 66260.10) defines "extremely hazardous material" as "a substance or combination of substances which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the substance or combination of substances because of its quantity, concentration or chemical characteristics."

Hazardous waste is any hazardous material that is discarded or slated for disposal. The California Health & Safety Code (Sections 25517 and 25141) defines hazardous waste as a waste that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of, or otherwise managed.

REGULATORY SETTING

<u>Federal Regulations</u>

The U.S. Environmental Protection Agency (EPA) is responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. The federal regulations that govern hazardous materials are codified primarily in Title 40 of the Federal Code of Regulations. The primary legislation includes the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) and the Emergency Planning and Community Right-to-Know (SARA Title III). These laws and associated regulations include specific requirements for facilities that generate, use, store, treat, transport, and/or dispose of hazardous materials.

The Hazardous Materials Transportation Act of 1975 (HMTA) is the major transportationrelated statute regulating the transportation of hazardous cargo. The HMTA empowers the U.S. Department of Transportation (DOT) with regulatory and enforcement authority to provide adequate protection against the risks to life and property inherent in the transportation of hazardous material in commerce. For materials that are designated as hazardous, specific requirements pertaining to the packaging, labeling, and transportation apply to any person or business transporting a hazardous material.

The U.S. Department of Labor Occupational Safety and Health Administration (OSHA) is responsible for enforcement and implementation of federal laws and regulations pertaining to worker health and safety. OSHA requires training for hazardous materials operators, which includes personal safety, hazardous materials storage and handling procedures, and emergency response procedures.

The U.S. EPA Region 9 (Pacific Southwest) has established "Regional Screening Levels" (RSL) for chemical contaminants at superfund sites, which include former "Preliminary Remediation Goals" (PRG). They are risk-based concentrations derived from standardized equations combining exposure information assumptions with EPA toxicity data. RSLs are considered by

the Agency to be protective for humans (including sensitive groups) over a lifetime; however, RSLs are not always applicable to a particular site and do not address non-human health endpoints, such as ecological impacts. They are used for site "screening" and as initial cleanup goals, if applicable.

<u>State Regulations</u>

In California, the Department of Toxic Substance Control (DTSC) is authorized by the U.S. EPA and Cal/EPA to enforce and implement federal hazardous waste laws and regulations. Requirements place "cradle-to-grave" responsibility for hazardous waste disposal on the shoulders of hazardous waste generators. Generators of hazardous waste must ensure that their wastes are disposed of properly, and legal requirements dictate the disposal requirements for many waste streams (e.g., banning many types of hazardous wastes from landfills).

California regulations pertaining to hazardous materials equal or exceed federal regulations. In January 1996, Cal/EPA adopted regulations implementing a Unified Hazardous Waste and Hazardous Materials Management Regulatory Program governing (1) hazardous waste generators and hazardous waste onsite treatment, (2) underground storage, (3) aboveground storage tanks, (4) hazardous materials release response plans and inventories, (5) risk management and prevention programs, and (6) Unified Fire Code hazardous materials management plans and inventories. The program is implemented at the local level by a designated local agency—the Certified Unified Program Agency (CUPA). The CUPA is responsible for consolidating the administration of the six program elements within its jurisdiction.

State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. California's Hazardous Materials Release Response Plans and Inventory Law, sometimes called the "Business Plan Act," aims to minimize the potential for accidents involving hazardous materials and to facilitate an appropriate response to possible hazardous materials emergencies. The law requires businesses that use hazardous materials to provide inventories of those materials to designated emergency response agencies, to illustrate on a diagram where the materials are stored on site, to prepare an emergency response plan, and to train employees to use the materials safely.

Along with DTSC, the Regional Water Quality Control Board (RWQCB), which operates under the jurisdiction of Cal/EPA, is responsible for implementing regulations pertaining to management of soil and groundwater investigations and cleanup. RWQCB regulations applicable to hazardous materials are contained in Title 27 of the California Code of Regulations (CCR). The RWQCB has established "Environmental Screening Levels" (ESLs) for chemicals commonly found in soil and groundwater sites where releases of hazardous chemicals have occurred. ESLs provide conservative screening levels for over 100 chemicals commonly found at sites with contaminated soil and groundwater. They are intended to help expedite the identification and evaluation of potential environmental concerns. Additional evaluation generally is necessary where a chemical is present at concentrations above the corresponding ESL. The ESLs were first established in 2008 and recently updated in May 2013. The ESLs were developed to address the environmental protection goals presented in the *Water Quality Plan for the San Francisco Bay Basin* (Basin Plan), including protection of human health (direct-exposure); protection of drinking water resources; protection of aquatic and terrestrial habitats; protection against vapor intrusion into buildings; and protection against adverse nuisance conditions.

Additional state regulations applicable to hazardous materials are contained in Title 22 of the CCR. Title 26 of the CCR is a compilation of those sections or titles of the CCR that are applicable to hazardous materials.

Transportation of hazardous materials and wastes is regulated by Title 26 of the CCR. The California Department of Transportation (Caltrans) is the primary regulatory authority for the interstate transport of hazardous materials and establishes safe handling procedures for packaging, marking, labeling, routing, etc. The California Highway Patrol and Caltrans enforce federal and State regulations and respond to hazardous materials transportation emergencies. A "Uniform Hazardous Waste Manifest" is required by DTSC and must accompany most hazardous waste before transporting any waste off site.

With respect to worker safety regulations at the state level, the California Department of Industrial Relations, Division of Occupational Safety and Health, formerly known as Cal/OSHA, is charged with enforcement of state regulations and supervision of workplaces in California that are not under direct federal jurisdiction. State worker health and safety regulations applicable to construction workers include training requirements for hazardous waste operations and emergency response, all of which equal or exceed their federal counterparts.

<u>Local Regulations</u>

The Santa Cruz County Department of Environmental Health Services (DEHS) is the agency responsible for enforcing State hazardous materials and waste regulations in Capitola, including implementing actions required by the DTSC Certified Unified Program Agency (CUPA). This includes administration of the Hazardous Materials Business Plan Program, Hazardous Waste Generator Program, Underground Storage Tank (UST) Program, California Accidental Release Program, Tiered Permitting Program, and Aboveground Storage Tank Program. Chapter 8.42, Hazardous Materials, of the Capitola's Municipal Code (Capitola Municipal Code) adopts Chapter 7.100 (regarding Hazardous Materials) of the Santa Cruz County Code, which seeks to minimize or eliminate the use of hazardous materials in the City,

and minimize or eliminate potential contamination by hazardous materials. This Chapter conditions any permitted use of hazardous materials by placing an obligation on the users to strictly control the discharges and releases.

SITE CONDITIONS

The 4-acre Monterey Park is an active park with a ball field, walking/running track, and parking lot that was developed in the 1993. The proposed skate park site is situated on a flatlying terrace with a slight slope to the south. A small earthen mound is situated along the southwestern corner of the site and is assumed to be imported fill. This earthen mound separates the flat-lying Middle School field from the flat-lying Monterey Avenue Park.

Historical records indicate that prior to residential development the site was part of a larger agricultural property (approximately 1954-1965), an outer lying part of the Santa Cruz-Capitola Airport (1934-1954), and home to Camp McQuaide, an artillery regiment (1920s through the 1930s).

Camp McQuaide, an artillery regiment, was located in the project area from the 1920s to 1938. The camp was used for artillery practice until noise complaints moved them to outside Watsonville. The current Monterey Park is located just to the north of the former Camp McQuaide. According to the City of Capitola and other online accounts, the Santa Cruz-Capitola Airport was established in 1934, but had a history as an unofficial airstrip for about ten years before that. The airport was listed as a commercial/municipal airport, meaning it was largely used by personal aircraft. The airport was in operation until about 1954 when operations were moved to Skypark in Scotts Valley. After the airport was shut down in 1954, the property was utilized for agricultural uses. During this time period, persistent pesticides (i.e. DDT, DDE, Dieldrin) were very commonly used. By 1968, the agricultural land had been converted to residential uses, except for the Monterey Park site (WHA, September 2015).

Historical aerial photographs show the site as being undeveloped and without structures from 1943 to 1993, although there may have been agricultural use of the site in the 1950s. The aerial photos do not show any significant structures on the park property. Present day adjoining and vicinity land-uses are residential, except for the New Brighton Middle School to the west of the project site and two nearby churches (WHA, September 2015).

In summary, onsite historical land use has a long history as an undeveloped site before becoming a park in 1993. There was a period between 1948 and 1968 that the site may have been used for agriculture. The earliest available record (aerial photograph from 1943) depicts the site as an undeveloped lot adjacent to the old Santa Cruz-Capitola Airport. Adjoining and vicinity land-uses have remained primarily residential to the west of the site, whereas adjoining land to the north, south and east of the site was originally a mixture of undeveloped and agricultural land. These all gave way to residential housing by 1968. To the south of the

site, what appear to be the remnants of Camp McQuaide are visible until 1948 at the latest. Both the airstrip and agriculture land uses could have created contaminants of potential concern on the project site due to their upgradient position (WHA, September 2015).

RESULTS OF THE PHASE I/II ENVIRONMENTAL SITE ASSESSMENTS

In response to comments received during the EIR scoping process, the City contracted for the preparation of a "Phase I/II Environmental Site Assessment" (Phase I/II ESA) to assess potential environmental hazards at the project property. An Environmental Site Assessment (ESA) was conducted to provide a professional opinion regarding recognized environmental conditions at the project site, including potential impacts from known environmental problems in the surrounding area. The term "recognized environmental conditions", is defined as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment. De minimis conditions are not recognized environmental conditions". See Table 4.5-1 for explanation of terms.

The Phase I ESA included historical research, a review of regulatory records pertaining to the project site and vicinity properties, site reconnaissance, and interviews with regulatory agency staff. The site inspections, interviews, and review of regulatory and historic documents are designed to identify potential environmental liabilities of concern. Potential liabilities have been categorized by the American Society for Testing and Materials (ASTM) into the following four conditions based on decreasing levels environmental risk:

- 1) Recognized environmental conditions (REC),
- 2) Controlled recognized environmental conditions (CREC),
- 3) Historical recognized environmental conditions (HREC), and
- 4) De minimis conditions.

Explanation of these terms are provided on Table 4.5-1.

Review of regulatory databases and local/State agency record repositories revealed no records in connection with the site. For one offsite location, one (1) closed release investigation was reviewed, but it did not appear to constitute continued risk for the project site. The site inspection demonstrated that the property is clear of any potential sources of contamination from surrounding areas (WHA, September 2015).

The Phase I ESA did not identify any Recognized Environmental Conditions (RECs) as part of the site inspection or review of environmental agency files/databases. However, two historical RECs were identified base on previous onsite land uses activities, described below:

- ☐ Historical Airstrip (~1920s-1950s): As noted above, although historical land use maps and records do not show any actual buildings on the subject site (i.e., buildings/sheds/storage areas), it was nevertheless part of a large airstrip and artillery training ground. Contaminants of Potential Concern (COPCs) typically used at such facilities can include fuels, oils, solvents and metals. Collectively, these historical conditions are considered a historically recognized environmental condition.
- □ Agricultural Activity (1950s-1960s): The site operated during a period of time when a family of persistent pesticides were commonly used (i.e., DDT, toxaphene, Dieldrin), which are considered a historically recognized environmental condition.

TABLE 4.5-1: Explanation of Phase I Environmental Site Assessment Terminology

'REC' - Recognized Environmental Condition: the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.

'CREC' – Controlled Recognized Environmental Condition: a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). A condition considered by the environmental professional to be a *controlled recognized environmental condition* shall be listed in the findings section of the Phase I Environmental Site Assessment report, and as a recognized environmental condition in the conclusions section of the Phase I Environmental Site Assessment report.

'HREC' - *Historical Recognized Environmental Condition*: a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Before calling the past release a historical recognized environmental condition, the environmental professional must determine whether the past release is a recognized environmental condition at the time the Phase I Environmental Site Assessment is conducted (for example, if there has been a change in the regulatory criteria). If the EP considers the past release to be a recognized environmental condition at the time the Phase I ESA is conducted, the condition shall be included in the conclusions section of the report as a recognized environmental condition.

De minimis Condition: a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions.

SOURCE: WHA, September 2015

Thus, the Phase I ESA assessment identified two historical recognized environmental conditions (HRECs) in connection with the subject property. As described above, the identified HRECs are associated with the subject site's historic land uses as an airport (i.e., potential chemical use/waste: fuels, oils, solvents, metals) and the persistent pesticides associated with agricultural land use.

The Phase II portion consisted of laboratory testing of shallow soil samples collected from within the proposed skate park site in order to evaluate potential environmental liability associated with historical land uses and potential persistent pesticides from historic agricultural use). A Phase II shallow sampling and laboratory-testing program was completed to evaluate whether shallow soils that may be reworked during project grading and construction will need special handling. The results indicate there are no significant subsurface impacts aside from the following:

- 1) One of the four samples sample contained a trace detection of the persistent pesticide "Dieldrin"¹ (0.005 parts per million, mg/kg), which slightly exceeds the leachable screening level (0.0023 mg/kg), but does not exceed the human health (ingestion) based screening level of 0.034 mg/kg² for shallow soils.
- 2) All soil samples contained arsenic at concentrations ranging between 3.3 and 6.8 mg/kg, which exceeds the environmental screening level² of 1.6 mg/kg for commercial land uses and 0.39 mg/kg for residential land uses. The extremely low screening level is based on animal studies, and is much lower than naturally-occurring arsenic concentrations in the Capitola-Aptos area of 4.0 mg/kg. Two of the four soil sample results exceeded this "background concentration" of 4.0 mg/kg. This data indicates that the on-site concentrations of arsenic are higher than the naturally occurring background concentrations for this area of Capitola (WHA, September 2015).

The Phase II ESA indicates that arsenic detections in soil can be problematic from a risk assessment purpose because detections can be generated from a combination of: a) the local geology (i.e., naturally-occurring); b) wide-spread, anthropogenic regional (urban) sources (i.e., from historic, regional farming/industrial practices), and c) a site-specific chemical release. The Tier 1, risk-based ESL for Arsenic is extremely low (i.e., 1.6 mg/kg for commercial land uses and 0.39 mg/kg for residential land uses). These extremely low, risk-based

¹ Dieldrin was originally developed in the 1940s as an alternative to DDT, and was very widely used during the 1950s to early 1970s. However, it is an extremely persistent organic pollutant; it does not easily break down readily, and for this reason has been banned/severely restricted in most of the world.

² Environmental Screening Levels (ESLs): From Screening for Environmental Concerns at Sites With Contaminated Soil and Groundwater (Interim Final, December 2013) as cited in WHA, September 2015. The ESLs are intended to provide quantitative guidance on whether remediation of contamination is warranted. The ESLs used for in this table default to groundwater as a potential drinking water resource.

threshold limits are most always exceeded since California regional studies have shown that many areas contain naturally-occurring "background" concentrations in the 11 to 12 mg/kg range (WHA, September 2015).

No contaminants of concern exceed risk-based thresholds for tested fuels, oils, solvents, metals with the exception of some relatively low concentration detections of arsenic and the persistent pesticide, Dieldrin, in shallow soils at the project site.

4.4.2 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

In accordance with the California Environmental Quality Act (CEQA); State CEQA Guidelines (including Appendix G); City of Capitola plans, policies and/or guidelines; and agency and professional standards, a project impact would be considered significant if the project would:

- 5a Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- 5b Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- 5c Emit hazardous emissions or handle hazardous materials, substances or waste within one-quarter mile of an existing or proposed school;
- 5d Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment; or
- 5e Be located within an airport land use plan, within two miles of a public airport or within the vicinity of a private airstrip;
- 5f Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- 5g Expose people or structures to a significant risk of loss, injury or death involving wildland fires.

IMPACT ANALYSIS

Based on the significance criteria identified above and on the analyses in the Revised Initial Study (Appendix A of this DEIR), the project would not create a significant hazard through route transport, use or disposal of hazardous materials (5α), would not result in hazardous emissions (5c), is not located on a state list of hazardous sites (5d), would not be exposed to airport hazards (5e), would not interfere with implementation of an emergency access or evacuation plan (5f) and would not be exposed to wildland fire hazards (5g). The following impact analyses address potential exposure to a hazard (5b).

Exposure to Hazards

Impact 4.5-1 – *Exposure to Soil Contamination*: Project grading and subsequent use of the proposed skate park could pose a hazard to workers and users due to presence of contaminated soils. This is considered a *potentially significant* impact.

The Phase I/II ESA identified arsenic concentrations in shallow soils (six inches) that exceed the environmental screening levels for arsenic, and two of the samples exceed the reported naturally occurring concentration of arsenic in soils in Capitola. Arsenic was the only contaminant discovered, which exceeded the RWQCB's Environmental Screening Levels (ESLs), although two samples were within the range of background levels found naturally in soils within Capitola.

The ESA concluded that the relatively low concentration of the impacted soils could be safely incorporated into the proposed skate park design plans, which includes encapsulation by concrete. The site will be graded, and current plans indicate use of graded material for fill to create the berms adjacent to each end of the proposed skate park. Thus, some of the soils may need to be removed from the site and disposed at locations permitted to accept such material. This would require import of uncontaminated soils to create the proposed berms. Additionally, a copy of the ESA should be provided to the County of Santa Cruz Health Service Agency (SC-HSA) as the local agency overseeing hazardous materials. A brief soil management plan should also be prepared and submitted to the County to address any soil handling concerns during redevelopment construction.

<u>Mitigation Measures</u>

Implementation of Mitigation Measures HAZMAT-1 and HAZMAT-2 will reduce the project impact related to potential exposure to hazardous materials to a less-than-significant level.

HAZMAT-1: Require removal with proper disposal and/or encapsulation of contaminated soils at the project site to prevent exposure to arsenic found in the soils, and require proof of final signoff from the County of Santa Cruz Environmental Health Services.

HAZMAT-2: Prepare and implement a Safety Plan to ensure that appropriate worker health and safety measures are in place during grading and construction activities.

IN THIS SECTION:

- 5.1 Significant Unavoidable Impacts
- 5.2 Growth Inducement
- 5.3 Cumulative Impacts
- 5.4 Project Alternatives Evaluation

5.1 SIGNIFICANT UNAVOIDABLE IMPACTS

The State California Environmental Quality Act (CEQA) Guidelines require a description of any significant impacts, including those that can be mitigated but not reduced to a level of insignificance (section 15126.2(b)). Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. This EIR did not identify any significant unavoidable project impacts.

5.2 GROWTH INDUCEMENT

CEQA requires that any growth-inducing aspect of a project be discussed in an EIR. This discussion should include consideration of ways in which the project could directly or indirectly foster economic or population growth in adjacent and/or surrounding areas. Projects which could remove obstacles to population growth (such as major public service expansion) must also be considered in this discussion. According to CEQA, it must not be assumed that growth in any area is necessarily beneficial, detrimental or of little significance to the environment.

The project consists of development of a skate park for skateboard use within an existing neighborhood park. The project will serve existing residents. The planned park uses will not directly or indirectly induce additional population or economic growth.

5.3 CUMULATIVE IMPACTS

STATE CEQA REQUIREMENTS

The State CEQA Guidelines section 15130(a) requires that an EIR discuss cumulative impacts of a project "when the project's incremental effect is cumulatively considerable." As defined

in Section 15355, a cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. As defined in section 15065(a)(3), "cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," the lead agency need not consider the effect significant.

CEQA requires an evaluation of cumulative impacts when they are significant. When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. Furthermore, according to the California State CEQA Guidelines section 15130 (a)(1), there is no need to evaluate cumulative impacts to which the project does not contribute.

An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus not significant when, for example, a project funds its fair share of a mitigation measure designed to alleviate the cumulative impact. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide detail as great as that provided for the impacts that are attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified project contributes.

CEQA section 21094(e)(1) states that if a lead agency determines that a cumulative effect has been adequately addressed in a prior environmental impact report, that cumulative effect is not required to be examined in a later EIR. The section further indicates that cumulative effects are adequately addressed if the cumulative effect has been mitigated or avoided as a result of the prior EIR and adopted findings or can be mitigated or avoided by site-specific revisions, imposition of conditions or other means in connection with the approval of the later project (subsection (e)(4)). If a cumulative impact was addressed adequately in a prior EIR for a general plan, and the project is consistent with that plan or action, then an EIR for such a project need not further analyze that cumulative impact, as provided in section 15183(j). Therefore, future projects that are determined to be consistent with the General Plan after it is adopted may rely on this analysis to streamline their environmental review.

CUMULATIVE ANALYSIS

Cumulative Growth and Projects

Discussion of cumulative impacts may consider either a list of past, present, and probable future projects producing cumulative impacts or a summary of growth projections contained in an adopted plan that evaluates conditions contributing to cumulative impacts, such as those contained in a General Plan. The Capitola City Council adopted an updated General Plan in 2014 and certified the accompanying EIR. The analyses in the EIR provide an assessment of cumulative impacts within the City with projected growth in the next 20 years. The following list are recently constructed, approved, and pending projects within the city of Capitola, of which only one project, the McGregor Park, is in proximity to the proposed project.

- **1**1-unit residential subdivision on 38th Avenue (Pending Application)
- □ McGregor Park (Under Construction): A new multi-use public park with a skate park, dog park, bike pump track, children's play area, and recycling pod.
- □ Cinelux Theater expansion at King's Plaza on 41st Avenue (Under Construction): Approximately 5,400 square foot expansion into an former book café
- □ Toyota dealership expansion (Construction completed in 2015): Demolition of an existing auto dealership building and construction of a new 44,200 square foot facility with detached carwash.

As indicated above, CEQA allows a lead agency to avoid repeating cumulative analyses that were already provided in a certified General Plan EIR for a development project that is consistent with the General Plan. While Capitola's General Plan EIR does not identify specific development projects or locations, it does evaluate impacts related to development accommodated by the Plan and its policies. General Plan Policy LU-13.13 addresses and states: "Develop Monterey Park as an active park site with neighborhood-serving recreational facilities and amenities." Thus, the proposed project would be consistent with this directive of Monterey Park being an active park with various facilities. The few pending cumulative projects summarized above also would be accounted for in the General Plan EIR cumulative analyses.

Because CEQA discourages "repetitive discussions of the same issues" (CEQA Guidelines section 15152(b)), and because the project is consistent with the City's General Plan, the City has determined the project meets the provisions of CEQA section 21094(e)(1) and State CEQA Guidelines section 15183. Therefore, the City's General Plan EIR has adequately addressed cumulative impacts for all topics as summarized below. The City of Capitola General Plan and General Plan EIR are available for review at the Capitola City Hall, located at 420 Capitola Avenue, Capitola, California, during business hours: Monday through Friday, 8 AM to 12 PM and 1 PM to 5 PM. The General Plan EIR is also available online on the City's website at: http://www.cityofcapitola.org/documents_sub/communitydevelopment.

Cumulative Impact Analysis

The City's General Plan EIR identified four significant cumulative impacts related to air quality, hydrology (groundwater impacts), traffic, and water supply. The proposed project would not contribute to cumulative impacts related to hydrology-groundwater or water supply as no new potable water connection is proposed for the project, and there are no restroom facilities that exist or are proposed at the Monterey Park site. The proposed project would contribute to significant cumulative air quality and traffic impacts, and these analyses are summarized and updated below.

- □ Air Quality. The General Plan EIR concluded that cumulative daily operational emissions and the cumulative net increase of any criteria pollutant for which the region is nonattainment is considered a potentially significant cumulative impact. Overall, the General Plan EIR concluded that emissions with future growth are projected to be lower than existing conditions despite a projected increase in vehicle trips. This is due to projected improved vehicle emissions standards, improved fuel efficiency, and a newer model year vehicle fleet at buildout. The thresholds of significance that have been recommended by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) were established for individual development projects and do not apply to cumulative development or multiple projects. The General Plan EIR indicates that future site-specific development proposals would be evaluated for potential air emissions, and while development projects allowed under the General Plan would increase regional pollutants over current conditions, specifically PM₁₀ and PM_{2.5}, ozone precursor pollutants would decrease. The General Plan EIR concluded that future development and associated mobile and stationary source air quality impacts could result in impacts that would be significant and unavoidable. The proposed skate park would result in a limited traffic and associated emissions that would be far below the MBUAPCD thresholds of significance. The project location within an existing neighborhood next to a school would serve local residents and youth in the neighborhood, and as discussed in the TRANSPORTATION AND TRAFFIC (4.4) section of this EIR, many neighborhood children will bike, walk or skate to the facility. Thus, the project's contribution to cumulative air emissions would not be cumulatively considerable.
- □ <u>Traffic</u>. The General Plan EIR identified significant cumulative traffic impacts at five intersections, one of which is in the vicinity of the project site: Kennedy Drive/Park Avenue. Improvements have been identified which would provide acceptable Level of service operations and reduce the proposed Plan traffic impacts to a less-than-significant level at all cumulatively impacted intersections with the exception of the Porter Street and Highway 1 NB Ramps. These highway ramps are located to the west of the project site, and do not directly or indirectly serve the project site. The Highway

1 ramps at Park Avenue are closer to the project site, and no cumulative impacts were identified at this location.

The General Plan EIR identifies road improvements that are expected to be completed by 2035, including installation of a traffic signal at the intersection of Kennedy Drive and Park Avenue and Class 2 bike lanes along Monterey Avenue. A future signal would improve operations at this intersection to an acceptable level, and the addition of project traffic would not result in a reduction in level of service. Future projects within the vicinity of the proposed project site include the McGregor Park, located approximately ¾-mile from the Project at the intersection of McGregor Drive and Park Avenue. The McGregor Park will be a combined skate park, bike park, and dog park that would attract different visitors than those that would use the proposed Monterey Avenue Skatepark.

With the potential extension of Class 2 bicycle lanes along Monterey Avenue, onstreet parking may be lost. However, these bicycle facilities would increase access to the surrounding neighborhood, New Brighton Middle School, and the proposed skate park. As discussed in the TRANSPORTATION AND TRAFFIC (4.4) section of this EIR, the City is looking at alternative streets on which to establish an east-west bike corridor.

Thus, the General Plan EIR analysis adequately addresses cumulative impacts as updated above. No new potentially significant cumulative impacts have been identified with consideration of recent and pending projects identified above. Except, for the McGregor Park site, the proposed project would not contribute to potential cumulative impacts of the other projects because they are located in different areas of the City, and impacts would not overlap.

The McGregor Park that is under construction is within one mile of the project site, and the two projects would not result in a new cumulative significant traffic impact. Due to the distance between the two projects, the sites are not visible from the same locations and there would be no cumulative noise or aesthetics impacts as the sites cannot both be seen from any public viewpoint, and there would be no overlap of noise due to the distance between the two sites. Both park sites have found elevated levels of arsenic in soils, which will be mitigated to a less-than-significant level with remediation actions at each site, and thus, would not result in a significant cumulative impact. Tree removal at the McGregor Park site and potential tree removal at the proposed project site if directed by the City would not result in a significant cumulative impact with adherence to City regulations, including planting replacement trees. It is also noted that the tree removal would consist primarily of non-native eucalyptus trees.

The proposed project would not result in biological or cultural resource impacts or contribute to cumulative impacts for these topics. Neither project would result in construction of homes or new population growth, and potential demand for public services, such as fire and police

protection, would not result in a significant impact that would require construction of new or expansion of existing facilities to serve the project.

Therefore, the two projects would not result in a new significant cumulative significant impact.

6.4 PROJECT ALTERNATIVES EVALUATION

According to State CEQA Guidelines (section 15126.6), an EIR shall describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The guidelines further require that the discussion focus on alternatives capable of eliminating significant adverse impacts of the project, or reducing them to a level of insignificance even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The alternatives analysis also should identify any significant effects that may result from a given alternative. An EIR need not consider every conceivable alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible.

The lead agency is responsible for selecting a range of potentially feasible project alternatives for examination, and must publicly disclose its reasoning for selecting those alternatives. The range of alternatives is governed by a "rule of reason" that requires the EIR to set forth only those potentially feasible alternatives necessary to permit a reasoned choice. The alternatives shall be limited to those that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only those that the lead agency determines could feasibly attain most of the basic objectives of the project. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. Alternatives in an EIR must be "potentially feasible."

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines, section 15364). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or already owns the alternative site). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. The concept of feasibility also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, feasibility under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

SUMMARY OF SIGNIFICANT IMPACTS & PROJECT OBJECTIVES

Significant Project Impacts

The following impacts were found to be potentially significant, but could be reduced to a lessthan-significant level with implementation of identified mitigation measures.

- Permanent Increase in Noise: Use of the proposed skate park would not result in significant increases in ambient daily noise levels and would be within the range of existing L_{eq} (hourly average) and L_{max} (maximum) noise levels, but would exceed the average existing L_{eq} and L_{max} levels by 5-7 dBA.
- □ *Exposure to Soil Contamination.* Project grading and subsequent use of the proposed skate park could pose a hazard to workers and users due to presence of contaminated soils.
- Disturbance to Nesting Birds. Construction activities or tree removal, if the City determines removal of trees are necessary for public safety, could potentially disturb nesting birds if they are present and nesting in trees adjacent to the proposed project.

<u>Project Objectives</u>

Based on the Applicant's goals for the project and the City's existing policy framework, as embodied in City's *General Plan*, the project objectives are as follows:

- 1. Develop an approximate 6,000 square-foot public skate park in Capitola that is centrally located and easily accessible to children, teens, and young adults.
- 2. Provide skate park features and elements which can be enjoyed by beginner to intermediate level skaters.
- 3. Implement the policies and development standards of the City's General Plan, Zoning Code, and Local Coastal Program.
- 4. Develop recreational opportunities for residents and visitors of all ages which are safe, healthy, and enjoyable.
- 5. Improve and maintain City parks and open spaces with uses and activities which cater to community needs.
- 6. Develop park and facility improvements in locations which are accessible, highly visible, and provide a safe environment for park users.

- 7. Develop park and facility improvements which are compatible with existing, neighboring land uses.
- 8. Minimize the City's development and operational costs.
- 9. Mitigate environmental impacts to the greatest extent possible.

ALTERNATIVES CONSIDERED

Section 15126.6(c) of State CEQA Guidelines indicates that the range of potential alternatives shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed.

The EIR also should identify any alternatives that were considered by the lead agency but were rejected as infeasible, and briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are:

- □ Failure to meet most of the basic project objectives,
- Infeasibility, or
- □ Inability to avoid significant environmental impacts.

The following alternatives were considered for the proposed project:

- □ Revised Onsite Location
- Reduced Project Size
- □ Alternate Offsite Location

The alternate offsite location was considered for two sites. Since the proposed project would be a public recreational facility, an alternate site considered other publicly-owned properties that might be suitable for a skate park. Two locations were identified, and one was eliminated from further consideration as discussed below.

□ McGregor Park Site: In July 25, 2013, the Capitola City Council directed staff to develop plans for a recreational facility on the City-owned 4.1-acre parcel located at 1550 McGregor Drive. The City Council requested that the plans include a skate park, dog park, and bike pump track. Subsequently plans were developed and approved, and the park facilities are currently under construction. This new multi-use public park consists of a skate park, dog park, bike pump track, children's play area, recycling pod, and parking area. The skate park is approximately 9,000 square feet in size. The planned uses fully occupy the site as shown on the approved site plans on Figure 5-1. There is no available space to locate a new skate park of the type proposed by the project or expand the skate park that is under construction without eliminating or

reducing other approved uses at the approved park or developing environmentally sensitive and topographically constrained areas. Therefore, this site was eliminated from further consideration.

Cortez Park: This City-own neighborhood park is located east of Monterey Park, and is further considered in the Alternative Evaluation below.

Based on the above discussion, the following section evaluates the following alternatives:

- □ No Project Required by CEQA
- □ Alternative 1 Alternative Onsite Location
- □ Alternative 2 Reduced Project Size
- □ Alternative 3 Alternative Offsite Location

The alternatives are described and assessed below and key elements are summarized in Table 5-1 at the end of this section.

PROJECT ALTERNATIVES EVALUATION

NO PROJECT ALTERNATIVE

Section 15126.6(e) of the State CEQA Guidelines requires that the impacts of a "no project" alternative be evaluated in comparison to the proposed project. The Guidelines indicate that the EIR should discuss the existing conditions at the time the notice of preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The "No Project" Alternative assumes that the proposed project would not be constructed, and Monterey Park would remain as currently exists. The site would remain available for recreational uses. None of the project impacts identified in this EIR would occur, and none of the project objectives would be met.

ALTERNATIVE 1: Alternative Onsite Location

Under this alternative, the proposed project would be relocated in the Monterey Park to be sited closer to the existing parking lot and Monterey Avenue. Under this alternative, the relocated site would be moved approximately 60-140 feet northeast of the currently proposed location. Depending on the chosen shape and orientation of the facility, it is possible that relocating the skate park to this portion of the site could result in the need to reconfigure the ball fields to allow both uses to coexist. Realignment of a portion of the

existing path also may be necessary, but both reconfiguration of the ball field and path realignment would be minor alterations to the existing park facility.

This alternative would potentially reduce the significant impact related to permanent noise increases to a less-than-significant level for the residences along Orchid Avenue. The alternative would relocate the skate park approximately 130 to 200 feet further north from the proposed location, away from the noise-impacted homes on Orchid Avenue. Depending on the placement and orientation of the facility, a relocated skate park could provide the same or slightly greater distance from the impacted Soquel Union Elementary School District office and adjacent residence. If the facility were moved north to the edge of the existing parking lot in its current configuration, the skate park would be closer to the school district office and residence than currently proposed.

The noise study did not identify significant impacts at a distance of 140+ feet from the skate park. A relocated facility would be about 200 feet from the nearest Orchid Avenue residences, and potentially significant noise impacts at this location would be eliminated. The school office and adjacent residence could be potentially closer to the facility or further from the facility, depending on the placement of a relocated skate park. Thus, noise impacts to these sensitive receptors could increase, remain the same or be slightly reduced, but the significant impact would not be eliminated for these uses. Potentially significant impacts to the Orchid Avenue residences could be reduced to a less-than-significant level, although average maximum and hourly sound levels may continue to be significant at the school office and adjacent residence, which would continue to require acoustical mitigation. The relocated facility would be at least 150 feet from Monterey Avenue residences to the north and 180 feet from Junipero Court residences to the east. Therefore, no significant noise impacts would be expected at these locations based on the results of the noise study, although the facility would be closer to these residences than currently proposed.

This alternative could also relocate the facility further from existing trees. With this alternative, the project site would be closer to Monterey Avenue with improved visibility, and thus, the City may determine that removal of existing eucalyptus and redwood trees is not necessary or that fewer trees would be required for removal. This could eliminate or reduce the potential significant impact to nesting birds due to potential tree removal, but due to proximity to the trees, potential disturbance during construction could occur, thus requiring mitigation as with the proposed project. It is also possible that the facility could be located in the area currently occupied by the trees, thereby necessitating their removal which would require compliance with nesting bird avoidance measures.

This alternative likely would not change the significant impact related to exposure to arseniccontaminated soils. It is possible that this contaminant would also be found at the relocated site, which would require additional soil testing and potential implementation of remediation measures as with the proposed project. The alternative would not result in new significant impacts. The facility would be located closer to Monterey Avenue, and the design would be the same as the proposed project. The facility would be more visible from Monterey Avenue, but the bowl-shaped design with berms and fencing would continue to have a low-profile appearance similar to other recreational facilities typically found at a park, i.e., play equipment, parking areas. Thus, there would be no new significant impact related to aesthetics or degradation of the visual character of the surrounding area.

Due to the same project size, there would be no change to other identified less-thansignificant impacts related to drainage, water quality, construction noise, traffic or public services. City staff has indicated that relocation of the proposed skate park closer to Monterey Avenue could improve visibility and public safety.

This alternative would meet all the project objectives, and would better meet the City's objective of developing park improvements in areas that are safe and highly visible.

ALTERNATIVE 2: Reduced Project

Under this alternative, the proposed project would be reduced in size to approximately 4,000 square feet in size, but remain in the same location as currently proposed. The reduced size likely would result in a smaller facility than other skate parks in the region for the level of user that is being proposed.

This alternative would not substantially reduce or eliminate the significant impact related to permanent noise increases. The proposed skate park, though reduced in size, would continue to be within less than 100 feet from residences on Orchid Avenue and the Soquel Union Elementary School District office and adjacent residence. Therefore, average hourly and maximum noise increases at these locations would be same as with the proposed project. Given the same location as the proposed project, the significant impacts related to exposure to soil contamination and nesting birds would remain unchanged, requiring mitigation as with the proposed project.

The alternative would not result in new significant impacts. The facility would be slightly smaller and would continue to have a low-profile appearance as the proposed project. Thus, there would be no new significant impact related to aesthetics or degradation of the visual character of the surrounding area.

Due to the reduced project size, there would be a slight decrease in significance to other identified less-than-significant impacts related to drainage, water quality, construction noise, and traffic or public services.

This alternative would partially meet the applicant's project objective to develop a skate park, but would not meet the objective of the stated size of 6,000 square feet. Other project objectives could be met with this alternative.

ALTERNATIVE 3: Alternative Offsite Location

Under this alternative, the project would be located to an offsite location at the 1.1-acre Cortez Park (also known as "Hidden Park") that is located within a residential neighborhood to the east of Monterey Park (see Figure 5-2). The park is owned by the City, is located near Monterey Park, and there appears to adequate space available to construct a skate park of the size as currently is proposed. The park currently consists of a grassy play area surrounded by single-family homes. Access is provided via easements which connect to Cortez Street and Sir Francis Avenue. Cortez Park does not have a dedicated parking lot. Park visitors may use public parking spaces along nearby residential streets.

This alternative would locate a skate park within a smaller park that is surrounded by residences. The skate park would be located within approximately 30-70 feet of existing residences, depending on the facility's shape and orientation. Thus, permanent noise increases would not be reduced or eliminated, but would be shifted to another location. At this location, a greater number of homes would be in proximity to the skate park and could potentially be more impacted by noise than at the currently proposed location at Monterey Park). Therefore, average hourly and maximum noise impacts at these locations would be of potentially greater significance than at the proposed project site, requiring the same or additional mitigation as with the proposed project. The location is in proximity identified sites with potential soil contamination, thus requiring soil testing and potential mitigation as with the proposed project. Cortez Park also has trees which would likely need to be removed to accommodate a skate park; therefore, this alternative would also have the potential to impact nesting birds.

The alternative would not result in new significant impacts. The facility would be surrounded by residential uses and would not be highly visible from any public areas. Thus, there would be some reduction in the less-than-significant impact related to effects on the visual character of the surrounding area. Due to the same project size, there would be no change to other identified less-than-significant impacts related to drainage, water quality, construction noise, traffic or public services.

This alternative would meet most of the project objectives, except it would not meet the City objective to develop park improvements that are highly visible.

Environmentally Superior Alternative

According to CEQA Guidelines section 15126.6(e), if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Furthermore, Sections 21002 and 21081 of CEQA require lead agencies to adopt feasible mitigation measures or feasible alternatives in order to substantially lessen or avoid otherwise significant adverse environmental effects, unless specific social or other conditions make such mitigation measures or alternatives infeasible. Where the environmentally superior alternative also is the no project alternative, CEQA Guidelines in Section 15126(d)(4) requires the EIR to identify an environmentally superior alternative from among the other alternatives.

In the present case, the No Project Alternative, would eliminate the identified significant impacts, but would not attain any of the project objectives. Neither Alternative 2 nor 3 would eliminate or substantially reduce in significance the impact related to noise. None of the alternatives would eliminate the potential significant impact related to exposure to soil contamination. Alternative 1 could potentially reduce the significant noise impact to a less-than-significant level to some residences and also could potentially reduce the significance of potential impacts to nesting birds. However, depending on the layout and configuration, trees may be removed with Alternative 1. Alternatives 2 and 3 also would result in potential tree removal, and mitigation for potential impacts to nesting birds potentially would be required for all alternatives. Alternative 1 would attain all project objectives, while Alternatives 2 and 3 would partially meet project objectives. Of the alternatives analyzed, Alternative 1, Alternative Onsite Location, is considered the environmentally superior alternative of the alternatives reviewed as it would result in reduction of severity of two impacts (noise and a potential nesting bird impact), while best meeting project objectives.

Environmental Issue	PP	NP	ALT 1	ALT 2	ALT 3
4.3-3: Permanent Increase in Average Hourly & Maximum Noise Levels	S/LS	NI	S/LS	S/LS	S+/LS
4.5-1: Exposure to Soil Contamination	S/LS	NI	S/LS	S/LS	S/LS
IS-BIO: Nesting Bird Impact During Construction	S/LS	NI	S/LS	S/LS	S/LS
Aesthetics: Degrade Visual Character of Surrounding Area	LS	NI	LS+	S/LS-	NI
New Significant Impacts		None	None	None	None

TABLE 5-1: Comparison of Impacts of Project Alternatives

ALT1 = Alternative Onsite Location ALT2 = Reduced Project ALT3 = Alternative Offsite Location Impact without Mitigation / Impact with Mitigation

S = Significant

LS = Less than significant impact SU = Significant unavoidable impact

+ = Greater adverse impact than proposed project -- = Lesser adverse impact than proposed project

NI = No Impact

IN THIS SECTION:

- 6.1 Agencies Contacted
- 6.2 References
- 6.3 EIR Preparation

6.1 AGENCIES CONTACTED

City of Capitola:

- Community Development Department: Richard Grunow
- Public Works Department: Steve Jesberg

6.2 REFERENCES

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6.3 EIR PREPARATION

STRELOW CONSULTING

In Association with City of Capitola Community Development Department