



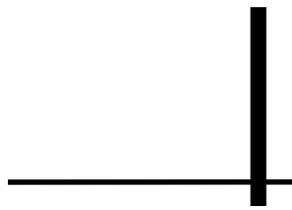
**FINAL  
ENVIRONMENTAL IMPACT REPORT**

# **Monterey Avenue Skate Park**

*SCH# 2015062067*

CITY OF CAPITOLA

March 2016



# FINAL 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

March 2016

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# 1.0 INTRODUCTION

## 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 document, together with the Draft EIR dated November 2015, constitutes the Final EIR for the Monterey Skate Park 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 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 was 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. Agencies, organizations and individuals that submitted written comments on the draft EIR are outlined below. Additionally, numerous comments were received that expressed opinions about the project, but did not comment on the EIR. These letters are included in section 4.0 of this document.

### **PUBLIC AGENCIES**

1. California State Clearinghouse
2. Soquel Union Elementary School District
  - Henry Castaniada, Superintendent
  - Harley Robertson, Assistant Superintendent, Business Services

### **ORGANIZATIONS & PRIVATE ENTITIES**

3. Protecting Our Public Parks (POPP): [Dec. 7, 2015; Jan. 5, 2016; Jan. 6, 2016; Jan 8, 2016]
4. Wittwer / Parkin

**INDIVIDUALS**

5. Gilbert and Helen Bentley
6. Helen Bryce
7. Trevor Bryce
8. Sheryl Coulson
9. Dan – No Last Name Provided
10. Al Globus [Nov. 23, 24, 29, 2015; Jan 7, 2016]
11. Nancy and Neil Goldstein
12. Ariel Braswell Gray
13. Deryn Harris
14. Norm Lane
15. Richard Lippi: [Nov. 25, 2015; Jan. 5, 2016]
16. Kailash Mozumder
17. Elizabeth Russell
18. Jane Stillinger
19. Dan Steingrube
20. Lisa Steingrube
21. Nancy Strucker
22. Stephanie Tetter
23. Terry Tetter
24. Timothy R. Wagner
25. Marilyn Warter

This Final EIR volume includes written responses to significant environmental issues raised in comments received during the public review period. This Final EIR document also includes Draft EIR text changes and additions that become necessary after consideration of public comments. As previously indicated, this document, together with the draft EIR dated November 2015, constitutes the Final EIR for the project. The Final EIR will be presented to the City Planning Commission, and if the project is appealed, the City Council. Before Planning Commission or the City Council can approve the project or any of the alternatives described in the Final EIR, the Commission or Council must first 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

This document, together with the draft EIR dated November 2015, constitutes the Final EIR for the project. This document contains responses to comments received on the Draft EIR. The Final EIR is organized with the following sections.

### INTRODUCTION

**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.

**CHANGES TO DRAFT EIR:** This section outlines revisions to the Draft EIR text as a result of review of comments and responses, if any revisions are required.

**PUBLIC COMMENTS & RESPONSES:** Each comment letter is presented, and responses to comments immediately follow each comment letter. Master Responses are provided for several issues for which similar comments were received..

A Mitigation Monitoring and Reporting Program (MMRP) is included in Appendix A. The MMRP has been prepared pursuant to the California Environmental Quality Act (CEQA – Public Resources Code, Section 21000 *et seq.*) and the State CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3, Sections 15074 and 15097).

## 2.0 SUMMARY OF IMPACTS

### 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 Environmental Impact Report (EIR) has been prepared for the City of Capitola (City), which is the lead agency for the project. This document, which includes responses to comments on the Draft Environmental Impact Report (DEIR), together with the DEIR dated November 2015, constitutes the Final EIR (FEIR) for the project. For ease of reference, this document is referred to as the Final EIR.

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.

Changes to Draft EIR impacts and/or mitigation measures are shown below in underlined type for new text and ~~strikeout~~ type for deleted text.

### 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 the Draft EIR document.

### 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 the Draft EIR document. 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 the Draft EIR document 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 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.

## 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 less-than-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.

#### Noise

**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.

#### Mitigation Measures

Implementation of Mitigation Measures NOISE-1 and NOISE-2 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.

**NOISE-2:** Prior to issuance of building permits, require a detailed inspection by a qualified acoustician of wood fences on the rear property line of residences along Orchid Avenue that are within 165 feet of the skate park to ensure the fences are adequate to attenuate noise as predicted, and if not, implement repairs and /or replacement, as necessary and with permission of the property owner, to ensure an acoustically effective six-foot noise barrier for existing fences.

**Hazards and Hazardous Materials**

**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.

**Mitigation Measures**

**HAZMAT-1:** Prepare and implement a Soil Management Report for ~~Require~~ soil 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.

**Biological Resources (Revised Initial Study)**

**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 1 and August 15, 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.

**Draft EIR****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 not result in a net increase in runoff and 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 5 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.

**Initial Study**

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.

**Initial Study**

**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 CHANGES TO DRAFT EIR

### IN THIS SECTION:

- 3.1 Changes to “Summary of Impacts” Section
- 3.2 Changes to “Project Description” Section
- 3.3 Changes to “Aesthetics” Section
- 3.4 Changes to “Drainage & Water Quality” Section
- 3.5 Changes to “Noise” Section
- 3.6 Changes to “Transportation & Traffic” Section
- 3.7 Changes to “CEQA Considerations” Section
- 3.8 Changes to “Figures” Section

Changes to Draft EIR text that are identified below are shown in underlined type for new text and ~~strikeout~~ type for deleted text.

### 3.1 CHANGES TO “Summary of Impacts” SECTION

Pages 2-4  
& 4.3-22

Add Mitigation Measure NOISE-2 as follows.

NOISE-2: Prior to issuance of building permits, require a detailed inspection by a qualified acoustician of wood fences on the rear property line of residences along Orchid Avenue that are within 165 feet of the skate park to ensure the fences are adequate to attenuate noise as predicted, and if not, implement repairs and /or replacement, as necessary and with permission of the property owner, to ensure an acoustically effective six-foot noise barrier for existing fences.

Pages 2-4  
& 4.5-10

Revise Mitigation Measure HAZMAT-1 as follows.

HAZMAT-1: Prepare and implement a Soil Management Report for soil ~~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.

Pages 2-4  
& Appendix A

Revise Mitigation Measure IS BIO-1 as follows.

IS BIO-1: If construction or tree removal is scheduled to begin between February 1 and August 15, 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.

## 3.2 CHANGES TO “Project Description” SECTION

Page 3-3 Add the following text after the second full paragraph:

During the public review period, the applicant made some minor changes to the site plan, which are summarized below. A revised site plan is shown on Figure 2-1 at the end of this section, and a new Figure 2-1A shows location of a drainage bioswale and retaining wall.

- The grading plan has been revised to export all excavated material off-site and to eliminate fill areas south of the proposed skate park and grading on school property.
- An approximately 2-foot high retaining wall is proposed on the southern site boundary adjacent to the New Brighton Middle School site.
- A drainage bioswale location is shown just north of the proposed retaining wall, and details are provided.
- Square-footage breakdowns are provided for the skate park components/features, and fenced in area are shown, resulting in a total skate park size of 6,028 square feet.
- The previously proposed rock slant bank feature has been removed from the proposed skate park.
- The fence surrounding the skate park has been fence changed from a 6-foot chain link fence to a 6-foot wrought iron fence.
- ADA improvements in parking lot and path of travel are shown.

Page 3-3 Add the following text before the “Construction Activities” subsection.

It is also noted that the project does not propose removal of trees. However, as discussed in the Initial Study (DEIR Appendix A, pages 22-23), the City may require removal. Therefore, potential tree removal, if required by the City, has been considered in the Initial Study and applicable EIR analyses.

### 3.3 CHANGES TO “Aesthetics” SECTION

Page 4.1-4 Revise the second and third sentences of the first full paragraph as follows:

The project would not create a new source of substantial light or glare (1d) as no lighting ~~is~~ has been proposed as part of at the project. ~~site~~ ~~if lighting were added~~ However, it is possible that city decision-makers could add security lighting to improve visibility and public safety as a condition of project approval. it would be for security purposes and would be aimed downward with If security lighting is added by the Planning Commission or City Council, lighting would be restricted to low pressure sodium bulbs or equivalent to prevent light trespass affixed to downward casting fixtures to prevent any light trespass onto neighboring properties. Any security lighting added to the project would be similar to lighting commonly found on residential and commercial properties to softly illuminate a confined area for safety and security purposes. A permit condition will be added to ensure security lighting would not result in light trespass or create a new source of substantial light or glare which would adversely affect nighttime views in the area.

Page 4.1-6 Expand the discussion in the last paragraph as follows:

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. The photo



to the right shows an example of this type of decorative fencing. The fence would be approximately 6-feet tall and would not be of a solid material. The fence would be similar to other decorative fences throughout the City. It is also noted that fencing at the school baseball diamond is adjacent to the proposed site and also is visible from various viewpoints, but it is not a prominent visual feature. In the same manner, a wrought-iron fence would not be visually prominent within the surrounding area that is developed and contains fences of different types and materials, and would not result in a substantial alteration of the visual quality of the surrounding area Furthermore, neither the existing Monterey Park nor the

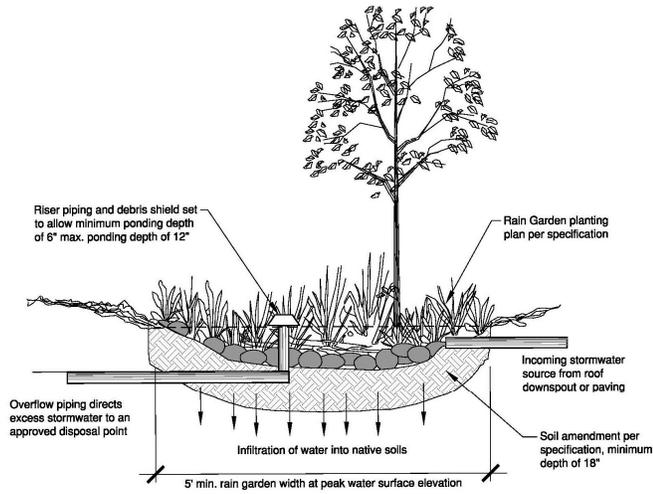
proposed skate park site is visible from a wide area. The sites are visible from Monterey Avenue and properties within the immediate area.

As discussed in section 4.3 (page 4.3-22), installation of an acoustical barrier has been identified as a mitigation measure. As indicated, the acoustical shielding would be similar to heights of existing fences surrounding the park. The material could be wood, cinder block or other acoustical material, all of which are of limited width. Alternately, the recommended “acoustifence” has the appearance of thick fabric that can be attached to a fence. Regardless of which material is selected, the barrier would be six feet in height and would be limited to the width of two sides of the proposed skate park. Visually, it would appear as typical fence section, 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. A plexiglass feature, if selected, would be transparent and would result in minimal visual intrusion in the area.

### 3.4 CHANGES TO “Drainage & Water Quality” SECTION

Page 4.2-6      Revise the second full paragraph as follows:

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 plans have been revised and show will be required to revise project plans to provide a drainage bioswale or other low impact development feature along the southern portion of the site to pre-treat runoff prior to discharging into the City’s storm drain for compliance with the City’s stormwater requirements. See the new Figure 2-1A at the end of this section for location of the bioswale. The design is shown below. (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 during a 10-year storm or cause offsite drainage problems. However, in accordance with City General Plan Policy OSC-8.9, post-project peak stormwater flows will not exceed pre-construction conditions.



**G** BIO-SWALE DETAIL NTS  
**SP6**

Page 4.2-7      Revise the second sentence of the second paragraph to indicate that a drainage bioswale is shown on revised plans.

### 3.5 CHANGES TO “Noise” SECTION

Page 4.3-11      Revise Table 4.3-6 as shown on the next page.

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

Location	Distance From Project Site	Daytime Hourly Average $L_{eq}$	Daytime Maximum Hourly $L_{max}$	Average Day-Night Noise Level	
				$L_{dn}$	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	50 dBA	65-70 dBA 50-55* dBA	47 dBA	

Sound levels are exterior except as noted below.  
 \* Interior sound levels with windows partially open

**SOURCE:** Illingworth & Rodkin, September 2015

Page 4.3-21 Add the following new text to the end of the “Conclusion” subsection:

During the Draft EIR public review period, it was suggested that an inspection be made of the Orchid Avenue residential rear yard property line to confirm that the existing fences are acoustically effective to provide a 5 dB noise reduction. Existing wood fences at the nearest Orchid Avenue residential rear property lines were visually inspected during the noise monitoring survey and appeared to be in good condition and free of substantial cracks or gaps. However, a mitigation measure has been added to require inspection of fences within 165 feet of the skate park by a qualified acoustician with repairs/replacement as necessary to ensure an acoustically effective six-foot noise barrier for existing fences.

### 3.6 CHANGES TO “Transportation/Traffic” SECTION

Page 4.4-9 Correct the second sentence of the first full paragraph as shown below.

The proposed project would add ~~4~~ 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.

### 3.7 CHANGES TO “CEQA Considerations” SECTION

Page 5-5 Revise and expand the first full paragraph as shown below.

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. The certified General Plan EIR estimates that approximately 700 additional trips would be added to the Park Avenue/Kennedy Drive intersection at buildout under the City’s General Plan in the year 2035, which would cause the intersection operations to decrease from Level of Service (LOS) E to a LOS F. The buildout assumptions in the General Plan EIR were based on regional population, housing, and job growth projections developed by AMBAG, and would account for the daily trips associated with growth, including use of local parks. The General Plan specifically calls for development of Monterey Park as an active park (Policy LU-13.13).

The General Plan EIR identifies installation of a traffic signal at the Kennedy Drive/Park Avenue intersection to mitigate cumulative impacts at this

intersection, and concludes that the intersection would operate at an acceptable LOS of C. The General Plan EIR did not identify a significant cumulative impact at this intersection as the City's policies and actions support the recommended improvement, which would reduce impacts to a less-than-significant level. 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.

General Plan Policy MO-3.5 and Action MO-3.4 provide for the development and implementation of a citywide Transportation Mitigation Fee program as a way to implementation traffic recommendations. The improvement is not currently funded, but the City is obligated to install a traffic signal to fulfill the General Plan EIR Mitigation, Monitoring, and Reporting Program. In accordance with City General Plan policies and actions, the City will require the applicant to pay its fair share of the future signal cost as a condition of project approval.

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 City's General Plan also calls for development of a park and recreational uses at the city-owned McGregor property with consideration of visitor accommodations if recreational uses are relocated to a more central site in the City (Policy LU-12.6). No development projects are specifically identified in the General Plan, but combined trips from the two parks (two PM peak trips generated by the proposed Monterey Avenue Skate Park and an estimated 28 PM peak hour trips generated by the McGregor Park) would be within the cumulative traffic increases estimated for this intersection. 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. Potential vehicle trips between the two parks would likely be minimal due to different types of facilities at each location.

Page 5-10

Revise the second sentence of the first full paragraph as shown below.

The alternative would relocate the skate park approximately 60 to 140 ~~130 to 200~~ feet further north from the proposed location, away from the noise-impacted homes on Orchid Avenue.

### 3.8 CHANGES TO “Figures” SECTION

Page 7-3      Revise Figure 2-1 as shown at the end of this section.

Page 7-11     Correct Figure Number to read:

“FIGURE 4-3.3: Noise Levels with Recommended Mitigation.”





## 4.0 COMMENTS & RESPONSES

### IN THIS SECTION:

- 4.1 Introduction
- 4.2 List of Comments Received
- 4.3 Master Responses
- 4.4 Responses to Comments
- 4.5 Comment Letters
- 4.6 Other Comments

### 4.1 INTRODUCTION

This chapter provides responses to comments on the Draft EIR (DEIR) that were received during the public review period, which are listed below in subsection 4.2. Each letter of comment is included in this section. “Master Responses” are provided in subsection 4.3 to address environmental issues for which similar comments were received. Responses to individual comments are provided after the Master Responses subsection and are organized by agency, organization, and individual in subsection 4.4. A response to each comment is provided immediately following each letter. Appropriate changes that have been made to the Draft EIR text based on these comments and responses are provided in the CHANGES TO DRAFT EIR (3.0) section of this document. Additionally, numerous emails/letters were received that did not address analyses in the DEIR, but expressed opinions or comments regarding the project. These comments are identified at the end of subsection 4.2 and are included in subsection 4.5. Since these comments do not address the EIR, no responses are provided.

State CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide written responses. Section 15204(a) provides guidance on the focus of review of EIRs, indicating that in reviewing draft EIRs, persons and public agencies “should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated,” and that comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. This section further states that: “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

In reviewing comments and providing responses on the following pages, this section of the State CEQA Guidelines will be considered. The focus will be on providing responses to

significant environmental issues raised in the comments. It is also noted that a number of comments raise issues related to security and supervision at the park, costs, and other socio-economic issues that do not require analysis under CEQA. As indicated on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on analysis of adverse physical impacts on the environment and does not require review of social or economic issues. Thus, responses generally are not required for comments not related to significant or physical impacts to the environment.

## 4.2 LIST OF COMMENTS RECEIVED

Agencies, organizations and individuals that submitted written comments on the draft EIR are outlined below.

### PUBLIC AGENCIES

1. California State Clearinghouse
2. Soquel Union Elementary School District
  - A. Henry Castaniada, Superintendent
  - B. Harley Robertson, Assistant Superintendent, Business Services

### ORGANIZATIONS & PRIVATE ENTITIES

3. Protecting Our Public Parks (POPP): [Dec. 7, 2015; Jan. 5, 2016; Jan. 6, 2016; Jan. 8, 2016]
4. Wittwer / Parkin

### INDIVIDUALS

5. Gilbert and Helen Bentley
6. Helen Bryce
7. Trevor Bryce
8. Sheryl Coulson
9. Dan – No Last Name Provided
10. Al Globus [Nov. 23, 24, 29, 2015; Jan 7, 2016]
11. Nancy and Neil Goldstein
12. Ariel Braswell Gray
13. Deryn Harris
14. Norm Lane
15. Richard Lippi: [Nov. 25, 2015; Jan. 5, 2016]
16. Kailash Mozumder
17. Elizabeth Russell
18. Jane Stillinger
19. Dan Steingrube
20. Lisa Steingrube
21. Nancy Strucker

22. Stephanie Tetter
23. Terry Tetter
24. Timothy R. Wagner
25. Marilyn Warter

#### LETTERS NOT COMMENTING ON EIR

- Bruce Bentley
- Don Betterley
- Chris Bowman
- Jeanette Cisneros
- Craig Curtis
- Cheryl Devlin
- Bill Evers
- Andy Forget
- Robin Gaither
- Rose Gaither
- Gabriel Garcia
- Bob Hickman
- Al Globus [Nov. 21 and 22, 2015]
- Edie and Ken House
- Bonnie Klein
- John Lieberum
- Richard Lippi [Jan. 7, 2016]
- Robert Mayer
- Shona McDougall
- Sally Mitchell
- Judy Radcliffe
- Gloria Settle
- Jennifer Shaw
- Jeanne Simari
- Ramon Villarreal
- Karla Villarreal
- Sandra Wallace

### 4.3 MASTER RESPONSES

Master responses have been prepared to address common issues that have been raised by several comments. Master responses are organized by topic. Each Master Response identifies the coded comments that raise the particular issue to which the Master Response is addressed (with letter and comment numbers). Based on the comments received, the following Master Responses are provided:

- **Noise**
  - 1 – Noise Study Methods and Conclusions
- **Biological Resources**
  - 2 –Wildlife and Habitat
- **CEQA Issues**
  - 3 – Cumulative Impacts with McGregor Park

### **MASTER RESPONSE 1 – Noise Study Methods and Conclusions**

#### **NOISE STUDY METHODS**

[3E-2, 3E-6, 7-1]

A noise study was prepared by a qualified professional under contract to the City of Capitola, and was prepared in accordance with accepted professional standards. Fundamentals of sound, noise and effects of noise, including annoyance, are explained in the noise study on pages 1-6 (Appendix C of the Draft EIR) and are summarized in the DEIR on page 4.3-4.

The noise assessment of the proposed project included an ambient noise survey that documented existing conditions at sensitive receptor locations in the vicinity of the project site, measurements of skate park noise at both larger and smaller skate park facilities, and an assessment of skate park noise with respect to ambient noise levels. Where project-generated noise levels were determined to result in a substantial increase in noise, mitigation was recommended to reduce noise levels produced by the skate park to less-than-significant levels.

Noise is a subjective issue and the perception of noise varies from person to person. Sensitive individuals may find that just-perceptible sounds are annoying or disturbing, while others may not be annoyed or disturbed by any sound. Because of the subjective nature of noise, A-weighted sound levels (dBA), typically measured using the slow response setting, are utilized in noise assessments to characterize sound. The A-Weighted sound level de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. C-Weighted sound levels correlate with frequency sensitivity of the human ear at very high levels and are used in noise assessments when low-frequency noise is of concern. Activities at a skatepark do not produce low-frequency sounds; therefore, C-Weighted sound levels were not collected during the noise survey or used in the analysis.

Noise assessments typically rely on quantitative noise level thresholds established by the local municipality as the basis for the significance criteria used to assess the potential for significant noise impacts. The skate park noise assessment included a review of the criteria established by the City of Capitola and found that the Municipal Code does not contain

appropriate quantitative noise limits that could be used to assess potential noise impacts. As indicated in the DEIR (page 4.3-12), 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 perceptible 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.

A conservative approach was taken to assess the impact of skate park operational noise. A significant impact was identified where the project substantially increased noise levels at sensitive receivers in the vicinity of the project site. Skate park-generated noise was considered significant if sound levels would exceed 60 dBA  $L_{dn}$ /CNEL (the normally acceptable noise and land use compatibility standard for residential land uses as established by the City) or where 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 exceedance of existing ambient noise levels was defined as 5 dBA or more because such an increase in noise level is clearly perceptible by most persons. Noise impacts were identified where there would be a clearly perceptible change in the noise environment. Further, the resultant noise level thresholds of 65 dBA  $L_{max}$  and 48 dBA  $L_{eq}$  were conservative in that these thresholds are below the vast majority of noise level limits established by other municipalities with quantitative noise standards. Therefore, potential noise impacts resulting from the project were evaluated on a daily, hourly, which is both conservative and appropriate approach for the proposed project.

#### **NOISE MEASUREMENT LOCATIONS**

[2B-4, 3A-1, 3D-3, 10-3, 10-5]

The noise measurement locations selected to document existing noise conditions in the vicinity of the project site were distributed along the easternmost and southernmost boundaries of Monterey Avenue Park. The long-term noise measurement locations were selected to represent the residences near the quietest areas of the park, and care was taken to avoid locations that could be subject to unusual or extraneous noise (e.g., barking dogs). The noise measurements were made in June 2015 during a period when school was in session and the skate park would likely experience its peak-use. Measurement locations on the school district property were avoided because localized student activities in and around the campus were expected to produce substantially higher ambient noise levels, and thus, a higher ambient baseline noise environment for the purposes of evaluating potential project impacts. The measurement sites were purposely selected to establish the lowest ambient noise environment in a conservative effort to assess potential noise impacts attributable to the project. In other words, higher ambient noise levels would result in a reduced noise impact from the proposed skate park.

Site LT-1 was approximately 400 feet from Monterey Avenue and New Brighton Middle School, the two predominant sources of noise in the area. Site LT-2 was selected to represent the rear yards of residential receptors that would be located nearest to the proposed skate park. The noise levels measured at the two long-term measurement sites correlated well with one another indicating that these data would be representative and would conservatively estimate ambient noise levels at receptors surrounding the site. Site ST-1 was selected to represent the noise environment of residences and the school district offices located closer to Monterey Avenue. Measured noise levels at this location showed that ambient noise levels in areas closer to Monterey Avenue were higher than those measured at the long-term sites away from Monterey Avenue.

A review of the noise data, combined with observations made during the ambient noise survey, found that the noise levels measured at each of these sites were representative of ambient conditions at nearby residential receptors, as well as at other receptor locations in the project vicinity, such as the New Brighton Middle School and the Soquel Union Elementary School District Offices. Ambient noise levels would be expected to be higher at the New Brighton Middle School because of localized student activities and at the Soquel Union Elementary School District Offices because of the proximity of the offices to Monterey Avenue. To represent a credible worst-case scenario, the ambient noise levels measured at the quietest locations of Monterey Avenue Park, during late spring when neutral weather conditions persist (i.e., temperature inversions in the fall can result in higher ambient noise levels from distant sources of noise), were used to assess the potential for a substantial noise increase at all nearby receptors. The overall increase in ambient noise levels due to skate park activities was assessed against a conservative baseline condition measured in the quietest areas of Monterey Avenue Park. Noise impacts were then assessed against this conservative baseline condition. The potential significance of noise impacts would have likely been reduced if measurements had been made near localized source of noise or during the fall when ambient noise levels from distant noise sources can be elevated due to meteorological conditions because the baseline conditions would have been inflated by atypical sources of noise.

#### **SOUNDS OF SKATEBOARDS ON SIDEWALKS VERSUS CAR TRAFFIC NOISE**

[3B-2, 3E-1, 7-6, 19-2]

Sounds produced by skate park users riding skateboards along sidewalks are discussed in the noise technical report and EIR. The skateboard noise would be lower in noise level than the noise level produced by vehicle traffic along the roadway. Noise generated by a skateboard is primarily associated with its wheels rolling over street and sidewalk pavement and intermittent jumps or tricks which can produce a brief slapping or grinding sound. Automobile noise, on the other hand, is derived by a combination of engine noise, acceleration and deceleration, tires rolling over the roadway, aerodynamic noise, car radios, horns, and the effectiveness of its muffler. The combination of these automobile noise

sources is widely accepted as producing a greater noise impact than a non-motorized skateboard. Skateboard sounds would also occur on a less frequent basis than automobile vehicle pass-by trips during any given hour. The noise impact due to skate park users riding skateboards along sidewalks is less-than-significant because skateboard noise levels are less than vehicle traffic passby noise levels, and the skateboard events during any hour or over the course of a day would be far fewer than the number of vehicle passbys along the roadway. The infrequent and intermittent sounds associated with skate park users riding skateboards along sidewalks would not be expected to result in a substantial increase in maximum instantaneous, hourly average, or daily average noise levels above existing conditions which are dominated by local vehicular traffic.

#### **POTENTIAL REFLECTION OF SOUND**

[3E-3]

The noise level calculations assumed that the direct path between the skate park noise sources and receptors would be the most significant path for the propagation of sound energy. Any potential reflections would only be noticeable or detectable when the direct path between the noise sources and receptors is interrupted because reflected sounds have to travel further and continue to attenuate with additional distance from the noise source. Any potential reflections would be at considerably lower levels than the sound levels predicted assuming the direct sound path. Further, there are no substantial features, such as large masonry noise barriers in close proximity to the noise sources, at the project site or in the surrounding areas that would be expected to amplify skate park sounds at impacted receptors. Small wood fences and distant buildings have a low potential to reflect and amplify noise. Therefore, the direct path calculations conservatively estimate the potential worst-case noise levels due to the operation of the project.

#### **SOUND BARRIER DESIGN AND EFFECTIVENESS**

[4-27, 23-1]

The acoustic modeling of skate park noise levels, and the design of the proposed sound barrier, was completed using the SoundPLAN noise model. Point-sources and line-sources modeled at locations throughout the skate park were reflective of areas where maximum instantaneous noise levels would be expected due to shouting, the slapping of the skateboard, or “grinds”. The locations of the point-sources input into the model are indicated by purple stars on Figures 12 and 14 of the technical report. A line source (represented by a green line on Figures 12 and 14 of the noise study-DEIR Appendix C) was also used to model the grind rails proposed near the southernmost end of the skate park. The selected locations of these noise sources were modeled at the north and south ends of the skate park to represent a credible worst-case scenario for maximum instantaneous noise levels at locations closest to existing receptors.

In addition to modeling maximum instantaneous noise levels from point and line-sources near the site boundaries, hourly average noise levels were also modeled in SoundPLAN using an area source to represent usage throughout the skate park. The area source was calibrated to noise data taken at a skate park in Sunnyvale, which is approximately three times the size of the proposed Monterey Avenue Skatepark, in order to provide credible worst-case noise level estimates (57 dBA  $L_{eq}$  at 75 feet or 50 dBA  $L_{eq}$  at 165 feet). The area source assumed that skaters would utilize the entire skate park. Acoustic shielding provided by the skate park features such as bowls, ramps, etc. were not included in the modeling. The 50 dBA  $L_{eq}$  noise contour was calculated assuming the implementation of mitigation as displayed in DEIR Figure 4.3-3 (Figure 15 in DEIR Appendix C). As demonstrated on this figure, average noise levels are calculated to increase by less than 5 dBA  $L_{eq}$  above existing conditions with the implementation of mitigation.

Operational noise levels due to the use of the skate park would exceed the maximum instantaneous and hourly average noise level thresholds at the nearest Soquel Union Elementary School District Office and Orchid Avenue residences. New Brighton Middle School classrooms and Junipero Court residences would not be exposed to noise levels exceeding the significance thresholds. Therefore, mitigation in the form of noise barriers was only recommended to reduce operational noise levels at the nearest Soquel Union Elementary School District Office and adjacent residence and Orchid Avenue residences. Based on the results of the modeling conducted to assess maximum instantaneous noise levels and hourly average noise levels produced by heavy use of the skate park, noise barriers are not required to be constructed around the entire skate park to reduce the impact to a less-than-significant level. It should be further noted that a solid noise barrier constructed from 1-inch thick fence boards over ½-inch plywood would be sufficient to reduce skate park noise to less-than-significant levels.

#### **MASTER RESPONSE 2 – Wildlife Habitat**

[3A-3, 3C-2, 5-2, 6-2, 6-3, 6-4, 8-3, 13-1, 13-2, 18-3, 22-4]

A number of comments raised concerns regarding impacts to wildlife habitat. Impacts to biological resources are addressed in the Initial Study (Appendix A of the DEIR.) The existing park is developed with irrigated turf, landscaping, and planted trees within a developed residential neighborhood. Neither Monterey Park nor the proposed skate park site contains native or natural habitats. Neither the City's General Plan nor Local Coastal Plan identifies the site as a sensitive habitat, although 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 State CEQA Guidelines standard for review of potential significant biological impacts is focused on special status species and sensitive habitat as discussed on pages 21-22 of DEIR Appendix A. No sensitive habitats or special status species (such as rare and endangered species) are known to occur or have the potential to exist within Monterey Park. Monarch butterflies are not state or federally listed endangered or threatened species, although they

are locally important. Monterey Park is not a monarch butterfly overwintering habitat; the nearest overwintering location is at lower Escalona Gulch, approximately 1,100 feet south of Monterey Park. The proposed skate park would have no direct or indirect effects on monarch butterfly habitat.

Removal of trees is not proposed by the project applicant, but as discussed on pages 4.1-4 to 4.1-5 of the DEIR and in the Initial Study (DEIR Appendix A), potential tree removal was reviewed due to the possibility that the City may require removal. Potential impacts to nesting birds, if any are present, was identified as a significant impact if and when trees are removed. Nesting birds are protected by the federal Migratory Bird Treaty Act. Accordingly, the DEIR includes mitigation measure IS-BIO-1 which restricts construction activities and tree removal during the nesting bird season from February 1 – August 15.

Neither creation of the skate park within a landscaped park nor removal of trees would result in impacts to a sensitive habitat or special status species as none exist in Monterey Park. Other wildlife present in the area would be typical of an urban setting and would not be adversely affected as determined by the significance standards established in CEQA in that neither the skate park nor potential tree removal would “substantially” reduce the habitat of a wildlife species, cause a wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community. Although the site may provide foraging habitat for raptors or other birds, the conversion of approximately 6,000 square-feet of non-native turf would not represent a significant loss of feeding area for avian species which forage over larger ranges, and would not substantially reduce habitat or cause a bird population to drop below self-sustaining levels. The proposed skate park is located adjacent to an existing school within an existing park surrounded by development in which species have adapted to sounds typical of this setting. Wildlife movement corridors are typically large areas of open space that connect to riparian or other habitat areas used by wildlife, and the park does not provide a corridor or link to natural habitat areas.

### **MASTER RESPONSE 3 – Cumulative Impacts with McGregor Park**

[4-18 , 7-6, 7-8, 9-2, 11-1, 14-1, 14-4, 16-3, 24-5]

A number of comments requested that the EIR analyze the cumulative impacts of the proposed project with the skate park under construction at McGregor Park. Cumulative impacts are addressed on pages 5-3 to 5-6 of the DEIR. As indicated in the DEIR, CEQA requires evaluation of cumulative impacts based on either a list of current projects or growth projections contained in an adopted plan. The DEIR identifies currently proposed or approved projects, which includes McGregor Park. The DEIR further indicates that because CEQA discourages “repetitive discussions of the same issues” (CEQA Guidelines section 15152(b)) and because the project is consistent with the City’s recently adopted General Plan (2014), the City determined the City’s General Plan EIR adequately addressed cumulative impacts, but an update was provided for air quality and traffic.

As indicated above, the DEIR also identified approved and pending projects in the City, and notes that McGregor Park is the only proposed project in the vicinity of the proposed Monterey Skatepark. The DEIR does provide a discussion of cumulative impacts of the proposed project and McGregor skate park even though the cumulative analysis was based on the General Plan EIR growth option as allowed under CEQA. As indicated in the EIR, due to the distance between the two sites (approximately 0.75 mile), there would no cumulative noise impacts related aesthetics, biology, hydrology and other topics as discussed in the DEIR.

Similarly, there would no cumulative noise impacts as noise would not combine in any location to create a cumulative noise impact due to the distance between the two parks. Potential vehicle and skateboard use between the two parks could add some additional trips on vicinity roads, but due to different types of facilities at each location, vehicle trips between the two parks would not be considerable. It is not expected that skate park users would routinely ride their skate boards down Monterey Avenue to McGregor Park to visit both parks on the same day.

With regards to traffic, the certified General Plan EIR projects that approximately 700 additional trips would be added to the Park Avenue/Kennedy Drive intersection at buildout under the City's General Plan in the year 2035, which would cause the intersection operations to decrease from Level of Service (LOS) E to a LOS F. The buildout assumptions in the General Plan EIR were based on regional population, housing, and job growth projections developed by AMBAG, and would account for the daily trips associated with growth, including use of local parks. As indicated on page 5-3 of the DEIR, the General Plan specifically calls for development of Monterey Park as an active park (Policy LU-13.13). The City's General Plan also calls for development of a park and recreational uses at the city-owned McGregor property with consideration of visitor accommodations if recreational uses are relocated to a more central site in the City (Policy LU-12.6). No development projects are specifically identified in the General Plan, but combined trips from the two parks (two PM peak trips generated by the proposed Monterey Avenue Skate Park and an estimated 28 PM peak hour trips generated by the McGregor Park) would be within the cumulative traffic increases estimated for this intersection.

The General Plan EIR identifies installation of a traffic signal at the Kennedy Drive/Park Avenue intersection to mitigate cumulative impacts at this intersection, and concludes that the intersection would operate at an acceptable LOS of C. The General Plan EIR did not identify a significant cumulative impact at this intersection as the City's policies and actions support the recommended improvement, which would reduce impacts to a less-than-significant level. General Plan Policy MO-3.5 and Action MO-3.4 provide for the development and implementation of a citywide Transportation Mitigation Fee program as a way to implementation traffic recommendations. The improvement is not currently funded, but the City is obligated to install a traffic signal to fulfill the General Plan EIR Mitigation, Monitoring, and Reporting Program. However, in accordance with City General Plan policies and actions,

the City will require the applicant to pay its fair share of the future signal cost as a condition of project approval.

#### 4.4 RESPONSES TO COMMENTS

Agencies, organizations, and individuals that submitted written comments on the Draft EIR are outlined above in section 4.2. Each letter of comment is included in this section. As indicated above, the State CEQA Guidelines section 15088(a) requires a lead agency to evaluate comments on environmental issues and provide a written response. A response to each comment is in this subsection; the written comments are included in subsection 4.5. As indicated in subsection 4.1 above, the emphasis of the responses will be on significant environmental issues raised by the commenters. (CEQA Guidelines, § 15204, subd. (a).) Appropriate changes that have been made to the Draft EIR (DEIR) text based on these comments and responses are provided in the CHANGES TO DRAFT EIR (3.0) section of this document.

**LETTER 1 – California Governor’s Office of Planning & Research  
State Clearinghouse**

- 1-1 Compliance with State Clearinghouse Review. The letter acknowledges that the City of Capitola complied with the State Clearinghouse review requirements for review of draft environmental documents pursuant to the California Environmental Quality Act and that no state agencies submitted comments. The comment is acknowledged; and no response is necessary.

## LETTER 2 - Soquel Union Elementary School District

### January 5, 2016 Letter

- 2A-1 Safety Issues and Noise. The comment raises concerns regarding supervision and safety of students when young adults are using the skate park and other associated concerns. These are issues that are not related to physical environmental effects, but rather raise concerns related to social issues. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. CEQA does not require review of social or economic issues. Therefore, no response is required regarding safety concerns. The comment also expresses concern about noise during school hours, which is addressed below under Response to Comment #2B-4.
- 2A-2 Park Uses. The comment notes that the project would eliminate a future regulation soccer field, and that the staff does not support the skate park in its present location and in proximity to the McGregor. The comment does not address the EIR or its analyses, and no response is required, but the comment is referred to Capitola staff and decision-makers for consideration.

### January 7, 2016 Letter

- 2B-1 Police Supervision. The comment indicates that police and supervision of the skate park during operating hours was not addressed in the EIR. Park supervision is not an issue subject to review under CEQA. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment and does not require review of social or economic issues. See also Response to Comment 2A-1 above. The park could result in calls for police, fire and other emergency services as would be expected for any neighborhood park within the City; however, additional calls for service would not result in the need to construct new facilities or to expand existing facilities which could have a physical impact on the environment. Impacts to public services, including police services, are addressed in the Initial Study (DEIR Appendix A).
- 2B-2 Tree Removal. The comment notes that tree removal for the skate park would reduce shade and green spaces. The comment does not address the EIR or its analyses, and no response is required, but the comment is referred to Capitola staff and decision-makers for consideration. It is also noted that the project does not propose removal of trees, but as discussed on pages 4.1-4 to 4.1-5 of the DEIR and in the Initial Study (DEIR Appendix A, pages 22-23), the City may require removal, and thus, tree removal was evaluated in the EIR.

- 2B-3 Safety Issues and Restrooms. The comment indicates that safety concerns and lack of restroom facilities were not addressed in the EIR. As discussed above in Response to Comment #2-1, concerns regarding safety are issues that are not subject to review under CEQA. Similarly, CEQA does not require evaluation of facilities that should be included in a proposed project. Therefore, no response is required regarding safety concerns. Nonetheless, the comment regarding restrooms facilities is referred to Capitola staff and decision-makers for consideration.
- 2B-4 Noise Impacts to School. The comment states concerns that noise measurements were not conducted at the New Brighton Middle School (NBMS) campus and concerns regarding effects of potential noise level generated by skaters on students at the NBMS campus. The noise study and EIR address potential noise impacts to classrooms; see pages 4.3-16 through 4.3-22 in the DEIR. See Master Response 1 regarding the noise study methodology and location of noise measurements. The comment indicates that concern has been raised that a “sound mitigating fence” should be erected between the skate park and the NBMS campus, but does not state the nature of the concern or address the DEIR analyses.

## LETTER 3 – Protecting Our Public Parks (POPP)

December 7, 2015 Email

- 3A-1 Noise Impact Levels and Noise Barrier. The comment questions whether the permanent noise increase of 5-7 dBA is before or after installation of noise barriers and whether the plexiglass option for a sound barrier would be applied around the skate park or just on the north and south sides. The cited noise level is the impact without mitigation for noise above peak hour sound levels ( $L_{eq}$ ) and the maximum noise level during the measurement period ( $L_{max}$ ). With implementation of Mitigation NOISE-1, the noise level increases would not exceed 5 dBA as discussed on page 4.3-22 of the DEIR. The recommended barrier is on two sides as further explained in Master Response 1. The comment also notes that no sound measurements were taken at the school site and that sound measurements were taken near residences with dogs. See Master Response 1 regarding noise study methods and sound measurement locations.
- 3A-2 Soil Contamination. The comment notes the findings on soil contamination and questions whether removal of excavated material eliminates the mounds of dirt that were to be built on the south side of the walking paths. Soils will be removed or encapsulated as discussed on page 4.5-10 of the DEIR; accordingly, no excavated soils would be permanently disposed of on the property as previously proposed.
- 3A-3 Tree Removal, Nesting Birds and Habitat. The comment indicates that the neighbors don't want any trees removed. The comment is noted, but does not address the EIR or its analyses, and no response is required. The comment is referred to Capitola staff and decision-makers for further consideration. The comment also questions impacts to habitat for wildlife other than birds; see Master Response 2.
- 3A-4 Skateboard Contamination and Drainage Biowale. The comment suggests contaminants off skateboards and other surfaces must pass through a bioswale and asks about the construction and design of the bioswale. The comment does not address the EIR or its analyses, and no response is required. Proposed stormwater improvements are shown on revised project plans which may be accessed on the City's website at the link below.  
<http://www.cityofcapitola.org/communitydevelopment/page/proposed-monterey-avenue-skate-park>

As indicated in the Draft EIR (page 4.2-7), the City will require a bioswale in order to pre-treat runoff prior to discharge into City storm drains. This will be required to comply with local stormwater regulations. The specific location and siting had not been determined at the time the DEIR was released for public review. Typically

bioswales are shallow and vegetated and would appear to be part of the overall landscaping. A revised site plan now shows the location of the bioswale at the southern edge of the project between the skate park and a planned retaining wall, and a design detail has been provided. See CHANGES TO DRAFT EIR (3.0) section of this document.

- 3A-5 Fencing. The comment asks questions about the design and impacts of iron fencing around the skate park. As discussed on page 4.1-6, use of a decorative wrought-iron fence was a result of review and recommendations by the City's Architecture and Site Review Committee. The EIR impact discussion has been expanded; see the "Aesthetics" subsection of the CHANGES TO DRAFT EIR section (3.0) of this document.

[January 5, 2015 Letter](#)

- 3B-1 Parking. The comment states that the EIR did not address parking for parents supervising skaters under the age of 10 or younger or parking when organized sports utilize the play field. (Note that this requirement is set forth in section 12.54.020 of the Capitola Municipal Code.) The availability of parking is not an environmental issue which requires analysis under CEQA pursuant to Appendix G (Environmental Checklist) of the State CEQA Guidelines; therefore, parking is not evaluated in the DEIR. The traffic report, however, did address parking, which is summarized on pages 4.4-5 and 4.4-6 of the DEIR.

Parking is an important land use issue, however, and will be considered as part of the staff analysis and the Planning Commission's decision on the project. As detailed in the Project Description included on page 3-3 of the DEIR, a 26-space parking lot is available at the Monterey Park parking lot and additional public parking is available along Monterey Avenue. The Traffic Impact Study included in the DEIR concludes the existing 26-space parking lot is sufficient to simultaneously serve users of the ball fields and proposed skate park during peak use periods. According to the study, 6 parking spaces would be needed to accommodate skate park users during peak periods. The remaining 20 spaces would be available to serve baseball players, which would provide adequate capacity for 20 players if they each drove a separate vehicle to the park.

- 3B-2 Skateboard Noise. The comment questions the DEIR conclusion regarding noise generated by skateboarders traveling to the site due to differences between skateboard wheels and car tires. See Master Response 1 regarding skateboard versus automobile sounds.

January 6, 2016 Letter

- 3C-1 Alternative Offsite Location. The comment supports the McGregor Drive location for a skate park, which is being constructed at that site, and states that the No Project Alternative seems the best alternative. The comment is noted, but does not address the EIR or its analyses, and no response is required. The comment is referred to Capitola staff and decision-makers for further consideration.
- 3C-2 Tree Removal and Visual Impacts. The comment states that removal of trees would be contrary to City Council directives, and questions the DEIR statement that the eucalyptus trees to north are not visually distinctive or prominent. The comment also questions tree replacement at a 2:1 rate with regards to habitat provided by the trees. The proposed project does not propose removal of trees, but as discussed on pages 4.1-4 to 4.1-5 of the DEIR and in the Initial Study (DEIR Appendix A, pages 22-23), the City may require removal, and thus, tree removal was evaluated in the EIR. As discussed on page 4.1-5, while any tree may be considered to possess aesthetic attributes, a scenic resource as reviewed under CEQA standards, typically are natural features, including trees, that are visually distinctive due to prominence in visibility from a wide public area and/or due to distinctive qualities unusual for the species. It is agreed that the existing eucalyptus trees are tall, but they are not unusual or unique examples of eucalyptus trees, and are only visual in the immediate vicinity of Monterey Park. The trees are not designated as Heritage Trees by the City of Capitola and are not located in a designated scenic corridor. Neither the trees nor the upper tree canopy is visible in either direction further down Monterey Avenue. Any trees removed would be replaced in accordance with the City's Community Tree and Forest Management Ordinance. To the extent feasible, trees would be replaced in appropriate locations within Monterey Park. See Master Response 2 regarding wildlife habitat.

January 6, 2016 Email

- 3D-1 Hazardous Emissions. The comment claims that the project will emit hazardous emissions from contaminants and speculates that gradual disintegration of skateboards could emit hazardous materials which could adversely affect children and faculty of the adjacent school. The referenced Initial Study checklist question (8c) pertains to hazardous emissions from a stationary source of emissions, such as a manufacturing use. The proposed skate park is not a stationary source of emissions and will not result in hazardous air emissions. The proposed skate park would not involve any emissions, discharges, storage, handling, or treatment of classified hazardous substances.

Skateboards are not classified or regulated as a hazardous material by the U.S. Environmental Protection Agency (EPA), California Environmental Protection Agency (CalEPA), or the Occupational Safety and Health Administration (OSHA). Most skateboards are constructed with common materials found in a wide variety of everyday consumer products, including wood, aluminum, steel, nylon, plexiglass, fiberglass, rubber, graphite, polyurethane, and adhesives.

The commenter provides no substantial evidence to support the claim that these materials are hazardous, toxic, or carcinogenic and City staff could find no documentation from the EPA, CalEPA, or OSHA which indicate that trace amounts from disintegrated skateboards could pose a human health hazard to park or school users.

- 3D-2 Police Protection. The comment states that impacts related to police protection are potentially significant. The criteria for determining whether an impact to police services is significant is whether a project would require new or expanded facilities to serve the project and if so, whether such construction or expansion of new facility would result in significant physical impacts (see DEIR Appendix A, page 11). As discussed in the Initial Study (DEIR Appendix A), police service and calls to the park would not be of the magnitude that would require construction of new or altered police station facilities. Thus, the impact is correctly identified as being less than significant.
- 3D-3 Impacts to New Brighton Middle School. The comment states that impacts related to schools are potentially significant due to noise. The criteria for determining whether an impact to schools is significant is whether a project would require new or expanded facilities to serve the project and if so, whether such construction or expansion of new facility would result in significant physical impacts (see DEIR Appendix A, page 11). As discussed in the Initial Study (DEIR Appendix A), the proposed skate park would not result in construction of residential uses or generation of students that may affect service levels of school facilities. The DEIR addresses potential noise impacts to the adjacent school; see Response to Comment 2B-4 and Master Response 1.
- 3D-4 Park Impacts. The comment states that the EIR did not address impacts of placing a skate park within the grassy landscape of Monterey Park. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. The consideration of whether or not the proposed project is an appropriate use within the existing park will be addressed and considered as part of the staff analysis and the Planning Commission's decision on the project.

- 3D-5 Emergency Access. The comment suggests that emergency vehicles will not be able to access the skate park site. CEQA requires an analysis of a project's potential effect on transportation and traffic, including whether a project could result in inadequate emergency access. In this context, emergency access refers to the adequacy of roads to provide vehicular egress to residents and ingress for fire, police, and medical personnel. The adequacy of emergency access is based on road width, grade, surfacing, and the availability of a secondary means of ingress/egress. Road standards in Capitola are governed by the California Code of Regulations Title 24 and Central Fire Protection District regulations.

Vehicular access to Monterey Park is provided by Monterey Avenue. Monterey Avenue is a two-lane residential collector street east of Bay Avenue, which complies with state and local standards for width, grade, surfacing, and secondary access requirements. The project does not include any proposed modifications to Monterey Avenue; therefore, the project would not have any effect on the provision of adequate vehicular emergency access. Although the suitability of pedestrian access by emergency responders is not a CEQA issue, the project would be required to provide an Americans with Disabilities Act (ADA) compliant access.

January 8, 2016 Letter

- 3E-1 Skateboard Noise on Sidewalks. The comment states that skateboarding noise on streets and sidewalks is under-analyzed and that the sound and pitch of skateboard wheels is different than automobiles. See Master Response 1 regarding sound levels of skateboards and automobiles.
- 3E-2 Noise Study Methodology. The comment states that noise is subjective and has been oversimplified in the DEIR by the use of the dBA scale. The noise study was prepared by a qualified professional in accordance with accepted professional standards. Fundamentals of sound, noise and effects of noise, including annoyance, are explained in the noise study on pages 1-6 and summarized in the DEIR on page 4.3-4. See Master Response 1 regarding the noise study methodologies and dBA scales. The comment references regulations from the City of Ojai, which are not applicable in the City of Capitola.
- 3E-3 Sound Echoes. The comment states that the DEIR did not address noise that bounces off of buildings and fences. See Master Response 1.
- 3E-4 Noise Study Methodology. The comment questions of locations of the sound measurements taken for the noise study. The noise study explains methods and rationale for sound measurements; see pages 10-13 in Appendix C of the DEIR. See Master Response 1 for further explanation of noise measurement locations.

- 3E-5 Skateboard Noise Studies. The comment claims that the noise studies at other skate parks referenced in the DEIR (Sunnyvale and Jose Avenue skate parks) are 10 dB lower than those researched at a Santa Monica Park, and the project noise impacts should be re-analyzed. Comment is noted, but does not address analyses in the DEIR. The noise study conducted for the project was based on actual sound measurements, and the modeling of sound levels was conservative in that the Sunnyvale skate park was used, which is much larger than the proposed project. See Master Response 1 for further explanation of noise study methods.
- 3E-6 Noise Perception. The comment states that there needs to be more discussion about the perception of what noises or sounds constitute a nuisance. The noise study was conducted in accordance with accepted professional standards and methodologies, and utilized conservative quantitative noise limits, based on measured ambient noise data, to assess the potential for substantial increases in noise. The noise limits used in the analysis were conservative, consistent with quantitative noise limits established in other nearby communities, and appropriate to assess potential environmental impacts due to noise. The noise assessment was not intended to assess a person's perception of noise, which varies greatly depending on the individual. Fundamentals of noise and noise nuisances are explained in the noise study (DEIR Appendix A) and summarized in section 4.3 of the DEIR. See Master Response 1 regarding background on sound and noise.

**LETTER 4 – Wittwer / Parkin**

- 4-1 Public Services Impacts. The comment states that the DEIR fails to address the impact on public services and that the Initial Study’s assessment is incorrect. The comment references a study commissioned by the City regarding public safety that raises issues that the commenter believes should be addressed in the EIR as it shows an increased need for law enforcement. As indicated in the Initial Study (DEIR Appendix A, page 11), the standard of review of potentially significant public service impacts is whether a project would “result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.” The park could result in calls for police, fire and other emergency services as would be expected for any neighborhood park within the City. As explained on page 32 of the Initial Study, any demand for police services would not be of a magnitude that would require new or expanded police facilities to maintain acceptable service levels. Thus, the Initial Study correctly addresses public services within the context of the standards established in the State CEQA Guidelines Appendix G.

The referenced study was prepared for the City to provide recommendations to maximize public safety of the facility, none of which would require expansion or construction of police or other public service facilities. The report’s recommendations will be considered as part of the staff analysis and the Planning Commission’s decision on the project.

- 4-2 Tree Removal. The comment indicates that the DEIR should be revised to more thoroughly discuss the impact of tree removal, security lighting and fencing for noise attenuation. See Response to Comment #4-3 regarding fencing and Response to Comment #4-4 regarding security lighting. The comment is not clear as to what other analysis is suggested regarding tree removal. The DEIR addresses tree removal with regards to aesthetics and scenic resources (pages 4.1-4, 4.1-5 and 4.1-7) and regarding biological resources (DEIR Appendix A, pages 21-23), including potential conflicts with City tree regulations. It is also noted that the project does not propose removal of trees, but as discussed on pages 4.1-4 to 4.1-5 of the DEIR and in the Initial Study (DEIR Appendix A, pages 22-23), the City may require removal, and thus, tree removal was evaluated in the EIR.
- 4-3 Aesthetics of Acoustical Fencing. The comment asks that aesthetic impacts of an acoustifence or plexiglass fence for noise mitigation be addressed. Impacts are addressed on page 4.3-22 of the DEIR. However, additional description has been provided; see the “Aesthetics” subsection of the CHANGES TO DRAFT EIR (3.0) section of this document.

- 4-4 Lighting. The comment states that the EIR fails to address the effect of security lighting if the City requires such lighting as a project Condition of Approval as the lighting would enable unlawful use of the skate park after hours. If security lighting is required by the City, staff has indicated that the lighting would be low-level pedestrian lighting along the path and along the outside of the skate park solely for security purposes. Furthermore, security lighting would enhance visibility into the skate park facilitating monitoring and enforcement by public safety officials. The skate park will not be open during the evening. Any security lighting installed as part of the project would be required to prevent light trespass onto neighboring properties. The comment speculates that the facility will be illegally used at night, which is not an environmental issue subject to CEQA review. However, it is noted that the park will be closed at night, and patrolled along with other parts of the City, with implementation of enforcement actions if necessary. The DEIR text has been revised to add clarification; see the CHANGES TO DRAFT EIR (3.0) section of this document.
- 4-5 Skate Park Conflicts with Park Users. The comment states that the DEIR fails to address the conflicts of the skate park with other parks users, such as games at the softball diamond. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. CEQA does not require review of social or economic issues. The comment speculates as to a potential conflict between park users, but this is not an issue subject to CEQA review, and no response is required. However, park uses would be considered as part of the staff analysis and the Planning Commission's decision on the project.
- 4-6 Skate Park Hours. The comment suggests that impacts to the New Brighton Middle School are understated. The noise study does not assume that the skate park will not be in use during school hours as suggested in the comment. The analysis clearly identifies potential sound levels at nearby classrooms and school office as a result of the proposed skate park. See pages 4.3-16 through 4.3-22 in the DEIR. See also Master Response 1 regarding noise study methods and conclusions.
- 4-7 Provision of Restrooms. The comment states that DEIR fails to address the impact of not providing restroom facilities. The comment does not indicate an adverse physical impact on the environment. CEQA does not require evaluation of facilities that should be included in a proposed project. Therefore, no response is required, but the comment will be referred to Capitola staff and decision-makers for consideration.
- 4-8 Project Objectives. The comment questions project objectives, particularly city objectives, and indicates that the City's objectives are used to discount alternatives.

The City respectfully disagrees that project objectives were used to discount potential project alternatives. The City's nine stated objectives are broad in nature and focus on providing recreational facilities in appropriate locations which are safe, cater to the community's needs, minimize operational costs, and comply with applicable regulations and policies.

The project is a privately-initiated proposal for a public skate park which, if approved, would be owned and operated by the City of Capitola. Accordingly, the examination of potential alternative sites was limited to publicly owned properties which are appropriately zoned for active recreational facilities (i.e., designated active park sites owned by the City of Capitola).

Privately owned properties were not evaluated because a public skate park is not an allowed use on residential, commercial, or industrial zoned properties. Furthermore, neither the applicants nor the City have development rights on other privately owned properties.

The City has considered previous proposals by residents to construct a skate park in Monterey Park. The decision of whether another skate park is necessary or desirable will be a policy decision made by the Planning Commission or the City Council on appeal.

- 4-9 **Skate Park Rules and Management.** The comment states that the DEIR "defers" consideration of park rules and management practices to a later date without analyzing possible rules to deal with conflicts and environmental impacts. CEQA does not require an EIR to establish rules for the park, which would be developed by the City, consistent with City policies and regulations. CEQA also requires formulation of mitigation measures to address identified significant physical impacts, but not other social or economic impacts or "conflicts". Lastly, CEQA and State CEQA Guidelines indicate that formulation of mitigation measures should not be deferred until some future time. The DEIR provides mitigation measures for identified significant impacts. The formulation of skate park rules is not a mitigation measure that is required to address a significant impact. City regulations already establish limits on hours of operation, provision of amplified music, and skate park rules as summarized on pages 3-3 and 3-4. Other specific park rules are expected to provide additional details as to what is already required by the City's Municipal Code.
- 4-10 **Special Events.** The comment indicates that the DEIR fails to analyze noise impacts associated with possible events that use loudspeakers. As indicated on page 3-3 of the DEIR, no special or organized events would be permitted at the facility without a separate approval of a Temporary Events Permit by the City, which is applicable to

any special events held at any location within the City. There are no special or recurring events proposed as part of the project. It would be speculative to try to estimate the type and frequency of potential special events at the skate park. However, should any temporary special events be proposed in the future, they would be subject to review and approval by the City that takes into account potential effects of such an event.

- 4-11 Skate Park Conflicts with City Policies. The comment suggests that the project is not consistent with the City General Plan Policy OSC-8.9 regarding runoff not exceeding pre-project rates as the DEIR drainage analysis indicates that the project's increased runoff would not exceed storm drain capacity. This policy requires new development to minimize creation of new impervious surfaces and prohibits post-project peak stormwater runoff discharge from exceeding the estimated pre-project rate. The DEIR text has been revised to clarify that post-project runoff will not exceed pre-development conditions in accordance with City policies. See the CHANGES TO DRAFT EIR (3.0) section of this document.
- 4-12 Drainage Plan. The comment indicates that the stormwater Best Management practices are not explained in the EIR, such as a bioswale that may be required of the project as indicated on pages 4.2-6 and 4.2-7 of the DEIR. Details of the drainage system, including the bioswale, typically are included on the final plans submitted at as part of the building permit application. However, during the public review period, minor changes to the site plan were made, including showing the location and a design detail of the bioswale. See the CHANGES TO DRAFT EIR (3.0) subsection of this document.
- 4-13 Tree Removal-Project Description. The comment states that the DEIR must address impacts of the project assuming removal of trees. The proposed project does not propose removal of trees, and thus, the analysis of project impacts includes consideration of protection of trees during construction as outlined in the Initial Study (DEIR Appendix, page 22). However, as discussed on pages 4.1-4 to 4.1-5 of the DEIR and in the Initial Study (DEIR Appendix A, pages 22-23), the City may require tree removal due to safety considerations, and thus, tree removal was evaluated in the EIR. As a result, the EIR identifies this possibility as posed by the City, not the applicant, and reviews the impacts of tree removal in the following EIR sections: aesthetics (pages 4.1-4, 4.1-5, and 4.1-7); biological resources (Appendix A, pages 21-22); and potential conflicts with city regulations (Appendix A, pages 22-23). Thus, the project description has been clearly presented in the EIR and impacts of the project are fully assessed, including impacts of potential conditions or requirements that may be imposed by the City. Thus, the DEIR does not present a "shifting" project description as suggested in the comment. Nonetheless, the EIR

Project Description has been clarified; see the CHANGES TO DRAFT EIR (3.0) section of this document.

- 4-14 Replacement Tree Location. The comment states that the DEIR fails to state where additional trees could be planted. Any trees removed would be replaced in accordance with the City's Community Tree and Forest Management Ordinance. To the extent feasible, trees would be replaced in appropriate locations within Monterey Park.
- 4-15 Construction Noise. The comment states that the 10-week construction period with use of heavy equipment would be disruptive to students, states that the DEIR "fallaciously concludes that construction will not impact students in any way", and asks whether the City has considered scheduling construction when school is not in session. The DEIR does not conclude that there will be no construction noise impacts. The DEIR does indicate that construction-generated noise levels would exceed ambient noise levels at receptors surrounding the project site, but that construction activities would occur over a relatively short duration (eight to ten weeks). Additionally, the construction activities generating the loudest sounds would be grading that is expected to occur over a two-week period. Other construction activities related to forming concrete and finishing would generate less noise increase than grading. Construction noise levels would vary throughout the day and throughout the construction period. Given the limited construction activities, short duration, and intermittent sounds associated with construction throughout a given day, the impact was determined be a less-than-significant impact. Notwithstanding, the City recognizes that construction activities and resultant noise could present potential conflicts with school operations. Although not required to avoid or mitigate a significant impact, the City will include a condition of approval which prohibits grading and the use of noise-intensive heavy construction equipment during school hours.
- 4-16 Air Emissions. The comment states that the DEIR does not discuss air quality impacts. It also states that any grading that generates dust and diesel exhaust adjacent to a school will have a significant impact and mitigations must be considered. Potential impacts related to grading and diesel emissions are addressed in the Initial Study (DEIR Appendix A) in accordance with the protocols set forth in the Monterey Bay Unified Air Pollution Control District's CEQA Guidelines. As discussed on page 18 of DEIR Appendix A, the Monterey Bay Unified Air Pollution Control District (MBUAPCD) "CEQA Air Quality Guidelines" indicate that 8.1 acres could be graded per day with minimal earthmoving or 2.2 acres per day with grading and excavation without exceeding the MBUAPCD's PM<sub>10</sub> threshold of 82 lbs/day. The area of project construction and disturbance is approximately 0.25 acre (11,000 square feet), which is well below the 2.2-acre per day threshold. Therefore, no significant impacts

related to emissions would occur, and no mitigation measures are required. Exposure of sensitive receptors to diesel emissions is addressed on pages 19-21 of DEIR Appendix A. Although a significant impact was not identified due to the limited duration of use of diesel equipment and equipment emission controls required by the state of California, a project Condition of Approval is recommended, which incorporates a measure from the City's certified General Plan EIR that requires best management practices to minimize fugitive dust particles from affecting neighboring properties. City staff has indicated that this recommendation will be included as a project Condition of Approval. Therefore, the project emissions related to generation of dust (PM<sub>10</sub> emissions) and exposure to diesel emissions are considered less than significant, and the project would not violate current air quality standards or expose sensitive receptors to substantial pollutant concentrations.

- 4-17 Project Contribution to Cumulative Traffic Impacts. The comment suggests that the EIR did not analyze the cumulative impact at the Park Avenue/Kennedy Drive intersection with reference to pages 4.4-8 and 4.4-9 of the DEIR. The comment incorrectly references the project impact text conclusions with regards to cumulative impacts. The comment's reference to DEIR pages 4.4-8 and 4.4-9 addresses the project traffic impacts. Cumulative traffic impacts are discussed in chapter 5.0 on pages 5-3 through 5-6. The DEIR does not indicate that cumulative impacts do not need to be addressed as alleged by the commenter. The DEIR states that because the project is consistent with the City's General Plan, the City has determined the project meets the provisions of CEQA section 21094 and State CEQA Guidelines section 15183. Therefore, the City's General Plan EIR has adequately addressed cumulative impacts for all topics.

As indicated in the text cited in the comment, the DEIR identifies that the unsignalized Kennedy Drive/Park Avenue would continue to operate at an unacceptable level of service "E" with the addition of two weekday PM peak trips generated by the project. The addition of two trips throughout a one-hour period would represent a minor percentage of the total trips at the intersection, would not cause a noticeable increase in delays, and is well within typical daily fluctuations in traffic volumes for a given location. For these reasons, the DEIR concludes that the project traffic impact is less than significant.

The comment suggests that based on the project traffic analysis, the DEIR concludes that the cumulative impacts do not need to be addressed because the project increases traffic by less than one-half of one percent and that the General Plan EIR addressed cumulative impacts. This assertion is incorrect. Cumulative impacts, including cumulative traffic impacts are addressed on pages 5-3 to 5-6 in the DEIR. The certified General Plan EIR projects that approximately 700 additional trips would be added to the Park Avenue/Kennedy Drive intersection at buildout under the

City's General Plan in the year 2035 that would cause the intersection operations to decrease from LOS E to a LOS F. The buildout assumptions in the General Plan EIR were based on regional population, housing, and job growth projections developed by AMBAG, and would account for the daily trips associated with growth, including use of local parks. As indicated on page 5-3 of the DEIR, the General Plan specifically calls for development of Monterey Park as an active park (Policy LU-13.13). No development projects are specifically identified in the General Plan, but the two PM peak trips generated by the proposed skate park at this intersection would be included in the overall growth considered in the General Plan's analysis and well within the additional trips identified at this intersection in 2035.

The General Plan EIR identifies installation of a traffic signal at the Kennedy Drive/Park Avenue intersection to mitigate cumulative impacts at this intersection, and concludes that the intersection would operate at an acceptable LOS of C. The General Plan EIR did not identify a significant cumulative impact at this intersection as the City's policies and actions support the recommended improvement. General Plan Policy MO-3.5 and Action MO-3.4 provide for the development and implementation of a citywide Transportation Mitigation Fee program as a way to implement traffic recommendations. The comment is correct that the improvement is not currently funded.

The comment concludes by stating that: 1) an impact has been identified, yet no mitigation is proposed; 2) individual impacts may be small, but cumulatively considerable in conjunction with other projects; and 3) the Kennedy Drive/Park Avenue intersection is already impacted and that any additional traffic would be severe in light of the existing problem. First, as indicated above, a mitigation for this intersection has been identified in the City's General Plan EIR as reported in the DEIR. The comment also suggests that the City could require a fair share contribution toward the improvement at the Kennedy Drive/Park Avenue intersection.

As indicated on pages 5-3 and 5-5 of the DEIR, the City relied on the certified General Plan EIR cumulative traffic analysis in accordance with provisions of CEQA and the State CEQA Guidelines. In analyzing the proposed project, the City may consider whether existing environmental documents already provide an adequate analysis of potential environmental impacts. An earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA provisions, it can be determined that one or more effects have been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines section 15063(c)(3)(D)). CEQA allows a lead agency to avoid repeating analyses that were already provided in a certified General Plan EIR for a development project that is consistent with the General Plan. Public Resources Code section 21083.3 and its parallel CEQA Guidelines provision, section

15183, provide for streamlined environmental review for projects consistent with the General Plan for which an environmental impact report (“EIR”) was certified.

State CEQA Guidelines section 15183(a) indicates that, in accordance with CEQA mandates, projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. Subsection (i) further states that, if a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section (15183) may be used as a basis for excluding further analysis of that offsite or cumulative impact. If a cumulative impact was addressed adequately in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in section 15183(j).

In addition to CEQA section 21083.3 and State Guidelines section 15183, CEQA section 21094 also allows use of previous certified EIRs for cumulative impact reviews. As indicated above, the proposed project is consistent with the General Plan and policy directives to develop Monterey Park, and thus, the project is consistent with the General Plan, and the project’s contribution to a cumulative traffic impact is accounted for in the traffic increases identified for the Kennedy/Park intersection in the General Plan EIR. In accordance with City General Plan policies and actions, the City will require the applicant to pay its fair share of the future planned transportation improvements identified in the General Plan EIR as a condition of project approval. See also the CHANGES TO DRAFT EIR (3.0) section of this document.

The City notes that the project’s contribution of two trips would not result in a measurable increase in delays at the intersection or in a manner that its contribution could be construed as considerable. The two additional trips generated by the proposed skate park would not result in a measurable increase in intersection delays nor would it significantly contribute to future traffic volumes at the Park Avenue/Kennedy Drive intersection. Therefore, traffic generated by the project would not result in a cumulatively considerable contribution to future traffic conditions and no new mitigation is required.

Lastly, the comment states that the fact that the intersection is already severely impacted means that any additional traffic added to this intersection is severe in light of the already existing problem. “The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that

the project's incremental effects are cumulatively considerable." (State Guidelines section 15064(h)(4).) For the reasons stated above, the City has concluded that the project's contribution to traffic impacts will not be cumulatively considerable.

- 4-18 Cumulative Traffic Impacts with McGregor Skate Park. The comment states that the DEIR must consider traffic associated with travel between the proposed project and McGregor Park. Potential vehicle trips between the two parks would likely be minimal due to different types of facilities at each location. In response to commenter's inquiry, the City's General Plan does call for development of a park and recreational uses at the city-owned McGregor property with consideration of visitor accommodations if recreational uses are relocated to a more central site in the City (Policy LU-12.6). See also Master Response 3 regarding cumulative impacts of the project and McGregor Park.
- 4-19 Alternative Sites. The comment states that the McGregor skate park site provides a public option, and there are private sites that can be considered for a skate park, such as underutilized parking areas at Capitola Mall. The McGregor skate park is currently is under construction along with other park uses approved by the City. McGregor Park as an alternative site to the proposed project site is considered in the DEIR Alternatives section (pages 5-8 to 5-9), but is eliminated from further consideration due to site constraints. See Response to Comment 4-8 regarding consideration of private properties for an offsite project alternative. See also DEIR Alternatives section (pages 5-9 to 5-12) regarding three alternatives analyzed: onsite relocation, reduced size and offsite location at another City-owned park.
- 4-20 Noise and Notices. The comment references attached comments regarding review of the noise study, which are addressed in the following responses. The comment requests that the City forward a Notice of Determination (NOD) to the commenter if and when the project is approved. Comment is acknowledged, and City staff will provide such notice if/when the project is approved and the NOD is filed.
- 4-21 Noise Standard Table. The comment indicates that Table SN-1 of the General Plan that is referenced in the noise study in DEIR Appendix C should be included in the noise study. The noise study provides the technical support to the DEIR analyses, and the referenced table is included in the DEIR noise section on page 4.3-7; see page 4.3-2. The DEIR also was available for review on the City's website as indicated in the "Notice of Completion and Availability of Draft EIR".
- 4-22 Noise Levels for Sensitive Receptors. The comment states that any noise sensitive receptor location within 165 of the skate park will be impacted. Comment reiterates findings of the noise study, and is so noted; no response is required.

- 4-23 Noise Study Evaluation of Junipero Court and Orchid Avenue residences. The comment states that an evaluation of Junipero Court residences should be included on page 18 of the noise study and that the Orchid Avenue residences were omitted from the evaluation on this page. Potential noise impacts to Junipero Court and Orchid Avenue residences are addressed in the noise study on pages 17-19, including the paragraph referenced in the comment, and modeled noise contours are shown on Figures 13 and 14 of the noise study. The predicted noise levels are also summarized on Table 3-6 and Figure 4.3-2 in the DEIR. Table 3-6 has been revised to summarize the predicted  $L_{eq}$  level at the Orchid Avenue residences.
- 4-24 Noise Barrier Materials. The comment suggests that the surface weight requirement for the recommended noise barrier could be reduced. Comment is noted, but the noise barrier mitigation conservatively provides a number of options that could be utilized to reduce sound levels. It is agreed that a traditional wood fence could provide the required noise reduction as suggested in the comment.
- 4-25 Noise Barrier Location. The comment states that the recommended noise barrier does not extend far enough along the west and east side of the park. See Master Response 1 regarding additional information on the recommended noise barrier location.
- 4-26 Site Plan. The comment states that the skate park design plan should be included in the noise study. The noise study provides the technical support to the DEIR analyses, and the site and design plans for the proposed skate park are included in Section 7.0 of the Draft EIR. The DEIR also was available for review on the City's website as indicated in the "Notice of Completion and Availability of Draft EIR".
- 4-27 Noise Barrier Effectiveness. The comment suggests extending the noise barrier around most of the site. See Master Response 1 regarding additional information on the recommended noise barrier location.
- 4-28 Noise Reduction with Wood Fences on Orchid Avenue Homes. The comment states that a detailed inspection of the Orchid Avenue residential rear yard property line be performed to confirm that the existing fences are acoustically effective to provide a 5 dB noise reduction. Existing wood fences at the nearest Orchid Avenue residential rear property lines were visually inspected during the noise monitoring survey and appeared to be in good condition and free of substantial cracks or gaps. However, it is agreed that fences within 165 feet of the skate park shall undergo a detailed inspection by a qualified acoustician and be repaired or replaced as necessary to ensure an acoustically effective six-foot noise barrier. A mitigation measure has been added to require inspection and repairs. See the SUMMARY OF IMPACTS (2.0) section of this document.

- 4-29 Post-Project Monitoring. The comment references a statement in the noise study (page 10) regarding General Plan policies requiring a post-monitoring program and that one was not provided in the noise assessment. General Plan Policy SN-7.4 refers to a post-project noise monitoring program that could be used to evaluate proposed mitigation measures, but does not require implementation of a post-project noise assessment. Accordingly, if the project is approved, the City may commission a qualified noise specialist to assess post-construction noise conditions and recommend potential measures to address any identified issues associated with nuisance noise.

## LETTER 5 – Gilbert and Helen Bentley

- 5-1 Opposes Project. The commenters indicate they that are opposed to the proposed plan and McGregor Park is the plan that should be completed first. Comment is noted is referred to Capitola staff and decision-makers for further consideration.
- 5-2 Noise, Wildlife, Disruption to School Activities, Skateboard Traffic. The comment states that the EIR doesn't include an extensive study of noise pollution, the effects on nature setting for wildlife or problems created for New Brighton Middle school and disruption to organized outdoor playtime. The EIR does include an extensive noise study conducted by a professional, which is included in Appendix C of the DEIR; the noise impact analysis is included in Section 4.3 of the EIR. Potential impacts to wildlife are addressed in the Initial Study in Appendix A of the EIR (see pages 21-23). See also Master Response 2 regarding potential impacts to wildlife.
- The comment regarding potential disruption to playground activities and skateboarders going between parks does not pertain to an environmental issue. As discussed on pages 1-2 to 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment and does not require review of social or economic issues. Thus, these issues are not subject to environmental review, and no response is necessary.
- 5-3 Liability Concerns. The comment raises concerns about supervision and safety at the skate park. As indicated in Response to Comment #2, these are issues that are not subject to review under CEQA. As discussed on pages 1-2 to 1-3 of the DEIR, CEQA focuses on adverse physical impacts on the environment and does not require review of social or economic issues. Therefore, no response is required regarding safety concerns.
- 5-4 Tree Removal. The comment states that the EIR indicates that the city can remove the trees at the north end of the proposed project without approval of the community. The Initial Study (Appendix A) discusses potential tree removal on pages 22-23 and indicates that tree removal, if required by the City, would be subject to the City's Community Tree and Forest Management Ordinance regulations, approval of a permit and requirement to plant replacement trees.
- 5-5 Use of Park. The comment indicates seniors use the park and expresses other opinions, but does not comment on analyses in the EIR. The comment is noted, but does not address the EIR or its analyses, and no response is required; the comment is referred to Capitola staff and decision-makers for further consideration.

## LETTER 6 – Helen Bryce

- 6-1 Escalona Gulch – Groundwater, Watershed and Wildlife Impacts. The comment references and attaches the New Brighton State Beach General Plan, provides descriptions of Escalona Gulch and indicates that the EIR does not address Escalona Gulch, potential impacts to the groundwater supply, the watershed, and Escalona Gulch butterfly habitat. The proposed project is not located adjacent to or in proximity to Escalona Gulch or New Brighton State Beach. Thus, the project would have no effect on sensitive habitat areas present at Escalona Gulch. The project does not propose any new groundwater dependent uses nor would it involve the use, storage, or transport of hazardous materials which have the potential to contaminate groundwater supplies. Potential impacts to groundwater are further addressed on page 29 of DEIR Appendix A. Drainage impacts are addressed in section 4.2 of the EIR. It is also noted that the New Brighton State Beach General Plan that is attached to the comment is not applicable to the proposed project site and due to the large size is not attached to the comment letter, but is on file with the City Community Development Department.
- 6-2 Escalona Gulch – Groundwater, Watershed and Wildlife Impacts. The comment states that the Draft EIR does not address plants, animals or birds. Potential impacts to wildlife are addressed in the Initial Study in Appendix A of the EIR (see pages 21-23). See also Master Response 2 regarding potential impacts to wildlife.
- 6-3 Tree Removal. The comment states concern for removal of eucalyptus and redwood trees, and states that the trees are important to wildlife and a scenic feature. See Master Response Master Response 2 regarding habitat provided by the existing trees, and see Response to Comment #3C-2 regarding visual impacts of tree removal.
- 6-4 Cumulative Impacts. The comment raises concern of cumulative impacts related to noise, traffic and parking with another nearby skate park; dangers to wildlife; and Escalona Gulch watershed. Cumulative impacts are addressed on pages 5-3 to 5-6 of the DEIR. See Master Response 2 regarding habitat and Response to Comment #6-2 above regarding watershed concerns. Comment also states the belief that the project will lead to decreased quality of life, which is noted, but not an environmental issue pursuant to CEQA.

## LETTER 7 – Trevor Bryce

- 7-1 Noise Impacts. The comment states that the Draft EIR did not study, measure or mitigate all aspects of noise; identifies potential harms of noise; and states that conventional dBA meters do not measure all types of sound that negatively impacts people and wildlife. See Master Response 1 for clarification of noise study methodologies. The comment also states that restricting hours of operation will not be adequate mitigation for nearby homes. The EIR includes a mitigation measure to install a noise barrier in response to identification of a significant impact. With implementation of this measure, potential noise impacts would be mitigated to a less-than-significant level.
- 7-2 Skate Park Features Sounds. The comment states that the development contains noisy features not included in other skateboard facilities. As discussed in the noise study (DEIR Appendix C) and summarized on 4.3-16 to 4.3-17, the noise study included measurements at two skate parks, one smaller than the proposed, and one larger, and based on the noise model inputs on the larger skate park that has more features than the existing proposed skate park. As indicated on page 4.3-18, 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, which reflected 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. A “rock textured” slant bank shown on the previous site plan has been eliminated as shown on the revised site plan.
- 7-3 Impacts of Noise. The comment states that noise has well-documented negative impacts and asks how it will be documented. A noise study was prepared by a professional consultant under contract to the City that evaluated the effects of the proposed skate park on existing sound levels. The study is included in Appendix C in the DEIR, and section 4.3 of the DEIR provides a full discussion of noise and impacts, consistent with CEQA standards and requirements. The analysis addresses potential noise increases at New Brighton Middle School classrooms and office. See also Master Response 1 for further clarification of noise study methods.
- 7-4 Skateboard Sounds. The comment states that the project will generate noise from skating, tricks, jumps and asks how this will be addressed and whether the number of people using the facility will be limited. See Response to Comment #7-2 above regarding skateboard sounds. There are no proposed limitations on the number of people using the facility, but it is expected that the facility could accommodate a maximum of 25 skateboarders at any one time.

- 7-5 Sounds From Music and Events. The comment asks how noise from use of “boom boxes” and skating events will be mitigated. As indicated on page 3-3 of the DEIR, existing City regulations prohibit use of amplified music. No special events are proposed as part of the project. As indicated on page 3-3 of the DEIR, any special or organized event would be subject to approval of a Temporary Events Permit by the city of Capitola as would any such event in the City.
- 7-6 Skateboard Noise Traveling to Park. The comment states that unusually loud noise will be generated by people skating to and from the proposed development and an influx of skaters from McGregor Park. Skateboard traffic to the site is addressed on pages 4.3-20 and 4.3-21 of the DEIR. See Master Response 1, which provides additional clarification on skateboard traffic, and Master Response 3, which provides additional discussion on potential impacts between the proposed Monterey Skate Park and the McGregor Park that is currently under construction.
- 7-7 Nighttime Noise. The commenter speculates that skateboard facilities will attract illegal nighttime use, resulting in nighttime noise. The proposed skate park will close at dusk per existing City regulations, and would not result in nighttime noise. The Police Department would be responsible for patrolling, monitoring, and enforcing any trespass or unauthorized use of the proposed skate park. Although it is conceivable that unauthorized after hour use of the facility could occur, it is expected that monitoring and enforcement of City regulations would effectively prevent regular, recurring events which would create noise impacts on adjacent residential uses.
- 7-8 Traffic. The comment asks how traffic in proximity to the proposed development at McGregor Park will be measured and mitigated. The noise study and DEIR consider the potential effects of traffic noise; see DEIR pages 4.3-20 to 4.3-21. See Response to Comment #7-6 above regarding skateboard traffic. See Master Response 3, which provides additional discussion on potential impacts between the proposed Monterey Skate Park and the McGregor Park that is currently under construction.

## LETTER 8 – Sheryl Coulston

- 8-1 Project Concerns. The comment states opposition to the project and is referred to Capitola staff and decision-makers for further consideration.
- 8-2 Noise Impacts. The comment states that a skate park would change the park and character of the Monterey Park with a permanent increase in noise. The comment is noted, but does not address the EIR or its analyses, and no response is required; the comment is referred to Capitola staff and decision-makers for further consideration.
- 8-3 Habitat Impacts. The comment states that wildlife, including Monarch butterflies, is not addressed in the EIR, except for nesting birds. Impacts to biological resources are addressed in the Initial Study (Appendix A of the DEIR). Further clarification is provided in Master Response 2.
- 8-4 Aesthetics, Trees and Environmental Effects. The comment states that EIR did not note the benefits of a natural setting of Monterey Park or adverse effect of the skate park noise and structure on residents' health. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. Comment is noted, but the EIR only addresses physical impacts as required by CEQA. Section 4.1 of the DEIR addresses impacts to the visual character of the park and surrounding area as a result of the proposed skate park. Commenter provides an attachment regarding benefit of trees and is so noted.

**LETTER 9 – Dan**

- 9-1 Project Effects on School. The comment suggests that the effect of the project would have a negative effect on the educational environment at New Brighton Middle School. As noted in the comment, this is not a consideration for review in an EIR. As indicated in Response to Comment #2-1 and discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment and does not require review of social or economic issues. Therefore, no response is required; the comment is referred to Capitola staff and decision-makers for further consideration.
- 9-2 Impacts with Skate Park at McGregor Park. The comment asks that the EIR address the impact of a second skate park in proximity of the McGregor park. The cumulative impacts of the proposed project and McGregor skate park under consideration is addressed in the Cumulative Impacts section of the DEIR on pages 5-5 and 5-6. See Master Response 3, which provides additional discussion on potential impacts between the proposed Monterey Skate Park and the McGregor Park that is currently under construction.

## LETTER 10 – Al Globus

Emails: November 23, 2015; November 24, 2015; November 29, 2015; January 7, 2016

- 10-1 Noise Study. The comment asks when the noise study was performed. Noise measurements were taken from Friday, June 5, 2015 through Tuesday, June 9, 2015. See pages 10-12 of the noise study, which is included as Appendix C in the Draft EIR.
- 10-2 Enforcement of Hours of Operation. The comment asks how hours of operation will be enforced. City staff would be responsible for opening and closing, and securing the facility on a daily basis. The proposed 6-foot tall wrought iron fence would be designed to discourage people from accessing the skate park when it's closed.
- 10-3 Noise Study. The comment indicates that noise levels in EIR may be underestimated due to fluctuations in nearby Highway 1 noise. See Response to Comment #10-1 above regarding when the noise measurements were conducted. See Master Response 1 regarding noise measurements and conditions.
- 10-4 Skate Parks. The comment expresses an opinion about skate parks, but does not address the EIR or its analyses, and no response is required. The comment is referred to Capitola staff and decision-makers for further consideration.
- 10-5 Noise Study. The comment indicates that noise levels in EIR may be underestimated due to fluctuations in nearby Highway 1 noise. See Master Response 1 for clarification on noise methods and measurements.

## LETTER 11 – Nancy Goldstein and Neil Goldstein

Emails were received from each of the above individuals, but the comments are identical, and thus, one set of responses is provided below.

- 11-1 Skate Parks. The comment states opposition to the proposed project and states that two skate parks so close together will lead to skateboard traffic between the parks and noise, which was not addressed in the EIR. Skateboard traffic to the site is addressed on pages 4.3-20 and 4.3-21 of the DEIR. See Master Response 1 regarding skateboard sounds on sidewalks and additional clarification on skateboard traffic. See Master Response 3, which provides additional discussion on potential impacts between the proposed Monterey Skate Park and the McGregor Park that is currently under construction. The comment also states other issues regarding potential vandalism, safety to school students, possible removal of trees and increased police costs. The comment is noted, but does not address the EIR or its analyses, and no response is required; the comment is referred to Capitola staff and decision-makers for further consideration.

## LETTER 12 – Ariel Braswell Gray

- 12-1 Skate Parks and Noise Study. The comment states concerns about the proposed project and having two skate parks close to each other and also states that noise levels are a concern for neighbors and New Brighton Middle School. The comment does not address the EIR or its analyses, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration. It is also noted that a noise study was prepared addressing impacts of the proposed project; see section 4.3 and Appendix C in the DEIR. See also Master Response 1 for further clarification of noise study methods and results.
- 12-2 Tree Removal and McGregor Skate Park. The comment states opposition to tree removal and to complete McGregor skate park before adding a second skate park. The comment is noted, but does not address the EIR or its analyses, and no response is required; the comment is referred to Capitola staff and decision-makers for further consideration.

### LETTER 13 – Deryn Harris

- 13-1 Wildlife Impacts. The comment states that the EIR lacks discussion of impacts on the natural habitat of Monterey Park and requests clarification on nesting birds; requests bird and wildlife census and species list; expresses concerns regarding noise effects to birds; and effects of construction and people on wildlife. Impacts to biological resources are addressed in the Initial Study (Appendix A of the DEIR). Further clarification is provided in Master Response 2.
- 13-2 Tree Removal and City Policies. The comment expresses concern regarding removal of eucalyptus trees and notes Capitola Goal OSC-6 to protect natural habitat and biological resources. The comment is noted, but does not address the EIR or its analyses, and no response is required. The comment is referred to Capitola staff and decision-makers for further consideration. The project does not propose removal of trees, but as discussed on pages 4.1-4 to 4.1-5 of the DEIR and in the Initial Study (DEIR Appendix A, pages 22-23. Project plans and a recommended project Condition of Approval provide measures to protect existing trees during construction; see page 22 of the DEIR Appendix A. See also Master Response 2 regarding wildlife habitat.

## LETTER 14 – Norm Lane

- 14-1 Noise and Traffic. The comment states the EIR did not sufficiently deal with impacts of parking, traffic and noise and that skate parks are noisy. The comment states that the project will greatly increase traffic in area, both vehicular and skateboarding, and an increase in traffic will increase noise. Comment also questions the proposed project location in proximity to a skate park at McGregor Park. Traffic impacts are addressed in 4.4 of the DEIR, and as indicated, vehicular traffic would increase by 8 weekday PM peak trips and 11 weekend peak hour trips. Traffic noise is discussed on pages 4.3-20 and 4.3-21 in the Noise Section of the EIR. See Response to Master Response 1 regarding skateboard traffic. The cumulative impacts of the proposed project and the skate park at McGregor Park are addressed on pages 5-5 and 5-6 in the DEIR. See Master Response 3, which provides additional discussion on potential impacts between the proposed Monterey Skate Park and the McGregor Park that is currently under construction.
- 14-2 Parking. The comment expresses concern regarding parking in the area and City plans to remove parking along one side of Monterey Avenue. As indicated in Response to Comment #3B-1, the availability of parking is not an environmental issue which requires analysis under CEQA, but will be considered as part of the staff analysis and the Planning Commission’s decision on the project. The Traffic Impact Study included in the DEIR concludes the existing 26-space parking lot is sufficient to simultaneously serve users of the ball fields and proposed skate park during peak use periods. According to the study, 6 parking spaces would be needed to accommodate skate park users during peak periods. The remaining 20 spaces would be available to serve baseball players, which would provide adequate capacity for 20 players if they each drove a separate vehicle to the park.
- 14-3 Neighborhood Safety. The comment expresses concern regarding safety and teens and adults using the facility especially at night. These are issues that are not related to physical environmental effects, but rather raise concerns related to social issues. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. CEQA does not require review of social or economic issues. Therefore, no response is required. The proposed skate park will close at dusk. Police patrol, monitoring and enforcement would occur as with any other public facility within the City to address any illegal after hour use of the facility.
- 14-4 Cumulative Impacts. The comment states that the EIR does not address cumulative effects of increase noise, traffic and parking problems with McGregor Park. As indicated above, the cumulative impacts are addressed on pages 5-3 through 5-6, including a discussion of cumulative impacts with the proposed project and

McGregor Park. As indicated in the EIR, due to the distance between the two sites (approximately three-quarters of a mile), there would not be cumulative noise or parking impacts. See Master Response 3, which provides additional discussion on potential impacts between the proposed Monterey Skate Park and the McGregor Park that is currently under construction.

## LETTER 15 – Richard Lippi

Emails: November 25, 2015; January 5, 2016

- 15-1 Initial Study Revision. The comment asks when revisions were made to the Initial Study, how it was advertised and how they are found. As indicated on page 1-3 in the DEIR, corrections were made to the Initial Study, based on comments received on the EIR Notice of Preparation and scoping process; one correction was made based on a request from the commenter. The Initial Study is included in the DEIR as Appendix A as part of the EIR public review process. Commenter is correct that corrections are shown in underlined text for additions and strikeout text for deletions. Corrections and revisions are identified on pages: 2, 3, 21-22 (Biological Resources), 29 (GHG plan and Hazards).
- 15-2 Skate Park Elevations. The comment states that the skate park will be at or above ground level, and it is misleading to describe the park as an “in-ground” skate park and elevations should be provided. The DEIR Project Description (page 3-2 to 3-3) describes the proposed skate park features, including a bowl that generally will be lower than the existing elevation at the site based on review of the grading plan, which is included as Figure 2-4 in the DEIR. The facility is not described as an “in-ground” skate park. Aesthetic impacts of the facility are addressed on pages 4.1-5 to 4.1-6 in which further description is provided on the grading and creation of the bowl feature. The DEIR also indicates that the upper ledges of the facility would be at or slightly higher than the adjacent play areas and similar grades of the existing knoll. Thus, the bottom portion of the bowl will be a slightly lower elevation than the adjacent play fields, but the ledges will be at the same as existing grade, and the proposed berms at each end of the facility will be at a similar elevation as the existing knoll on the site.

## LETTER 16 – Kailash Mozumder

- 16-1 Alternatives. The comment indicates that the Alternatives discussion of alternative sites is not reasonable and that the section does not present an adequate alternative location evaluation. The comment also questions the dismissal of McGregor Park as an alternative site.

As indicated on page 5-6 of the DEIR, the State CEQA Guidelines (section 15126.6) require that 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 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. However, an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Furthermore, an EIR is not required to consider alternatives which are infeasible. 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).

The project is a privately-initiated proposal for a public skate park which, if approved, would be owned and operated by the City of Capitola. Accordingly, the examination of potential alternative sites was limited to publicly owned properties which are appropriately zoned for active recreational facilities (i.e., designated active park sites owned by the City of Capitola). Privately owned properties were not evaluated because a public skate park is not an allowed use on residential, commercial, or industrial zoned properties. Furthermore, neither the applicants nor the City have development rights on other privately owned properties. The comment regarding whether McGregor Park would meet the City’s objectives does not address the DEIR and is referred to City staff and decision-makers for further consideration.

The DEIR does evaluate a range of alternatives, including relocation on the Monterey Park site, a reduced project size, and location at another City-owned park

within the general neighborhood. Thus, a reasonable range of alternatives was evaluated in accordance with CEQA requirements.

The Commenter suggests that the McGregor Park site should be considered as an alternative site without any expansion or modification because it already includes a 9,000 square-foot skate park, and therefore, would meet project objectives to provide an approximately 6,000 square-foot skate park. This suggested alternative is presented in the DEIR as the “no project” alternative.

- 16-2 Operational Costs. The comment states that operational costs are not addressed in the DEIR. The comment also references a crime prevention/design review and asks that it be updated to account for the noise barrier. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. CEQA does not require review of social, economic or financial issues. The referenced study was not part of the environmental analysis as it does not deal with physical impact issues subject to review under CEQA. Therefore, no response is required, but the comment is referred to Capitola staff and decision-makers for consideration.
- 16-3 Cumulative Impacts. The comment states that the cumulative analysis fails to consider McGregor Park in the impact section, which is incorrect. The cumulative impacts of the proposed project and the skate park at McGregor Park are addressed on pages 5-5 and 5-6 in the DEIR. See Master Response 3, which provides additional discussion on potential impacts between the proposed Monterey Skate Park and the McGregor Park that is currently under construction.
- 16-4 Revise and Recirculate EIR. The comment states that the EIR be revised with updated alternatives and cumulative impact analyses and recirculated. See Response to Comment #16-1 and 16-2 regarding alternatives and cumulative impacts. The State CEQA Guidelines section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to an EIR after public review but before certification. New information is not significant unless the “EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.” “Significant new information” that would require circulation according to this section of the State CEQA Guidelines include:
- A new significant environmental effect resulting from the project or from a new mitigation measures.
  - A substantial increase in the severity of an environmental impact unless mitigation measures are adopted to reduce the impact to a level of insignificance.

- ❑ A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impact of the project, but the project proponents decline to adopt it.
- ❑ The DEIR was so fundamentally inadequate that meaningful public review and comment were precluded.

The responses and clarifications provided in this document do not result in any of the above conditions that would warrant recirculation. None of the DEIR text revisions result in or indicate a new significant impact or a substantial increase in the severity of an impact associated with the proposed project.

**LETTER 17 – Elisabeth Russell**

- 17-1 Night Noise Impacts. The comment states that the Draft EIR is incomplete because there is not an evaluation of noise between 8:00 AM and dusk and potential impacts related to sleep disturbance. While, the noise study conducted continuous 24-hour noise measurements over four consecutive days, the noise study evaluated the impacts of the proposed project during the hours of operation for the proposed skate park. As indicated on pages 3-3 and 4.3-17 of the DEIR, the skate park will not open before 8:00 AM and closes at dusk. Thus, there would not be use of the facility between dusk and 8:00 AM and no noise resulting from the project during this time period. The Police Department would be responsible for patrolling, monitoring, and enforcing any trespass or unauthorized use of the proposed skate park. Although it is conceivable that unauthorized after hour use of the facility could occur, it is expected that monitoring and enforcement of City regulations would effectively prevent regular, recurring events which would create noise impacts on adjacent residential uses.
- 17-2 Vancouver, Canada Noise Study. The comment attaches excerpts from a Vancouver, Canada noise study for a skate park and speculates that use of the proposed skate park will be used at night and noise impacts would result. The skate park will be closed at night with patrols and enforcement by the City Police Department as with any other facilities within the City to prevent recurring violations which result in nighttime noise

**LETTER 18 – Jane Stillinger**

- 18-1 Noise Contours. The comment asks that an “aerial view” of noise be mapped. Noise contours levels are mapped in the noise study (Appendix C) and are shown on Figures 4.3-2 and 4.3-3.
- 18-2 Construction. The comment asks whether construction equipment and vehicles will impact the use of the adjacent trail. It is expected that construction activities will temporarily impact use of the trail. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. The temporary closure of the park trail is therefore not a CEQA issue. The comment is referred to Capitola staff and decision-makers for consideration.
- 18-3 Nesting Birds. The comment expresses concern regarding nesting birds, and is noted. Impacts to biological resources are addressed in the Initial Study (Appendix A of the DEIR). Further clarification is provided in Master Response 2.

## LETTER 19 – Daniel Steingrube

- 19-1 Smaller Park at McGregor Park. The comment states that the noise mitigation measures would significantly increase the size of the park. The noise mitigation measure recommends placement of a barrier structure at two ends of the proposed skate park that would be similar to a solid fence, and as such, would not increase the size of the proposed park. See Master Response 1 for further explanation of the recommended design. The comment also indicates that the organization, Friends of Monterey Park, endorse a smaller skate park of 2,000 square feet designed for young children at the McGregor site. The comment is noted and is referred to Capitola staff and decision-makers for further consideration.
- 19-2 Skateboard Traffic Noise. The comment expresses opposition to the proposed project and that the noise study did not consider skaters riding to the skate park during the early AM or late PM. As indicated on pages 3-3 and 4.3-17 of the DEIR, the skate park will not open before 8:00 AM and closes at dusk. The infrequent and intermittent sounds associated with skate park users riding skateboards along sidewalks would not be expected to result in a substantial increase in maximum instantaneous, hourly average, or daily average noise levels above existing conditions which are dominated by local vehicular traffic during any daytime hour.
- 19-3 Skateboard Noise at Second Stories. The comment states that the EIR did not consider skate park noise to second story homes. There are no two-story homes located along Orchid Avenue that would be subject to noise levels exceeding the noise level thresholds used to assess operational noise from the skate park. Two story homes exist along Monterey Avenue and Junipero Court, however, these home are located well outside the noise contours used to assess the potential for noise impacts. As noted above, the infrequent and intermittent sounds associated with skate park users riding skateboards along sidewalks would not be expected to result in a substantial increase in maximum instantaneous, hourly average, or daily average noise levels above existing conditions which are dominated by local vehicular traffic during any daytime hour, even at second story elevations.

**LETTER 20 – Lisa Steingrube**

- 20-1 Noise Impacts. The comment states opposition to the proposed project and that noise levels reported in the EIR are unacceptable. The comment is noted, and is referred to Capitola staff and decision-makers for further consideration.
- 20-2 Traffic Congestion. The comment states the project will increase traffic and congestion and questions parking. Traffic impacts are addressed in 4.4 of the DEIR, and as indicated, vehicular traffic would increase by 8 weekday PM peak trips and 11 weekend peak hour trips. As indicated in Response to Comment #3B-1, the availability of parking is not an environmental issue which requires analysis under CEQA, but will be considered as part of the staff analysis and the Planning Commission’s decision on the project. The Traffic Impact Study included in the DEIR concludes the existing 26-space parking lot is sufficient to simultaneously serve users of the ball fields and proposed skate park during peak use periods. According to the study, 6 parking spaces would be needed to accommodate skate park users during peak periods. The remaining 20 spaces would be available to serve baseball players, which would provide adequate capacity for 20 players if they each drove a separate vehicle to the park.
- 20-3 Monterey Park Open Space. The comment states the EIR doesn’t mention the important fact that Monterey Park is the last green space owned by the city of Capitola and states other concerns with a new skate park regarding maintenance and costs. The purpose of the EIR is to address potential adverse physical impacts to the environment, and there are no criteria to evaluate changes in park land uses. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. CEQA does not require review of social or economic issues. Therefore, no response is required regarding maintenance costs or safety concerns. The comment is noted and is referred to Capitola staff and decision-makers for further consideration. Additionally, as indicated on page 5-3 of the DEIR, the General Plan specifically calls for development of Monterey Park as an active park (Policy LU-13.13).
- 20-4 Preserve Residential Neighborhoods. The comment states that the City Council under the General Plan has a duty to preserve the character of residential neighborhoods, and a skate park would not do that, and two skate parks are not necessary with McGregor Park under construction. The comment does not address the EIR or its analyses, and no response is required, but the comment is referred to Capitola staff and decision-makers for consideration.

**LETTER 21 – Nancy Strucker**

- 21-1 Noise Impacts. The comment states that noise generated by the skate park would be disturbing and interfere with current uses of the park and interfere with school classrooms and office. The comment is noted, but does not address the EIR or its analyses. Noise impacts are addressed in section 4.3 of the DEIR based on a noise study that is included in Appendix C in the DEIR, which include impacts to the adjacent school classrooms and office as well as the nearest residential areas. See also Master Response 1 for further clarification on noise study methods and conclusions.
- 21-2 Fence Aesthetics. The comment states that a fence around the skate park would be unsightly. Aesthetics and visual impacts are addressed in section 4.1 of the DEIR, including visual impacts of a fence. The EIR impact discussion related to the aesthetics of the project fence has been expanded; see “Aesthetics” subsection of the CHANGES TO DRAFT EIR section (3.0) of this document.
- 21-3 Skate Park Encroachment into Monterey Park. The comment states that the footprint of the proposed skate park would encroach on the playing fields and walking path, and noise would be unbearable for people on the path. Comment is noted, but does not address the EIR or its analyses. However, the project site as proposed does not encroach on the walking path or play field.
- 21-4 Noise Impacts. The comment states that the proposed skate park is an example of poor urban planning and the negative impact of noise should be given more emphasis than shown in the EIR. The comment is noted, but does not provide a specific comment on the EIR noise analysis, and thus, a specific response cannot be provided. Noise impacts are addressed in section 4.3 of the DEIR based on a noise study that is included in Appendix C. See also Master Response 1 for further clarification on noise study methods and conclusions.
- 21-4 Project Location. The comment states that it does not make sense to build a skate park in this location. The comment is noted, but does not address the EIR or its analyses, and no response is required; the comment is referred to Capitola staff and decision-makers for further consideration.

## LETTER 22 – Stephanie Tetter

- 22-1 Scenic Vista. The comment questions the basis of determination that there will be no impact to scenic vistas with construction of the skate park and fencing. As indicated on page 4.1-4, the Initial Study (Appendix A of this DEIR) concluded that the project would not obstruct or remove designated scenic views as none exist in the project area. The project site is not within a scenic highway corridor or scenic views or vistas identified or described in the City’s General Plan or Local Coastal Plan.
- 22-2 Aesthetics. The comment indicates that the statement that the project “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” does not make sense given design and fencing. As discussed in the DEIR (pages 4.1-5 to 4.1-6), the project will not result in development of a structure, and the bowl feature will be at a slightly lower elevation than the existing playfields and lower than the existing knoll on the site. Berms will be created at each end. Thus, the skate park would be partially screened and would not be out of scale with the surrounding park, buildings and fencing that exists in the area.
- 22-3 Police Service. The comment states that the incremental demand for police services is not addressed. As indicated in the Initial Study (DEIR Appendix A, page 11), the standard of review of potentially significant public service impacts is whether a project would “result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.” The park could result in calls for police services as would be expected for any neighborhood park within the City. As explained on page 32 of the Initial Study, any demand for police services would not be of a magnitude that would require new or expanded police facilities to maintain acceptable service levels. Thus, the Initial Study correctly identified impacts to police protection services as being less than significant.
- 22-4 Wildlife Impacts. The comment states that there is a potential for significant interference with movement of native wildlife species. The referenced Environmental Checklist question on the Initial Study (DEIR Appendix A) identified both potential impacts and wildlife movement. The question as answered in the Initial Study identified a potentially significant impact to nesting birds due to the possibility of disturbance to nesting birds if any are present if trees are removed or during construction. Given the park’s location within a developed area surrounded by development, neither Monterey Park nor the area proposed for a skate park, provide open space corridor links to other habitat areas. Thus, the project would not

result in impacts to related to wildlife movement. See also Master Response 2 regarding wildlife and habitat impacts.

22-5 Noise Impact and Other Concerns. The comment states that the noise is a concern and references other Initial Study checklist questions, but does not provide a specific comment regarding EIR analyses or determinations, and thus, a specific response cannot be provided.

22-6 Project Concerns. The comment states that the EIR suggests rationalizations for locating a second Capitola skate park and urges the City look closely at the impact of the park. The purpose of the EIR is to evaluate potential environmental effects of the proposed skate park and to disclose those impacts to the public and City decision-makers. The EIR does not provide information to support or oppose the project. The comment does not provide a specific comment on the EIR address the EIR or its analyses, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration. It is also noted that the EIR is an informational document to inform the City and public of potential physical impacts of the proposed project as indicated on page 1-1 of the DEIR, but does not provide rationalizations or opinions on the proposed project.

**LETTER 23 – Terry Tetter**

- 23-1 Sound Barriers. The comment questions placement of the recommended sound barrier mitigation and noise impacts to classrooms at New Brighton Middle School. See Master Response 1.
- 23-2 Amplified Music. The comment states that the EIR did not address noise from amplified “boom boxes”, amplified music, P.A. announcements or special events. As indicated on page 3-3 of the DEIR, City regulations prohibit use of loudspeakers, public address system or amplified music, so there would be no use of these types of equipment. The same paragraph in the EIR also indicates that no special or organized events would be permitted without a separate approval of a Temporary Events Permit from the City of Capitola.

## LETTER 24 – Timothy R. Wagner

- 24-1 Monterey Park. The comment states that Monterey Park is a passive neighborhood park, and the proposed project will increase noise and intensity of the park and diminish quality of life for residents who enjoy the park. Monterey Park is designated as an active park by the General Plan and includes existing active park uses. The comment does not address the EIR or its analyses, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration.
- 24-2 Park Development and Opposition. The comment questions private development at the park and states opposition to the project. The comment does not address the EIR or its analyses, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration.
- 24-3 Safety Issues. The comment states that skateboarding is a hazardous recreational activity, the proposed size is not adequate for beginner and advanced skate boarders, and activities at the baseball field could result in accidents. The comment does not address the EIR or its analyses, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration.
- 24-4 Proposed Skate Park Does not Serve Community Interests. The comment states that the proposed park does not serve the community needs or meet City objectives and serves more users than would be served by the proposed skate park. The comment does not address the EIR or its analyses, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration. The comment also states that because structures can't be placed elsewhere in Monterey Park, the EIR estimate that the skate park takes up 3.5% of the park is incorrect. For clarification, the DEIR notes on page 3-2 that the size of the skate park (6,000 square feet) is 3.5% of the total size of Monterey Park (4.0 acres).
- 24-5 Cumulative Impacts with McGregor Park. The comment states that the EIR fails to accurately evaluate the cumulative impact of two skate parks within  $\frac{3}{4}$  mile of each other. The cumulative impacts of the proposed project and the skate park at McGregor Park are addressed on pages 5-5 and 5-6 in the DEIR. See Master Response 3, which provides additional discussion on potential impacts between the proposed Monterey Skate Park and the McGregor Park that is currently under construction.
- 24-6 Traffic and Parking. The comment states that the EIR fails to “appreciate” the significant traffic impact and loss of street parking. The comment is not clear, but the project’s estimated 8 PM peak hour trips as distributed throughout the street system were not found to result a significant project traffic impact. Parking is not a

topic that requires evaluation under CEQA, but a discussion from the traffic impact study is summarized in the EIR. The City has discussed constructing a bike lane on the south side of Monterey Avenue; however, the project has not been approved and the City Council has directed staff to evaluate options to provide improved bicycle access which would have a reduced impact of parking supply along Monterey Avenue.

- 24-7 Noise and Areas of Controversy. The comment states that the skate park will result in increased noise, and is so noted. The comment also states that the EIR fails to adequately address the “Areas of Concern” in section 2.2 of the EIR. The referenced section is included in the Summary as required by the State CEQA Guidelines, and all the topics listed are addressed in the EIR.

**LETTER 25 – Marilyn Warter**

- 25-1 Noise Impacts. The comment states that the noise mitigation for adding a sound wall will increase the size of the skate park; moving it near the parking lot will increase noise for homes on Junipero Court and Monterey Avenue; and that the noise study did not adequately address noise impacts on the school site of the park. The sound barrier mitigation would add a fence-like structure to each end of the skate park, but will not increase the size of the skate park. The noise study did address impacts to the adjacent school classrooms and office.
- 25-2 Safety. The comment indicates that young adults will use the skate park which is not appropriate next to a school. The comment does not address the EIR or its analyses. As discussed on pages 1-2 and 1-3 of the Draft EIR (DEIR), CEQA focuses on adverse physical impacts on the environment. CEQA does not require review of social or economic issues. Therefore, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration.
- 25-3 Bathrooms. The comment states there are no bathrooms at Monterey Park. The comment is noted, but does not address the EIR or its analyses, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration.
- 25-4 Graffiti. The comment states that graffiti will be an ongoing problem at Monterey Park. The comment is noted, but does not address the EIR or its analyses, and no response is required. However, the comment is referred to Capitola staff and decision-makers for consideration.
- 25-5 Project Opinion. The comment states that a second skate park in Capitola is not needed, but it would be appropriate to have a real beginner skate park of 2,000-3,000 feet at this location with no advanced or noisy elements. The comment also recommends that the applicant be required to install and maintain a permanent video surveillance system for safety. The comments are noted, but do not address the EIR, but are referred to Capitola staff and decision-makers for consideration.

## 4.5 COMMENT LETTERS & EMAILS

Written comments addressing the EIR are presented on the following pages.

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