



**ADDENDUM TO ENVIRONMENTAL IMPACT REPORT
SCH #97121056, "RISPIN MANSION PROJECT", SEPTEMBER 2004
For the
RISPIN PARK PROJECT**

INTRODUCTION

This addendum has been prepared to document compliance with the California Environmental Quality Act (CEQA) for the modified Rispin Park Project. The City of Capitola is the project proponent and the lead agency under CEQA.

The Capitola City Council certified an Environmental Impact Report (EIR) for the Rispin Mansion Project on September 1, 2004. As described in more detail later in this Addendum, the previous Rispin Mansion Project featured restoration of the historic Rispin Mansion and gardens; development of a 28-room Inn, consisting of 13 guest rooms in the Mansion and 15 rooms in two new structures; meeting and special event/wedding facilities, a glass-enclosed pavilion, a conservatory, an addition to the existing well-house for operations and security, and improvements to the adjacent Capitola Library parking lot. The project evaluated in the 2004 EIR was never constructed and the Mansion remains vacant.

In 2014, the City of Capitola was awarded an approximately \$380,000 grant from the State of California Department of Housing and Community Development's Housing-Related Parks Program to restore the Rispin Mansion grounds and to construct Americans with Disabilities (ADA) compliant improvements to pedestrian/bicycle facilities. The City Council approved conceptual design plans for the park on May 28, 2015.

Development of the proposed modified Project will require issuance of a Design Permit, Conditional Use Permit, and a Coastal Development Permit from the Capitola Planning Commission. The City Council would also need to approve a construction contract and potentially an open space vacation, depending on the amphitheater design as described later in this report.

PROJECT DESCRIPTION

The City of Capitola proposes to restore the Rispin Mansion grounds to create an approximately .86-acre community park that provides primarily passive recreational opportunities with a focus on the site's cultural, historical, and open space resources. The project has been designed to be consistent with the historic architectural style of the mansion and to promote public awareness of the Mansion's significant contribution to Capitola's history. The project design is illustrated in the attached Rispin Mansion Park Conceptual Design Plans (Michael Arnone + Associates).

The proposed project would include restoration of several historic features of the property, including the entry staircase, grand staircase, reflection pool, sundial, fountain, arbor, interior walls, and other ornamental elements. New amenities proposed for the park include an amphitheater, benches, trash

receptacles, a bocce ball court, a children’s nature play area, chess tables, planters, bike racks, a drinking fountain, security lighting, interpretative displays and signage, ADA compliant pathways, gardens, and landscaping. The project would also include a native oak demonstration garden and a Monarch butterfly demonstration garden which would involve adding interpretive signage near existing oak woodland and Monarch butterfly habitat. Site development would require approximately 380 cubic yards of earthwork. There are no improvements or alterations proposed to the Mansion itself.

The project includes design options for treatment of the exterior perimeter wall which runs parallel to Wharf Road and the size and location of the proposed amphitheater as further described below. These design options are further evaluated for potential environmental impacts in the corresponding impact analyses sections later in this addendum.

Perimeter Wall

The northern portion of the Rispin Mansion property is presently enclosed by an approximately six-foot cast wall which runs parallel with Wharf Road. The wall is in disrepair and there have differing views regarding whether it should be restored and preserved or partially removed to enhance visibility into the park. Accordingly, there are two design options for the wall which are evaluated in this addendum and will be considered by the City Council:

Option 1: Under option 1, portions of the wall would be removed to improve visibility and public safety, while restoring and preserving other segments to retain the historical ambiance of the site. Portions of the wall to be preserved would be lowered to 30-inches with a decorative, 30-inch wrought iron fence on top. The archway above the entry staircase would be retained. Option 1 is detailed in the conceptual design plans for the Rispin Mansion Park prepared by Michael Arnone + Associates, May 28, 2015 (Attached).

Option 2: Under option 2, the existing perimeter wall would be restored and preserved with its current configuration and size.

Amphitheater

The proposed project includes an amphitheater located southwest of the Mansion. As designed, the proposed amphitheater would encroach into a narrow “finger” of a conservation easement which encumbers habitat areas within the property. In order to permit the amphitheater as shown in the conceptual plans, the City Council would need to approve an open space vacation. The City Council will consider the following design options related to the amphitheater:

Option 1: Under option 1, an approximately 430-square-foot amphitheater would be constructed as shown in the conceptual design plans (Attached). An open space vacation would need to be approved by the City Council to proceed with this option.

Option 2: Option 2 would reduce the size of the proposed amphitheater to approximately 285-square-feet and would relocate it closer to the Mansion to avoid the conservation easement (Attached). An open space vacation would not be needed under this alternative.

Option 3: Option 3 would develop an approximately 580 square foot amphitheater, but would relocate it to the north near former Mansion bath house (Attached). This option would avoid the conservation easement and an open space vacation would not be necessary.

LOCATION AND SETTING

The proposed Rispin Park project is located in the City of Capitola in Santa Cruz County. The City of Capitola is a coastal community located approximately 3 miles east of the City of Santa Cruz and south of Highway 1.

The Rispin Park site is approximately 6.5-acres and is located immediately east of the Wharf Road/Clares Street intersection. The property is bounded by Soquel Creek to the east, undeveloped open space to the north, multi-family residential uses to the south, and a mix of land uses to west, including single- and multi-family residences, a residential care facility, and the Capitola library. The site can be accessed from Wharf Road and Clares Street from the west and through Peery Park via the Nob Hill shopping center from the east.

The property is zoned AR/VS/R (Automatic Review Overlay/Visitor-Serving/Single-Family Residential) by the Capitola Zoning Ordinance and is designed as Public/Quasi-Public by the General Plan. The property is partially located in the coastal zone and is subject to applicable coastal policies in the City's certified Local Coastal Program (LCP). The property is owned by the City of Capitola.

PRIOR ENVIRONMENTAL DOCUMENT

The Capitola City Council approved the Rispin Mansion Project and certified its associated EIR on September 1, 2004. The certified EIR found that the project would have significant, unavoidable effects to biological resources and transportation/traffic. In accordance with CEQA section 15091, the Capitola City Council adopted findings of overriding considerations to certify the EIR.

The previously certified EIR applied mitigation measures to address impacts related to aesthetics/visual quality, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise, public services, and transportation/traffic.

SUMMARY OF PROJECT REVISIONS

The modified Rispin Park project would develop an approximately .86-acre public park within the existing Rispin Mansion property. The proposed park would be developed with primarily passive recreational uses, including gardens, a restored reflection pond and fountain, landscaping, picnic areas, game tables, interpretive signage, and accent/security lighting. The park would also feature some low intensity active uses, including a children's play area, an amphitheater for live music, performing arts, public speakers, and a bocce ball court.

The previously approved Rispin Mansion project included development of a 28-room Inn, restoration of the Rispin gardens and associated amenities, and site improvements necessary to serve the Inn and its visitors. The previously approved project involved many of the same improvements to the property as contemplated under the modified project, including restoration of the historic gardens, reflection pond and fountain, reconstructed pathways and staircases, rebuilding the arbor, and adding interpretive signage, lighting, fencing, seating, and event space for weddings and live music.

The primary difference between the previously approved project and the current Rispin Park project is that the Inn is no longer proposed. Consequently, many improvements associated with the Inn, such as restoration of the Mansion, construction of new habitable structures, the conservatory, the pavilion, accessory buildings, driveways, parking areas, sewer pump station, and off-site traffic and parking improvements are also not part of the current Rispin Park project. Park improvements proposed under the revised Rispin Park project are substantially the same as what was previously evaluated in the 2004 EIR, with the exception of the design option to modify and remove of portions of the perimeter wall fronting Wharf Road.

The previously approved project also included rezoning the property from AR/VS/R to PD (Planned Development) to provide customized zoning regulations for construction and operation of the Inn. In accordance with Capitola Zoning Code §17.39.060(D), if no development has occurred to effectuate a PD district development within two years after the district is created, the PD shall automatically expire. Because the Rispin Mansion project was never built, the PD district automatically expired and zoning for the site reverted back to AR/VS/R. The current Rispin Park project does not include a request to rezone the property.

The current Rispin Park project also includes a design option to vacate a small, narrow portion of a conservation easement which projects into the proposed development area to accommodate an amphitheater. At its discretion, the City Council may choose to vacate this portion of the easement, or reduce the size and alter the location of the amphitheater to avoid the easement. The easement was recorded following City Council approval of the previous project; consequently, the previous project did not require an open space vacation.

There have also been significant regulatory changes since the prior project was approved in 2004, including adoption of more restrictive state and local storm water regulations; CEQA amendments to require analyses of climate change and GHG emissions; termination of redevelopment agencies throughout California, and adoption of a new Capitola General Plan.

CEQA ADDENDUM PROCEDURES

This document has been prepared in accordance with Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162 and 15164 to evaluate changes to the project and to document the City's determination that a subsequent or supplemental EIR is not required because the project as modified would not create any new or substantially more severe significant effects on the environment that were not analyzed in the previously certified EIR.

In determining whether an Addendum is the appropriate document to analyze modifications to the previously reviewed project, State CEQA Guidelines Section 15164 states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*

- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 and 15163 provide that a subsequent or supplemental EIR shall be prepared if any of the following criteria are met:

- (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:*
 - 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

As demonstrated in the environmental analysis contained herein, none of the conditions identified above triggering preparation of a subsequent or supplemental EIR will occur as a result of the proposed changes to the project.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings.; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

Response: The previously certified EIR found that the project could result in a potentially significant visual impact as a result of developing the site as an Inn, adding new habitable structures, and associated site improvements which would change the visual character of the property. As a result, the project was conditioned to implement the following mitigation measures to reduce visual resource/aesthetic impacts to a less than significant level:

- R-49:** Obtain Architectural and Site Review approval from the City.
- R-50:** On-site utilities, including heating and cooling systems located on building roofs, must be located in inconspicuous areas or screened.
- R-51** Building materials must be of a material or color that minimizes visual disruption and glare.
- R-52:** Any on-site buildings, signs, fences, walls, and entry gates must be consistent with the character of the Mansion and adjacent land uses.
- R-53:** Lighting must be designed to minimize off-site glare. The type, height, and spacing of lighting shall be approved by the City. Lighting must be directed downward and away from Soquel Creek and residences to the east. Lights must be of minimum intensity necessary for safety lighting. Light standards shall be a maximum of 15 feet high.

The current Rispin Park project does not include development of an Inn, new habitable structures, or associated improvements which would substantially alter the existing visual character of the site. The proposed project would restore the Rispin gardens, landscaping, and associated amenities to resemble the historic layout and features of the property. Proposed new amenities, such as game tables, picnic facilities, bocce ball court, ADA paths, and the amphitheater would be low profile features which have been designed to fit into the site's historic aesthetic setting.

The modified project differs from the previously approved project in that it would remove and lower portions of the perimeter wall adjacent to Wharf Road. Although removing and lower portions of the wall will alter the visual landscape from public rights-of-way along Wharf Road, Clares Street, and the Capitola Branch Library, the alterations will enhance views into the park and allow better visual access to the historic Mansion. The wall is not designated as a protected visual resource by the City of Capitola and many consider it unattractive in its current state of disrepair. In its finished state, the wall will be repaired, refinished, and adorned with a complementary wrought iron fence affixed to the top of the wall. The proposed wall alteration has also been reviewed by a qualified architectural historian (see discussion in Cultural Resource section of this addendum) who concluded that the proposed design would be consistent with the historic appearance of the Mansion. Accordingly, changes to the project, including proposed wall alterations, would not result in a more severe visual impact from what was evaluated in the previously certified EIR.

The project site is not located in a designated scenic vista and the project would not substantially damage scenic resources, including the historic Rispin Mansion or significant trees. Proposed improvements would not create substantial sources of glare and all lighting would be cast downward with low-sodium or equivalent fixtures to prevent light trespass into sensitive habitat areas or off-site properties.

Because the Rispin Park project does not include development of an Inn and new habitable structures, previous mitigation measures R-50 and R-51 do not apply to the current Rispin Park project. Mitigation measures R-52 and R-53 will be added as conditions of approval to ensure proposed park improvements are consistent with the visual character of the property.

Additionally, the project is required to obtain Architecture and Site Review approval pursuant to the Capitola Municipal Code; therefore, mitigation measure R-49 is redundant and unnecessary. Through implementation of these mitigation measures, impacts to aesthetics/visual quality would be less than significant.

II. AGRICULTURAL AND FORESTRY RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects to agricultural resources including: conflict with zoning for or result in rezoning of forest land; result in the loss of forest land or conversion of forest land to non-forest use; convert Important Farmland and/or conflict with existing zoning for agricultural use or Williamson Act contract?

Response: There are no forest lands, farmlands of state or local importance, or agriculturally zoned properties in the City of Capitola. Consequently, the previously

certified EIR found no impacts to agriculture or forestry resources. There are no project changes proposed which could affect agricultural or forestry resources.

III. AIR QUALITY

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects to air quality including: conflicts with or obstruction of implementation of the Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

Response: The previously certified EIR found potentially significant impacts to air quality due to dust generation during site preparation, construction, and construction vehicle exhaust. The previously approved project proposed approximately 1,833 cubic yards of grading (1,423 cut, 410 fill) to accommodate the Inn and associated site improvements. To reduce air quality impacts to a less than significant level, the following mitigation measure was applied to the project:

R-62 Require implementation of construction practices to minimize exposed surfaces and generation of dust that include the following measures, at a minimum:

- Exposed earth surfaces shall be watered during clearing, excavation, grading, and construction activities. All construction contracts shall require watering in late morning and at the end of the day.
- Grading and other earthmoving shall be prohibited during high wind.
- Cover all inactive storage piles.
- Maintain at least 2 feet of freeboard for all loaded haul trucks.
- Throughout excavation activity, haul trucks shall use tarpaulins or other effective covers at all times for off-site transport.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Sweep streets if visible soil material is carried out from the construction site.
- Upon completion of construction, measures shall be taken to reduce wind erosion.
- Revegetation and repaving shall be completed as soon as possible.
- Post a publicly visible sign that specifies the telephone number and person to contact regarding dust complaints and who shall respond to such complaints, and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (nuisance).

The current Rispin Park project would involve a smaller area of site disturbance and would require approximately 380 cubic yards of grading, as opposed to 1,833 cubic yards as previously proposed. Consequently, the Rispin Park project would result in reduced air quality impacts resulting from dust and particulate matter generation. Nonetheless, the project will be conditioned to conform to mitigation measure R-62 to suppress fugitive dust and associated air quality impacts. It should be noted that this mitigation measure will be modified to delete provisions for paving since driveway improvements are no longer proposed.

The revised project does not include any new features which could further impact air quality. Proposed park improvements would consist of stationary, non-mechanical features which would not emit any airborne pollutants. Therefore, the project would result in a less than significant impact to air quality through the implementation of dust suppression mitigation measures.

IV. BIOLOGICAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

Response: The previously certified EIR found the project would result in significant, unavoidable impacts to biological resources. Specifically, it was concluded that the project could adversely affect riparian habitat along Soquel Creek, nesting raptors, roosting bats, Monarch butterflies and their habitat, and steelhead and their habitat. The approved project was conditioned to implement a number of mitigation measures to reduce impacts to these resources; however, it was determined that impacts could not be fully mitigated.

The current Rispin Park project is a significantly less intense development than the previously proposed project which included a 28-room Inn, and associated site improvements. The previously approved project included a larger development area and would have introduced more visitors and activities to the site, including habitable structures, accessory buildings, driveways, special events such as weddings and parties, and resultant increases in impermeable surfaces, lighting, and operational noise. Conversely,

the proposed Rispin Park project consists of primarily passive recreational uses which has a smaller development footprint and presents fewer compatibility issues and reduced edge effects with neighboring habitat areas.

The revised project does include changes which pertain to biological resources. The proposed project includes a design option to demolish portions of the existing perimeter wall along Wharf Road; to vacate a small, narrow portion of a conservation easement which projects into the proposed development area; and the current project no longer includes driveway and pathway improvements adjacent to designated monarch butterfly habitat or within the Soquel Creek corridor near the Peery Park pedestrian bridge.

The effect of altering the perimeter wall was considered as it relates to noise attenuation and windbreak properties it could provide for Monarch butterfly habitat. However, the portion of the wall proposed to be demolished/modified is located approximately 150-feet north of identified Monarch butterfly overwintering habitat. Given its distance from designated habitat areas and its north-south orientation, it is considered highly unlikely that the existing wall provides any meaningful noise attenuation or wind protection for overwintering butterflies. Additionally, noise is not expected to adversely affect Monarch butterflies, a species which is often deaf and overwinters in noisy locations. Therefore, altering the wall is not expected to have a significant effect on Monarch butterflies.

The narrow conservation area proposed to be vacated and developed with an amphitheater does not support any rare, endangered, or threatened plant or animal species, nor does it support important habitat to support such species. This portion of the easement is a “finger” of the larger conservation area and is poorly designed from a habitat preserve perspective because it is very narrow (approximately 5-6 feet wide) and surrounded on three sides by lands which may be developed with non-habitat uses. Because the easement area supports no sensitive flora or fauna, and is too small and narrow to support habitat which would contribute to species sustenance, development in this area would not result in a significant effect to biological resources as defined by CEQA.

By removing previously proposed driveway and pathway improvements near designated monarch butterfly habitat and the Soquel Creek corridor, impacts to overwintering butterflies and habitat along the creek would be avoided.

Although the revised project is less intense than the previous proposal and proposed changes will not result in any new or more severe environmental effects, construction activities could adversely affect sensitive species through noise generation, habitat disturbances, sedimentation, drainage, and light trespass. Operation and maintenance of the proposed park could also impact sensitive species through landscaping activities (pest control, landscape management, etc.) and an increase in visitor usage of the property. Accordingly, previously adopted mitigation measures designed to minimize edge effects,

segregate park uses from sensitive habitat areas, and to protect and enhance existing habitat would be retained as conditions of approval.

The following mitigation measures were applied to the previously approved project to reduce impacts to biological resources. Note that Hydrology/Water Quality mitigation measures which also mitigate indirect impacts to biological resources have been applied and are listed in the Hyrdology/Water Quality section of this Addendum.

- R-1** Buildings shall be constructed In accordance with applicable Building Codes including the Historic Building Code and the site recommendations presented in the geotechnical and geologic hazard assessment by J.V. Lowney & Associates (January 1991) including, but not limited to, specifications regarding clearing, site grading and preparation, footings, foundations, slabs-on-grade, site drainage, and pavements or turf block.
- R-10** Pre-construction surveys for nesting raptors shall be performed by a qualified biologist to be retained by the applicant. If raptor nests are located during pre construction surveys, a 300-foot buffer shall be established around each nest for the duration of the breeding season (August 1st, or until such time as the young are fully fledged as determined by a qualified biologist in coordination with the California Department of Fish and Game) to prevent nest harassment and brood mortality. Every effort shall be made to avoid removal of, or impact to, known raptor nests within project boundaries. If trees known to support raptor nests cannot be avoided, limbing or removal of these trees may only occur during the non-breeding season.
- R-11** Pre-construction surveys for roosting bats must be performed 30 days prior to construction by a qualified biologist to be retained by the applicant. If roosts are found, a Memorandum of Understanding (MOU) with the CDFG shall be obtained by the contractor in order to remove bat species, or the construction schedule shall be modified to initiate construction after August 1, when young are assumed to have fledged. Alternative habitat will need to be provided if bats are to be excluded from maternity roosts. If this is the case, a species-specific roost with comparable spatial and thermal characteristics shall be constructed and provided. CDFG and species-specific bat experts shall be consulted regarding specific designs if roost removal becomes necessary.
- R-12** The monarch's overwintering habitat at the Rispin Mansion site shall be permanently managed by an independent monarch biologist, who is hired by the owners/operators of the Rispin Mansion and who will periodically report to the City Council. Please note that the judgment of the monarch specialist overrides the opinions of the applicant, landscape architect, arborist, and work crews that may be involved in the decision making process. At a minimum, the monarch biologist will have the following duties:
- (a) advise the owners/operators of the Rispin Mansion when monarch butterflys begin to use the overwintering habitat in the fall so the Mansion can shift to fall/winter operational mode, and similarly, advise the owners/operators when the monarchs

have left the Rispin Mansion site in the spring so the Mansion can shift to spring/summer operational mode;

- (b) work with the arborist to determine how to best prune the trees at the Rispin Mansion to enhance overwintering habitat values for achieving wind protection, dappled light, roost limbs, etc.;
- (c) work with the landscape architect to insure that appropriate plant taxa are used to enhance overwintering habitat values for the monarch, and that the selected plant materials are placed at the most appropriate locations on the site;
- (d) monitor and manage the gradual removal of invasive/non-native ivy from the site as it is replaced by alternative, more desirable (native) nectaring sources;
- (e) routinely work with the landscaping crew to insure that maintenance practices are compatible with protection and enhancement of the monarch's overwintering habitat;
- (f) periodically re-evaluate overwintering habitat conditions for the monarch and provide recommendations for corrective actions and improvements;
- (g) prepare a monarch overwintering habitat monitoring and management plan for the Rispin Mansion site, which will identify methods for annual monitoring of the butterfly and its habitat, plus identify specific management practices for all parts of the roost areas; and
- (h) advise the owners/operators about methods for raising butterflies in the restored Rispin aviary and propagating the milkweed food plant of monarch larvae in non-roosting portions of the site.
- (i) ensure that tree pruning and removal is done in accordance with the Interim Management Plan for Preservation of Rispin Mansion Butterfly Habitat and Screening of Rispin-Peery Bridge Connection (April 2003, Lewis Tree Service).

R-13 The applicant shall take proper measures to avoid damage to the remaining oaks, cypress and redwood in these areas. Specifically, grading or construction shall not occur within 15 feet of the base of all oak, cypress and redwood trees unless performed under the supervision of a qualified on-site arborist.

R-14 A final landscaping and tree mitigation plan shall be implemented that contains the following measures for tree preservation during construction. This plan shall be reviewed and approved by the City of Capitola prior to construction.

- Provide for an on-site consulting arborist during preliminary grading.
- Establishment of a tree preservation zone (TPZ) by installing fencing, with stakes embedded in the ground, no less than 48 inches in height, at the dripline (the perimeter of the foliar canopy) of the tree, or at the critical root radius, as defined by the consulting arborist. This installation will be done prior to any construction activities.
- Within the dripline of existing trees (the TPZ), no storage of construction materials, debris, or excess soil will be allowed. Parking of vehicles or construction equipment in this area is prohibited. Any solvents or liquids shall be properly disposed or recycled.

- Minimize soil compaction on the construction site. Protect the soil surface with a deep layer of mulch (tree chips). The addition of mulch will reduce compaction, retain moisture, and stabilize soil temperature.
- Maintain the natural grade around trees that are not removed. No additional fill or excavation will be permitted within areas of tree root development. If tree roots are unearthed during the construction process, the consulting arborist will be notified immediately. Exposed roots will be covered with moistened burlap until a determination is made by the on site arborist.
- Any areas of proposed trenching will be evaluated with the consulting arborist and the contractor prior to construction. All trenching on this site will be approved by the on-site arborist. Trenching within a tree dripline will be performed by hand. Tree roots encountered will be avoided or properly pruned under the guidance of the consulting arborist.
- Unauthorized pruning or canopy alterations of any tree on this site will not be allowed. If any tree canopy encroaches on the building site the required pruning will be done on the authority of the consulting arborist and monarch expert and to ISA pruning guidelines and ANSI A300 pruning standards. Education of landscaping and maintenance personnel shall be required prior to commencement of construction.

R-15

The final landscaping and tree replacement/mitigation plan shall include the following components:

- For every mature tree (of any species) that is removed, four (4) 24-inch box trees or twelve (12) 15-gallon trees shall be planted. For every sapling tree that is removed, one (1) 24-inch box tree or three (3) 15-gallon trees shall be planted. Loss of acacia clumps must be replaced at a 1-to-1 ratio (i.e., one 24-inch box or three 15-inch box) based on the number of trunks in the group. The on-site arborist shall determine the type of tree (i.e., mature, sapling, clump) that is being removed or permanently damaged prior to its removal. The following species may be used for replacing the acacia that are removed, based on their size and foliage, as recommended by the butterfly expert (Dick Arnold, Ph.D.):
 - Red ironbark (*Eucalyptus sideroxylon*), recommended by both Elizabeth Bell and Dick Arnold as a roosting tree
 - Holly-leaf cherry (*Prunus ilicifolia*), recommended by Dick Arnold as a windscreen
 - Monterey cypress (*Cupressus macrocarpa*), windscreen
 - Sydney blue-gum (*Eucalyptus saligna*), windscreen
 - Swamp mahogany (*Eucalyptus robusta*), windscreen
 - Coast redwood (*Sequoia sempervirens*), windscreen
 - California bay (*Umbellularia californica*), windscreen
 - Red alder (*Alnus rubra*), windscreen
 - Coobah (*Eucalyptus microtheca*), roost tree
 - Hinds willow (*Salix hindsiana*), winter nectar source
 - Western black willow (*Salix lucida*), windscreen/nectar source
 - Arroyo willow (*Salix lasiolepis*), windscreen/nectar source

The locations on the project site for replacement trees shall be in conformance with guidance from the qualified monarch expert to eventually compensate for limbs and trees lost due to project construction. As part of the landscaping and tree replacement/mitigation plan, implement the following:

- Acacia limbing or removal will be confirmed by consultation with the monarch biologist to be retained by the applicant and shall be done in accordance with the Interim Management Plan for Preservation of Rispin Mansion Butterfly Habitat and Screening of Rispin-Peery Bridge Connection (April 3, 2003, Lewis Tree Service).
- Replacement planting shall be done in consultation with the retained monarch biologist.
- As replacement plantings reach a sufficient size and stature to replace the remaining existing acacias (as determined by the consulting monarch biologist), these acacias will be permanently removed.
- Replacement plant taxa to be used for windscreening, dappled light, and nectar shall be the same as those listed above in the approved planting list, and those recommended in the landscape plans by Dick Arnold (also those recommended by The Monarch Project 1993).
- Trees must be planted between any parking or unloading/loading spaces near the Mansion and Area A to buffer the direct impacts to butterflies (see approved planting list above).
- Adequate setbacks to building walls shall be provided from tree trunks (15-foot minimum) to create "tree protection zones". Trees shall be protected with fencing during construction.
- A temporary fence, as approved by the on-site arborist, shall be placed around the entire roosting area bounded by Wharf Road, the south-gate access road and the Mansion fence that extends from the well-house to the south gate. This area shall not be used for parking or equipment and materials storage during the construction phase.

R-16 Widening of the existing driveway on the south side of the site shall not be allowed.

R-17 During reconstruction/resurfacing of the driveway, the applicant shall adhere to specific guidelines for roadbed design, construction materials and procedures provided by the consulting arborist in order to avoid above and below ground damage to the trees near the driveway. These construction guidelines shall include the following:

- hand grading or use of mini-excavator;
- road bed fill not to exceed four inches in the acacia area;
- use of light-colored, water permeable substrate for the road and parking lot surface;
- establishment of tree protection zones;
- limit use of driveway during construction to vehicles that clear the tree canopy; and prohibit use of this driveway for construction vehicles and equipment between October 1 and February 28.

- R-18** The final placement of the cantilevered wall along the Wharf Road site boundary shall be determined through on-site consultation with the monarch butterfly specialist or arborist to minimize damage to acacias that are important to the monarch habitat. The final design of the cantilevered wall shall provide for proper drainage and avoidance of root damage to preserve the trees in the habitat. The design specifications of the wall shall be reviewed and approved by the arborist.
- R-19** Avoid removal of lower eucalyptus or acacia limbs for creation of the pathway, unless recommended by the arborist to address safety concerns, to minimize potential canopy loss within the monarch habitat. Vegetation pruning and clearing shall be minimized and barriers shall be installed along the pathway to keep visitors off of undisturbed areas. The final design of the pathway shall be completed in coordination with the monarch butterfly expert. All acacia pruning and/or removal shall be done in accordance with the Interim Management Plan for Preservation of Rispin Mansion Butterfly Habitat and Screening of Rispin-Peery Bridge Connection (April 3, 2003, Lewis Tree Service).
- R-20** Buildings shall not be placed beneath canopy driplines except as authorized by the monarch butterfly expert. Boardwalks and viewing platforms or patios may be placed beneath driplines if the existing eucalyptus canopy is maintained. Only limited limb removal for view enhancement and safety concerns may occur, but it must be consistent with health of trees and performed under the guidance of the consulting arborist and monarch butterfly specialist.
- R-21** During facility operation between October 1 and February 28 (or as determined by the monarch biologist) of each year, the driveway shall only be accessed by zero emission vehicles for guest drop-off and deliveries, as outlined in the Mode A/B Site Operation Program discussed above. Between March 1 and September 30, use of the site for guest drop-off and valet service in standard vehicles, in addition to the above, will be acceptable. Vehicles taller than the lowest tree canopies shall be restricted from entering the site.
- R-22** Landscape and ground maintenance workers must be informed of conservation issues regarding overwintering monarch habitat through a training seminar conducted by the monarch expert. Use of blowers shall be prohibited between October 1 and February 28.
- R-23** Any new buildings south of the Mansion on the project site must be designed and built without wood-burning fireplaces or stoves (gas-burning fireplaces are acceptable). Operation of wood-burning fireplaces in the Mansion and the Rispin Conservatory shall be prohibited if it has the potential to create adverse conditions during the time when monarchs are potentially present in the habitat (October 1 through February 28, or as determined by the monarch biologist). A fireplace plan shall be developed, subject to review by the butterfly expert and approval by the City of Capitola. The fireplace plan shall include at a minimum:
- a description of the locations and design of exhaust system features, and

- an operational program that specifies the methods (such as warning signs and lockable ignition switches or gas valves) proposed to ensure that fireplaces do not create adverse conditions, including restrictions on operations proposed in the Mode A/B Site Operation Program detailed above, for times when butterflies are potentially present in the Rispin habitat.
- R-24** Site preparation (e.g., tree trimming, tree removal, grading, excavation, and roadbed construction) on the project site shall not occur when monarchs are potentially present (October 1 through February 28).
- R-25** Use of biological insecticides (including bacteria, viruses, protozoans and nematodes) that are effective in the control of all lepidoptera shall be prohibited throughout the habitat. Chemical insecticides shall not be applied during the overwintering season (October 1 through February 28). Use of chemical insecticide agents during the non-roosting season may be done only if approved by the consulting butterfly expert. Grounds maintenance workers shall be made aware of monarch habitat conservation requirements as they pertain to grounds management (see mitigation R-22 above).
- R-26** The following measures, at a minimum, shall be implemented during the time when monarchs are potentially present in the habitat (October 1 through February 28, or as determined by the monarch biologist):
- All pedestrians/visitors/guests shall be kept outside of the monarch roosting area by monarch biologist approved fencing.
 - Outdoor activities, such as weddings, will be limited to designated portions of the Mansion property to avoid roosting area disruption.
 - Outside night-lighting along the paths, and at the Mansion and South End Building shall utilize low wattage bulbs and fixtures that are mounted close to ground level and directed away from the roosts. In addition, lighting shall not be directed toward Soquel Creek or on-site riparian vegetation.
- R-27** The removal of any riparian or upland trees on the Rispin site that provide shade to the Soquel Creek shall not be allowed unless immediately replaced. The amount of shading within the creek currently supplied by Rispin property trees shall be established as a base-line, and any actions reducing this percentage shall require management to improve stream shading by a City approved forester/botanist. Such management shall include planting of native riparian tree species along the creek (i.e. big-leaf maple, sycamore, alder, cottonwood, box- elder, willow), to provide shade and aid in cooling of the creek, and to enhance habitat.
- R-28** Protect the eucalyptus grove and patches of redwood trees as valuable sources of shade to the stream, erosion prevention on the steep slope, and as monarch butterfly habitat.
- R-29** Consult with a qualified engineer (as determined by the City) to see if runoff from the library parking lot could be detained to reduce the peak discharge level to the pre-development rate. If feasible (to be decided with contracted engineer), install a

buried stormwater detention facility near the driveway that would feed into the existing drainage system.

- R-30** Retrofit the storm drain pipe buried across the Rispin bench with a detention tank that can meter out water at a slower rate, with an overflow in the event that the tank becomes overwhelmed. This shall be done in consultation with a qualified engineer.
- R-31** Stabilize the drainage channel leading from the energy dissipater to the creek (located in the south-central portion of the site). This shall be done in coordination with a qualified engineer.
- R-32** The addition of impermeable surfaces at the Rispin Mansion site shall be accompanied with an effective drainage plan. This drainage plan shall ensure the capture of any increase in runoff on the bench (as much as is feasible), without additional overland movement of water down the steep slope toward the creek (to minimize erosion and sedimentation, and the introduction of pollutants).
- R-33** Improve the existing driveway on the south end of the site to facilitate rain percolation. Re-surface the driveway with porous pavement blocks or comparable material.
- R-34** Extend the drainpipe from the walkway grate leading to the Rispin-Peery Bridge to Soquel Creek.
- R-35** Investigate the hydrologic source of water flowing under the west footing of the Peery Park walk/bicycle bridge and re-route it away from the footing to a stable release point. This shall be done in coordination with a qualified engineer.
- R-36** Remove non-native/invasive species in work areas within the riparian habitat (i.e. drainage improvements) as much as is feasible, and re-plant with appropriate native riparian species. A qualified botanist shall determine an appropriate native species palette in coordination with the monarch biologist.
- R-37** As much as is feasible, and in coordination with the monarch specialist, remove non-native/invasive species (especially pampas grass) in the vicinity of the Peery Park walk/bicycle bridge.
- R-38** Repair or replace the retaining wall along the eastern edge of the Rispin Mansion. The replacement of this wall will require erosion/sedimentation control techniques recommended by a qualified engineer.
- R-39** Replace the fence above the retaining wall of the Rispin Mansion to exclude people from accessing the creek through created footpaths.
- R-40** Construct a meandering footpath from the Rispin site to Soquel Creek that is less erosive than the existing trail paralleling the storm drain down to the energy

dissipater. No trees shall be removed or substantially limbed during construction of this trail. The trail shall be covered with base rock and designed to avoid the concentration of storm runoff. Although this trail will be preferable to the existing one, do not clearly mark the trail or encourage its utilization.

- R-41** Revegetate the existing shortcut path on the west side of the Rispin property (adjacent to the walkway) with native vegetation. Plant native thorny shrubs or undesirable species, such as blackberry or poison oak, adjacent to the walkway to discourage further use of the existing path.
- R-42** To avoid disturbance to steelhead (and other aquatic or semi-aquatic wildlife), nighttime lighting of the riparian habitat and/or Soquel Creek shall not be allowed. On-site lighting required for Mansion grounds shall not be oriented towards the creek.
- C-2** Cumulative projects shall be properly sited with adequate buffers from monarch butterfly habitats to avoid physical degradation to the habitat. Removal or substantial limbing of significant trees or other permanent changes to monarch butterfly habitats (including changes to the wind protection, shading, amount or accessibility of roost sites and nectar sources) shall be prohibited, except as approved by a qualified butterfly expert.

As previously stated, mitigation measures which reduce edge effects, segregate park uses from sensitive habitat areas, and protect and enhance existing habitat are proposed to be retained as conditions of approval. Specifically, measures R-10, R-13, R-22, R-25, R-26, R-27, R-28, R-32, R-39, and R-42 will be included as conditions of project approval. Modifications to these conditions will be made, as applicable, to reflect the current proposal (e.g., measures related to construction or operation of the Inn and/or which were applied to minimize impacts resulting from previously proposed driveway and pathway improvements would be deleted). Additionally, stormwater/drainage measures which were also applied to reduce biological impacts will be modified based on current, more restrictive state and local stormwater standards and are listed in the Hydrology/Water Quality section of this Addendum.

The following previously adopted mitigation measures would not apply to the current proposal as further explained below: R-1, R-11, R-12, R-14, R-15, R-16, R-17, R-18, R-19, R-20, R-21, R-23, R-24, R-29, R-30, R-31, R-33, R-34, R-35, R-36, R-37, R-38, R-40, R-41, and C-2.

- Mitigation Measure R-1 required buildings to be constructed in accordance with applicable building codes, including the historic building code and geotechnical studies prepared for the project. The proposed Rispin Park project does not propose any habitable buildings; therefore, this mitigation measure does not apply.

- Mitigation Measure R-11 required pre-construction surveys for roosting bats which reside inside the Mansion. The revised project does not propose any alterations to the Mansion; therefore, this mitigation measure does not apply.
- Mitigation Measures R-12 was adopted to reduce impacts to designated Monarch butterfly habitat areas near the previously proposed south end building and associated driveway. The current project would not construct/operate the south end building or driveway. Therefore, this impact would no longer occur and mitigation is not required.
- Mitigation Measures R-14 and R-15 were applied to reduce impacts to trees located in or adjacent to monarch butterfly overwintering habitat resulting from construction of new buildings and driveway and pathway improvements. These improvements are no longer proposed, therefore, these impacts would be avoided and mitigation is not required. It should be noted, however, that a new condition to protect trees and to require replacement trees has been added as a condition of project approval as described later in this Addendum.
- Mitigation Measures R-16, R-17, R-18, and R-19 were adopted to mitigate impacts resulting from constructing driveway and pathway improvements which are no longer proposed; therefore, impacts would be avoided and mitigation is not required.
- Mitigation Measure R-20 was applied to prevent buildings from being constructed in a manner which could adversely affect monarch butterfly habitat. No buildings are included in the current proposal; therefore, this measure is not required.
- Mitigation Measure R-21 limited the use of on-site driveways. No driveways are proposed; therefore, this condition does not apply.
- Mitigation Measure R-23 prohibited the use of wood burning fireplaces in buildings. No habitable buildings or fireplaces are proposed; therefore, this condition does not apply.
- Mitigation Measure R-24 prohibited construction and site preparation activities which could adversely affect monarch butterflies during overwintering periods. The current project does not propose any construction, earthwork, or tree removals in or adjacent to the designated monarch butterfly habitat; therefore, this condition does not apply.
- Mitigation Measure R-29 required the City to consult with an engineer to determine if drainage runoff from the library parking lot (which was proposed to be used for Inn parking) could be detained to reduce discharge levels. The proposed Rispin Park project does not include the library parking lot site; therefore, this condition does not apply.
- Mitigation Measures R-30 and R-31 were added in response to a County of Santa Cruz comment regarding the previously proposed improvements to the library parking lot. The current project does not propose any improvements to the library parking lot; therefore, these conditions do not apply.

- Mitigation Measure R-33 required resurfacing the existing driveway with porous material to facilitate percolation. The project does not include any new or altered driveways; therefore, this condition does not apply.
- Mitigation Measure R-34, R-35, R-36, and R-37 were applied to mitigate impacts resulting from pathway improvements near Rispin-Peery Park Bridge. These improvements are no longer proposed; therefore, no impacts would occur and mitigation is not required.
- Mitigation Measure R-38 was applied to reduce impacts resulting from previously proposed garage improvements. The current project does not include a garage or other improvements in this area; therefore, no impacts would occur and mitigation is not required.
- Mitigation Measure R-40 was applied to restore a previously undesignated pathway which traversed through habitat. The pathway has since become overgrown and is no longer used; therefore, no mitigation is required.
- Mitigation Measure R-41 required revegetation a former undesignated trail through a habitat area. Pacific Gas and Electric Company initiated a restoration project in this area. The restoration area is located outside of the proposed Rispin Park project area. The restoration project has not been completed, however, the City will monitor the restoration success and will coordinate with PG&E to take necessary remedial actions. Because the restoration area is outside of the project area and is under restoration by a third-party, this mitigation measure no longer applies.
- Mitigation Measure C-2 required other projects to provide adequate buffers to protect Monarch butterfly habitat. Existing City regulations and policies require projects near Monarch butterfly habitat to avoid and/or minimize impacts. These regulations/policies will be applied when future development applications are reviewed. Furthermore, the City cannot impose mitigation measures on future, independent, and unknown projects.

The following new mitigation measure will be applied to replace previous mitigation measure R-14 and R-15 to minimize impacts to trees:

- Prior to commencement of site preparation, a certified arborist shall be retained to review the construction plans and to provide recommendations to protect trees and their root zones from construction activities. Trees which are removed or mortally damaged during site preparation and construction activities shall be replaced with appropriate native species at a minimum 2:1 ratio.

Mitigation Measures R-22, R-24 and R-26 will be modified as shown below in strikeout/underline format:

- R-22** Landscape and ground maintenance workers must be informed of conservation issues regarding overwintering monarch habitat through a training seminar conducted by the

monarch expert. ~~Use of blowers shall be prohibited between October 1 and February 28.~~

Explanation: The previous project included new buildings, driveways, and pathways immediately adjacent to the designated monarch butterfly habitat. The current project does not propose any improvements or site disturbance in this area. Additionally, monarch butterflies often overwinter in noisy locations and a high percentage of monarchs are believed to be deaf. Consequently, the use of leaf blowers would not adversely impact overwintering butterflies.

R-24 Site preparation (e.g., tree trimming, tree removal, grading, excavation, and roadbed construction) on the project site shall not occur when monarchs are potentially present (October 1 through February 28) unless a qualified monarch biologist determines that monarchs are not present or that activities would not disturb overwintering populations.

Explanation: The previous project included new buildings, driveways, and pathways immediately adjacent to the designated monarch butterfly habitat. The current project does not propose any improvements or site disturbance in this area. Additionally, monarch butterflies often overwinter in noisy locations and a high percentage of monarchs are believed to be deaf. Consequently, construction and site preparation are not expected to adversely impact overwintering butterflies. If construction or site preparation activities are proposed during overwinter periods, a qualified monarch biologist will be consulted to ensure impacts are avoided prior to initiation of work.

R-26 The following measures, at a minimum, shall be implemented during the time when monarchs are potentially present in the habitat (October 1 through February 28, or as determined by the monarch biologist):

- All pedestrians/visitors/guests shall be kept outside of the monarch roosting area by monarch biologist approved fencing.
- Outdoor activities, such as weddings, will be limited to designated portions of the Mansion property (i.e., amphitheater and developed park areas) to avoid roosting area disruption.
- Outside night-lighting along the paths, and at the Mansion and South End Building shall utilize low wattage bulbs and fixtures that are mounted close to ground level and directed away from the roosts. In addition, lighting shall not be directed toward Sequel Creek or on-site riparian vegetation.

Explanation: The previous project included a larger development area where outdoor events could have been held. The current project is smaller in size and outdoor events would be confined to the developed park area and would typically occur in the proposed amphitheater. This addition is intended to clarify that outdoor events shall be limited to the park and shall not occur adjacent to monarch habitat areas.

Through removal of the Inn, its associated habitable buildings and site improvements from the project (including driveway and pathway improvements near monarch butterfly habitat

and the Soquel Creek corridor), the smaller development footprint, and implementation of applicable previously adopted mitigation measures, the Rispin Park project would result in a reduced impact to biological resources.

V. CULTURAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

Response: The previously certified EIR found the project could result in potentially significant impacts to cultural resources. Specifically, it was concluded that the project could adversely affect archaeological (prehistoric), paleontological (fossils), and historic resources (Rispin Mansion and the Rispin Mansion Historic District).

The current Rispin Park project differs from the previously approved project in that it does not propose to renovate the historic Mansion or to develop an Inn with new habitable structures and associated site improvements. The current project would involve less site disturbance and grading and includes a design option to demolish and/or modify portions of the perimeter wall along Wharf Road which was not evaluated under the prior EIR.

The approved project was conditioned to implement the following mitigation measures to reduce impacts to these resources to a less than significant level:

- R-43 In the event that any archaeological or paleontological resources or human remains are discovered during grading or construction anywhere on the site, work shall be ceased within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented in accordance with CEQA Section 15064.5. All identified archaeological sites should be evaluated using the California Register of Historical Resources criteria, established by the State Office of Historic Preservation. Any discoveries shall be reported to the City Planning Director.
- R-44 In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:
- 1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- A. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - B. If the coroner determines the remains to be Native American:
 1. The coroner shall contact the Native American Heritage Commission within 24 hours.
 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American.
 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
- 2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
- A. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission.
 - B. The descendent identified fails to make a recommendation; or
 - C. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

R-45

The design of all new structures and materials of construction shall be compatible with and complement the Rispin Mansion's style as designed by George McCrae for Henry Allen Rispin. This design concept should be reviewed and approved by the City of Capitola prior to beginning final design or construction to ensure that the project meets the Secretary of Interior's Standards for Treatment of Historical Properties. In particular, State and local decision-makers shall consider the following recommendations:

- The final design of the Rispin Pavilion shall be based on review and approval by the State Historic Preservation Officer such that material of construction, colors, and architectural style are appropriately compatible with and complement the historic features of the site. The use of walls and roofs of glass is discouraged.
- The final design of building roof covering shall be based on review and approval by the State Historic Preservation Officer such that the covering and other changes near the Mansion are in compliance with the Secretary of the Interior's Standards and Guidelines. Consideration should be given to using terraces with planting in containers, as an alternative to sod roofs over new structures.
- The color scheme of new buildings shall be based on review and approval by the State Historic Preservation Officer such that the colors contrast with the Mansion's

white paint to differentiate the old buildings from the new, and are compatible with and compliment the Mansion (i.e., light tan or off-white).

- R-46 The design and rehabilitation of the Rispin Mansion (and well-house) must comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Historic Buildings, and the California State Historical Building Code. These documents shall be used as guidance documents for all agencies granting approval for the Rispin Mansion project.
- R-47 Before construction begins, a Level 2 Historic American Building Survey/Historic American Engineering Record report on the Mansion and the entire District must be prepared in order to preserve a record of the Mansion.
- R-48 Maintain an exhibit documenting and interpreting the history of the Rispin Mansion and its place in the community within the lobby, hallway, or other suitable location within the Mansion.

Archaeological (Prehistoric) and Paleontological Resources

The current Rispin Park project would require significantly less grading both in terms of excavation depths and area of disturbance which will reduce the potential to disturb subsurface artifacts. Nonetheless, the potential remains for grading activities to impact archaeological and paleontological resources. Therefore, the following previously adopted mitigation measures pertaining to protection of archaeological and paleontological resources will be applied as conditions of project approval: R-43, and R-44.

Historic Resources

The Rispin Mansion site was designated as an historic district on the National Register of historic places in 1991 based on its association with Henry Allen Rispin, the promoter and developer of Capitola-by-the-Sea from 1919 through 1929. Due to the property's historical significance, any development or modifications to the district must be evaluated for conformance with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties and CEQA.

The City commissioned Archives and Architecture, LLC to evaluate the proposed Rispin Park project design for consistency with the Secretary of Interior's Standards and compatibility with the district's historical and cultural character. Their findings are presented in the *Proposed Rispin Mansion Park Landscape Rehabilitation Project at the Historic Rispin Mansion* (attached). It should be noted that the report did not evaluate the design option to retain the wall in its existing state and this option would represent no change from current conditions.

Based on their review of the proposed design, Archives and Architecture concluded that the project was consistent with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties and that the project would not result in a significant impact on historic resources as defined by CEQA. Archives and Architecture found that the project

would require minimal changes to the property's distinctive materials, features, spaces, and spatial relationships while providing a catalyst for restoration and interpretation of the historic grounds. The authors also stated that proposed alterations were respectful of the historic fabric while replacement and new elements are compatible, yet differentiated, from original materials and form.

Archives and Architecture also concluded that the proposed demolition and modification of portions of the perimeter wall along Wharf Road would be consistent with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties, and therefore, would not constitute a potentially significant impact to historic resources under CEQA.

The following previously adopted mitigation measures applied to proposed renovations of the Rispin Mansion and new structures proposed as part of the Inn project. These measures no longer apply to the current proposal as further explained below: R-45, R-46, R-47, R-48.

- Mitigation Measure R-45 was applied to ensure previously proposed renovations to the Mansion and new buildings would be compatible with the style of the Rispin Mansion and the Secretary of Interior's standards for Treatment of Historical Properties. The proposed Rispin Park project does not propose to renovate the existing mansion or to introduce new habitable buildings to the site. Moreover, all proposed park features have been designed to be compatible with the historic character of the property. The project design has been reviewed by Leslie Dill of Archives and Architecture who concluded that the project would be consistent with the Secretary of Interior's standards.
- Mitigation Measure R-46 applied to previously proposed renovations to the Mansion, which is not part of the Rispin Park project. Other site improvements/alterations have been designed to complement the Rispin Mansion style and to be consistent with the Secretary of Interior's standards.
- Mitigation Measure R-47 applied to previously proposed renovations to the Mansion, which is not part of the Rispin Park project. Other site improvements and alterations have been designed to complement the Rispin Mansion style and to be consistent with the Secretary of Interior's standards.
- Mitigation Measure R-48 applied to the previously proposed renovated mansion which is not part of the current project. Additionally, the Rispin Park project would include interpretative signage to highlight the property's history.

VI. GEOLOGY AND SOILS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects

from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Response: The previously certified EIR found that the project could result in potentially significant impacts to/from Geology and Soils. Specifically, potential impacts related to exposure of people and structures to hazards during seismic events and increased erosion and sedimentation were cited as issue areas which required mitigation to reduce impacts to a less than significant level. The following mitigation measures were applied to the project:

- R-1** Buildings shall be constructed in accordance with applicable Building Codes including the Historic Building Code and the site recommendations presented in the geotechnical and geologic hazard assessment by J.V. Lowney & Associates (January 1991) including, but not limited to, specifications regarding clearing, site grading and preparation, footings, foundations, slabs-on-grade, site drainage, and pavements or turf block.
- R-2** The Contractor shall implement the following measures, at a minimum:
- Install and maintain silt basins and fences or straw bales along drainage paths during construction to contain on-site soils until bare slopes are vegetated. Carefully stockpile graded soils away from drainages.
 - Restrict grading and earthwork during the rainy season (October 15 through April 15) and stabilize all exposed soils and graded areas prior to onset of the rainy season through mulching and reseeded. Temporary mulching and reseeded (using a biologist/botanist approved native seed mix) will reduce erosion by establishing quick growing plants to stabilize disturbed areas which will not have permanent landscaping installed for a period of time or which may be redistributed at a later date. Permit grading after April 15 and before October 15 only with installation of adequate sediment and erosion control measures.
 - Revegetate graded slopes with appropriate native plant species (as determined by a qualified botanist) immediately upon completion of grading.
 - Comply with all applicable City of Capitola ordinances including landscaping compatibility for erosion control.

The current Rispin Park project is a significantly less intense development than the previously proposed project which included a 28-room Inn, new habitable structures, and

associated site improvements. The previously approved project also would have required more site disturbance and grading than the current proposal.

Because the current Rispin Park project does not include any habitable structures, previous mitigation measure R-1 no longer applies. However, mitigation measure R-2 will be retained as a condition of project approval, but will be modified to require compliance with current state and local stormwater management requirements which have evolved since certification of the original EIR. New stormwater standards are more stringent than regulations in place in 2004. Therefore, by reducing the amount of site disturbance, grading, and implementation of more restrictive stormwater management practices, geology/soil impacts resulting from increased drainage, erosion, and sedimentation would be less than what was evaluated in the previously certified EIR.

VII. GREENHOUSE GASES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects that the project may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

Response: Significant regulatory changes related to climate change and greenhouse gas (GHG) emissions have occurred since the previous EIR was certified. CEQA was amended in 2009 to require discretionary projects to evaluate potential impacts resulting from the generation of GHG emissions. The previous EIR was certified several years prior to this regulatory change and did not evaluate the project's GHG emissions.

In accordance with current CEQA guidelines, a project may have a significant impact related to GHG emissions if:

- The project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment;
- The project conflicts with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Greenhouse gases are generated by a number of activities, including transportation, energy consumption, water and wastewater treatment and conveyance, solid waste, and land use. The proposed Rispin Park project would restore the property's historic landscape and gardens and develop a public park with primarily passive recreational amenities. It is anticipated that the project would result in increased visitation to the property, including

the generation of some additional vehicle trips to/from the site. In addition, the project would install new lighting and new water dependant features such as landscaping and fountains.

Construction and operation of the project would have the potential to result in direct and indirect GHG emissions through:

- Construction emissions associated with site preparation, grading, and construction-related equipment;
- Emissions associated with landscape maintenance equipment;
- Emissions associated from vehicle trips to/from the site;
- Energy consumption to power lights;
- Water usage to irrigate landscaping, potable water, and ornamental fountains; and
- Waste generated by park visitors.

Although the project would generate an incremental contribution to sources of GHG emissions, increases would not be cumulatively considerable. It is expected that the park would primarily be used by local Capitola residents who will walk or cycle to the park. While some percentage of users will arrive from out-of-town origins, most will visit Capitola to experience the beach, wharf, Village or other popular visitor-serving uses as their primary destination. Accordingly, the project is not expected to generate a significant amount of new vehicle trips and most trips will be relatively short.

The project is also not expected to result in a cumulatively considerable increase in water use, energy use, or waste generation. Although the project would require modest amounts of water and power for irrigation, fountains, and lighting, these amounts are insignificant contributions to the overall consumption at a citywide or regional level.

Likewise, construction activities and the use of mechanized equipment will produce GHG emissions; however, construction duration will be relatively brief (approximately 4-6 months, with grading expected to be completed within 4 weeks) and will be performed by relatively small equipment such as backhoes, front-end loaders, dump trucks, pickup trucks, forklifts, and hand held tools. Emissions generated from construction are expected to be insignificant when viewed in the context of citywide, regional, or statewide emission inventories. Therefore, impacts to GHG emissions would be less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects

from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Response: The previously certified EIR found that impacts to/from hazards and hazardous materials would be less than significant. There have been no changes to the project nor has new information become available which could result in an increased impact to/from hazards or hazardous materials than what was previously evaluated.

The proposed Rispin Park project does not involve the transport, use, or disposal of hazardous materials. The project would also not expose people to hazardous materials or involve any hazardous emissions. The project site is not a listed hazardous material site and is not near a public or private airstrip. Development of the project would not affect any emergency response plans or expose people to a significant threat of wildfire. Therefore, impacts resulting to/from hazards and hazardous materials would remain less than significant.

X. HYDROLOGY AND WATER QUALITY

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which

would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

Response: The previously certified EIR found the project could result in potentially significant impacts to hydrology/water quality. Specifically, the EIR concluded that the project could increase storm water flows and associated sedimentation and contaminants being deposited into Soquel Creek and other downstream water bodies. Accordingly, the following mitigation measures were applied to the project to reduce impacts to a less than significant level:

- R-3** The Rispin Mansion project drainage system shall be designed to control the release of storm water flows to pre-development levels using on-site detention, percolation and proper system capacities. The design of the drainage system shall be prepared and submitted to the City to demonstrate that the project complies with this measure and other applicable City standards.
- R-4** The project applicant shall prevent sediments or other pollutants resulting from construction activities from entering storm water discharge. During construction, the following measures shall be implemented by the construction contractor:
- R-5** The project applicant shall submit a Notice of Intent to the Regional Water Quality Control Board to obtain a State Water Resources Control Board General Construction Storm Water Permit. This shall include preparation and approval of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of Best Management Practices to reduce water quality impacts as required by the Regional Water Quality Control Board. At a minimum, the measures in mitigation R-2 through R-9 shall be included in the SWPPP and implemented.
- R-6** The Rispin Mansion project parking area shall be swept on a regular basis (four times per year). Vacuum or regenerative air sweepers are effective at removing the finer sediments that often bind a higher proportion of heavy metals. The sweeping frequency shall be increased just before the wet season (to once per month in September and October of each year) to remove sediments accumulated during the summer.
- R-7** Install energy dissipaters, sand traps and grease/sediment traps in storm drain outfalls that serve the Rispin site. All catch basins/traps that receive runoff from any areas subject to vehicular use shall be designed for both active filtration and active treatment of runoff.

- R-8** The Rispin Mansion project shall maintain catch basins and storm water inlets on a regular basis to remove pollutants, reduce high pollutant concentrations, prevent clogging of the downstream conveyance system, and maintain the catch basins' sediment trapping capacity. Inspection of the drainage system shall be performed annually and repairs and/or cleaning shall be completed prior to November 15.
- R-9** Minimize the amount of fertilizers and herbicides applied to the Rispin Gardens. Utilize slow-release chemical fertilizers and herbicides and avoid application prior to scheduled irrigation. The use of fertilizers and herbicides on-site must not conflict with the relevant mitigation intended to protect monarch butterflies (see mitigation R-25 in 4.4 Biological Resources).
- C-1** The City of Capitola shall continue its efforts to implement the Soquel Creek Lagoon Enhancement project, and work with the County to ensure that other storm drain and water quality improvements are implemented to reduce cumulative watershed impacts.

Although the current Rispin Park proposal would be a substantially less intensive development than the previously approved project and would not result in any new or more severe significant environmental effects, development of the site would require grading and soil disturbance which could result in increased storm water discharges and associated transport of sediment and contaminants to downstream water bodies. Therefore, storm water mitigation measures will be added as conditions of project approval to ensure that impacts are reduced to a less than significant level.

The previously adopted mitigation measures, as listed above, will be modified to reflect current local and state storm water regulations, which have been updated since the 2004 EIR. Current storm water regulations are significantly more restrictive than 2004 standards. Because the current project involves less site disturbance and grading, and through implementation of stricter storm water management practices, impacts to hydrology/water quality would be less than what was evaluated under the prior EIR.

The following new/modified mitigation measures are proposed to avoid and/or minimize impacts to hydrology/water quality in accordance with current state and local stormwater and drainage regulations:

1. The owner/developer/applicant shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall be developed and amended or revised by a Qualified SWPPP Developer (QSD). The SWPPP shall be designed to address the following objectives:

- All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled;
 - All storm water discharges are identified and either eliminated, controlled, or treated;
 - Site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity to the BAT/BCT(best available technology/best conventional technology) standard;
 - Calculations and design details as well as BMP controls for site run-on are complete and correct, and;
 - Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed. To demonstrate compliance with requirements of this General Permit, the QSD shall include information in the SWPPP that supports the conclusions, selections, use and maintenance of BMPs. Section XIV of the Construction General Permit describes the elements that must be contained in the SWPPP.
2. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID). (Disconnect direct discharge of drainage). The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
 3. Grading during the rainy season (October 1 – April 30) shall be restricted to the approval, installation, inspection, and maintenance of an erosion and sediment control plan.
 4. Graded slopes shall be revegetated with appropriate native plant species immediately following completion of grading.
 5. The use of fertilizers and herbicides applied to the Rispin landscaping and gardens shall be minimized to the extent possible. Utilize slow-release chemical fertilizers and herbicides and avoid application prior to scheduled irrigation. The use of fertilizers and herbicides on-site must not conflict with the relevant mitigation intended to protect monarch butterflies.
 6. The City of Capitola shall continue its efforts to implement the Soquel Creek Lagoon Enhancement project, and work with the County to ensure that other storm drain and water quality improvements are implemented to reduce cumulative watershed impacts.

XI. LAND USE AND PLANNING

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects to land use and planning including: physically dividing an established community; and/or conflicts

with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

Response: The previously certified EIR found that impacts to land use and planning would be less than significant. The current Rispin Park proposal is a less intensive project because it involves less site disturbance, reduced grading, and does not include an Inn or associated visitor serving facilities. The Rispin Park project would consist of restoration of the historic landscaping and grounds of the Rispin Mansion and introduction of primarily passive park amenities which are similar to, but less intensive than the previously approved project. A public park is an allowed use type according to the City's previous and current General Plans, Zoning Ordinance, and Local Coastal Plan and the project is not inconsistent with any ordinances or regulations which were adopted for the purposes of avoiding environmental impacts. The project would not divide an established community and also would not be inconsistent with any City land use policies or regulations which were adopted for the purpose of avoiding an environmental effect. Therefore, the modified project would not result in any new or more severe land use impacts.

XII. MINERAL RESOURCES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Response: There are no mineral resource deposits in the City of Capitola which could be reasonably extracted given existing non-compatible land uses. The previously certified EIR found no impact to mineral resources and there have been no changes in the project or new information which would change this conclusion.

XIII. NOISE

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the

project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Response: The previously certified EIR found that the project could result in potentially significant noise impacts. Specifically, the EIR found that interior noise levels of the proposed Inn could exceed City standards for transient use types; that noise generated by special events such as weddings on the site could adversely affect surrounding residential uses; and that temporary construction noise associated with site development could affect neighboring residents. Accordingly, the following mitigation measures were adopted to reduce noise impacts to a less than significant level:

- R-59 All newly constructed buildings must be designed to attenuate noise inside the buildings as required for habitable structures within the 60 dBA Ldn noise contour. Noise insulation features selected shall be incorporated in the design to ensure that noise levels do not exceed 45 dBA Ldn in habitable rooms. Conventional construction with closed windows and a fresh air supply, or air-conditioning, will normally achieve this goal.
- R-60 The applicant must obtain an entertainment permit from the City of Capitola pursuant to Chapter 5.24 of the Municipal Code that shall include the following conditions of approval, at a minimum:
- Hours of operation for weddings and large meetings must be restricted to 8:00 a.m. to 10:00 p.m. (consistent with Chapter 9.12 of the Municipal Code, the Noise Ordinance), although small corporate breakfast meetings may occur as early as 6:30 a.m.
 - Hours of operation for amplified outdoor music use of microphones shall be restricted to 8:00 a.m. to 9:00 p.m.
- R-61 The City shall require that the construction contractor implement noise control measures (Best Construction Management Practices) during project construction, as outlined below:
- Require use of construction equipment and haul trucks with noise reduction devices, such as mufflers, that are in good condition and operating within manufacturers' specifications.
 - Require selection of quieter equipment (e.g., gas or electric equipment rather than diesel-powered equipment), proper maintenance in accordance with manufacturers' specifications, and fitting of noise-generating equipment with mufflers or engine enclosure panels, as appropriate.
 - Prohibit vehicles and other gas or diesel-powered equipment from unnecessary warming up, idling, and engine revving when equipment is not in use and encourage good maintenance practices and lubrication procedures to reduce noise.

- Construct temporary plywood barriers around particularly noisy equipment or activities at appropriate heights.
- Locate stationary noise sources, when feasible, away from residential areas and perform functions such as concrete mixing and equipment repair off-site.
- Except under special circumstances approved by the City Building Official, limit construction activities to the normal working day between the hours of 8 a.m. and 7 p.m. Monday through Friday.

The current Rispin Park project does not include an Inn, so mitigation measure R-59 does not apply. Similar to the previously approved project, the modified project includes space to accommodate outdoor events. The previous project includes special events such as weddings, corporate retreats, and parties. The modified project includes an amphitheater which would host live music, public speakers, and performing art events; accordingly, measure R-60 would be retained to ensure outdoor events held in the proposed amphitheater do not cause significant disturbances to neighboring residential uses. Mitigation measure R-61 would also be made a condition of project approval to reduce temporary construction noise impacts.

The modified project includes a design option to remove and lower portions of the perimeter wall which runs parallel to Wharf Road. Proposed modifications to the wall are not expected to result in a new or more severe operational (park use and events) noise impacts because the proposed park uses located near the wall are passive in nature and because the proposed amphitheater is located beyond the southern terminus of the existing wall. Additionally, the amphitheater would be located approximately 15-20 feet below the grade of Wharf Road which will minimize noise reaching properties located on the west side of Wharf Road. Finally, the only noise sensitive use located immediately across the street from the existing wall is the Capitola Branch Library which sits approximately 10 feet higher than the elevation of Wharf Road and is partially screened by landscaping which would further serve to attenuate operational noise. Therefore, the proposed alterations to the perimeter wall would not result in a new or more severe noise impact.

XIV. POPULATION AND HOUSING

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

Response: The previously certified EIR found that impacts to population and housing would be less than significant. Neither the prior nor current proposal would induce substantial

population growth or displace any existing people. The current Rispin Park project is a less intense development than the prior proposal and consequently would not result in any increased impacts to population and housing. Additionally, there is no new information which suggests impacts would be more severe than what had been previously evaluated.

XV. PUBLIC SERVICES

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects associated with the provision of new or physically altered governmental facilities or the need for new or physically 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 for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

Response: The previously certified EIR found that the project could result in potentially significant impacts to public services. Specifically, the EIR concluded that impacts to fire protection, water supply (direct and cumulative), and wastewater facilities could be adversely affected. Accordingly, the following mitigation measures were adopted to reduce impacts to a less than significant level:

- R-63 To enable the District to respond to fires, medical emergencies, and protect adjacent habitat areas and the community, a smaller and more maneuverable fire apparatus is required. Prior to occupancy, the project applicant shall purchase for the District a quick-attack (Type 4) fire engine that meets the specifications and design factors required by the District.
- R-64 The Mansion shall be equipped with fire and smoke detection system and notification equipment, as per the Uniform Fire Code/Central Fire Protection District Adopted Standard and Amendments.
- R-65 The Mansion shall be equipped with built-in fire suppression equipment such as fire sprinklers, hood and duct fire suppression equipment and related protection devices, as per the current Fire Code adopted by the District.
- R-66 The area around the Mansion is a wooded area with highly combustible eucalyptus trees and dead debris. The area adjacent to the Mansion shall have a defensible fire zone and proper clearances, based on consultation and approval by the District.
- R-67 Wet stand pipes or fire hydrants shall be installed at the north and south ends of the Rispin Mansion building to provide adequate fire flow water to the east side of the

building, including the vegetation on the steep slopes between the building and Soquel Creek, based on consultation and approval by the District.

- R-68 The remodel of the Mansion shall be completed with seismic and earthquake protection standards for occupancy use.
- R-69 Fire and paramedic rescue access and egress into and within the site and buildings shall be identified for emergency responses to the Mansion shall be identified for emergency responses to the Mansion.
- R-70 Emergency services and on-going fire prevention inspections for fire and life safety code compliance shall be required.
- R-71 The current taxation of the Mansion and the proposed RDA expansion properties generate no tax revenue for the fire/paramedic and prevention services currently required for the Mansion. Future development will require an agreed-to revenue mechanism for the services required to protect the new development of the Mansion.
- R-72 All buildings shall comply with all current, applicable codes, standards, and ordinances.
- R-73 The applicant shall apply for water connection approval ("will serve" letter) from the SCWD.
- R-74 The number and size of all water meters shall be determined by SCWD.
- R-75 The final design shall satisfy all conditions for water conservation required by SCWD at the time of application for service (as detailed in their water efficiency checklist package), including the following:
- Plans for a water efficient landscape and irrigation system that meet SCWD's conservation requirements;
 - All interior plumbing fixtures shall be low-flow and all applicant-installed water-using appliances (e.g., dishwashers, clothes washers, etc.) shall have the EPA Energy Star label;
 - Inspection by SCWD staff of the completed project for compliance with all conservation requirements prior to commencing water service.
- R-76 In compliance with SCWD's "zero-impact" program, the development shall be required to bear the cost of retrofitting existing structures within SCWD's service area with low water use fixtures to achieve a level of water use reduction commensurate with the project's projected water use (hence the "zero impact") as determined by SCWD.
- R-77 The pump station design shall be a duplex-type which is comparable to current public pump station standards. In addition, the pump station design shall comply with current standards and requirements regarding emergency overflow systems including, but not limited to, the following: power outage alarms, auxiliary energy source (natural gas), and worst-case capacity requirements. Operation and maintenance

procedures for the pump station shall be established to maintain reliability. The pump station design and operations/maintenance procedures shall be reviewed and approved by the SCCSD.

- R-78 The applicant shall obtain a "will serve" letter which requires payment of permit fees and a capacity study in order to comply with SCCSD requirements for connecting to the existing wastewater system in the project vicinity. In addition, the applicant shall pay for infrastructure improvements required to accommodate the increased wastewater flows generated by the project.
- R-79 The location of the Rispin Mansion force main shall be marked to prevent future damage to the line.
- C-10 Until programs are defined, the SCWD will continue to require new development to provide low-flow fixtures and water-conserving landscaping to reduce water consumption levels of urban development and minimize the impacts of new cumulative growth. The project shall incorporate water conservation features in accordance with SCWD requirements.
- C-11 The City supports the District's efforts to develop a regional plan and to require low-flow fixtures and water-conserving landscaping of new development. To help mitigate potentially significant cumulative water supply impacts, the City will participate in the integrated plan as requested and assist with implementation of feasible recommendations that may be adopted by the SCWD, which may include various water supply improvements and funding mechanisms, such as fees, on new development.

Previously adopted mitigation measures R-63 through R-72 were applied to ensure adequate fire protection services would be provided for the proposed Inn and its visitors. Because the current Rispin Park project no longer includes development of the Inn or any habitable structures, these mitigation measures do not apply.

Mitigation measures R-73 through R-76 were adopted to minimize water use of the Inn and associated site improvements. Although the revised project does not include an Inn, restoration of the site's landscaping and development of a community park will require irrigation and water fixtures. Therefore, mitigation measures R-73, R-74, R-75 will be included as conditions of project approval. Mitigation measure R-76, however, does not apply as there are no existing water fixtures on the property which require retrofitting.

Mitigation measures R-77 and R-78 applied to potential impacts to the sanitary sewer system through increased on-site wastewater generation. The current Rispin Park proposal does not include the Inn, does not include the construction of new restroom facilities, or other uses which would significant increase the amount of wastewater generation. Therefore, these measures do not apply to the revised project.

Mitigation measure R-79 required marking the location of a sewer force main which runs through the property. The City is obligated to identify and mark all underground utilities through existing regulations. This measure is therefore redundant and unnecessary.

Mitigation measures C-10 and C-11 will not be applied to the revised project because measure C-10 is redundant with measure R-75. The City already supports the District's efforts to minimize water consumption and continues to participate in its efforts to further reduce water usage as required by C-11; therefore, this condition is not necessary.

Through implementation of these applicable mitigation measures, the project would not have a significant impact on public facilities which could result in the need to construct improved or expanded facilities to serve the project, which in themselves could create a significant environmental impact.

XVI. RECREATION

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more new significant environmental effects or a substantial increase in the severity of previously identified significant effects which could result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Response: The previously certified EIR found that the project would result in a less than significant impact to recreation. The current Rispin Park proposal consists of restoring the landscaping and grounds of the historic Rispin Mansion and creating a public park which will increase the recreational opportunities for residents and visitors. The current proposal no longer includes development of an Inn. There have been no changes to the project which would result in increased usage of existing City parks which could deteriorate public recreational facilities nor would the project result in the need to develop new or expanded park facilities to serve residents because the project is providing additional public park space to existing residents. Therefore, impacts to recreation would remain less than significant.

XVII. TRANSPORTATION/TRAFFIC

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new

information of substantial importance" that cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects to transportation/traffic including: conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; cause a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Response: The previously certified EIR found that the project would result in significant, unavoidable impacts to transportation/traffic. Specifically, the EIR concluded that the project would contribute to existing deficiencies at the Clares Street and Wharf Road intersection during the weekday PM peak hour and midday Saturday peak hour conditions; would contribute to existing deficiencies at the 41st Avenue and Clares Street intersection during weekday PM peak hour condition; contribute vehicle, bicycle, and pedestrian use, including left turn movements on Wharf Road which could exacerbate traffic safety concerns; and contribute vehicle trips to failing segments of Highway 1. To reduce these impacts, the following mitigation measures were previously adopted:

- R-54 The Rispin Mansion project shall contribute its fair share of construction costs for the installation of an exclusive right turn lane on the southbound Wharf Road approach to the intersection with Clares Street; the improvement shall be implemented prior to project occupancy. This improvement would change the Saturday midday LOS at Clares Street and Wharf Road from LOS F to LOS C under existing plus project conditions during the Saturday MD peak hour. After the exclusive right-turn lane is installed, the City shall monitor this intersection in the future and if the intersection LOS degrades to D, signalization shall be installed or other improvements implemented to ensure that the LOS remains at C.

- R-55 The Rispin Mansion project shall contribute its fair share of construction costs for the installation of an exclusive right turn lane on the southbound 41st Avenue approach to Clares Street; the improvement shall be implemented prior to project occupancy. With construction of this improvement, the LOS would remain at LOS D during the weekday PM and Saturday MD peak hours with 40.3 seconds of delay and 49.5 seconds of delay, respectively.

- R-56 Install signs to encourage pedestrians to use the crosswalk at the intersection of Clares Street and Wharf Road.

- R-57 Install a stop sign at the project driveway approach out onto Wharf Road.
- R-58 Because vehicular access to the site will be restricted, and because the project parking area is located north of the Wharf Road/Clares Street intersection, appropriate guide signing shall be provided on Wharf Road and Clares Street to direct Rispin Mansion patrons to the parking area.
- C-3 A study of the 41st Avenue corridor between Capitola Road and Highway 1 will be conducted to identify feasible improvements, including traffic signal coordination, that would improve corridor traffic operations. The proposed project shall provide a fair share contribution towards the cost for this study.
- C-4 The Rispin project shall contribute its fair share of construction costs (pro-rata contribution) for the widening of Highway 1 to six lanes between Morrissey Boulevard and Larkin Valley Road, using the findings of the PSR completed in 2002.
- C-5 The Rispin project shall contribute its fair share of construction costs (pro-rata contribution) for the installation of an exclusive right turn lane on the southbound Wharf Road approach to the intersection with Clares Street; the improvement shall be implemented prior to General Plan buildout. This improvement would change the LOS at Clares Street and Wharf Road to LOS C under General Plan buildout conditions during Saturday MD and weekday PM peak hours. After the exclusive right-turn lane is installed, the City shall monitor this intersection in the future and if the intersection LOS degrades to D, signalization shall be installed or other improvements implemented to ensure that the LOS remains at C.
- C-6 The Rispin project shall contribute its fair share of construction costs (pro-rata contribution) for the reconstruction of the Highway "1/41st Avenue interchange to include three through lanes on 41st Avenue and an additional exclusive right turn lane on the northbound 41st Avenue approach to the southbound Highway "1 on-ramp; the improvement shall be implemented prior to General Plan buildout. With construction of this improvement, the LOS at the Highway 1 southbound ramp intersection and the Highway 1 northbound ramp intersection would be improved to LOS C under General Plan buildout conditions during the Saturday MD peak hour.
- C-7 The Rispin project shall contribute its fair share of construction costs (pro-rata contribution) for the addition of an exclusive right-turn only lane on the 41st Avenue southbound approach to Clares Street; the improvement shall be implemented prior to General Plan buildout. With construction of this improvement, the LOS would remain at LOS E (61.5 seconds of delay per vehicle) under General Plan buildout conditions during weekday PM peak hours and LOS F (104.9 seconds of delay per vehicle) during the Saturday MD peak hour.
- C-8 The Rispin project shall contribute its fair share of costs for a detailed study of the 41st Avenue corridor that evaluates the feasibility of alternative roadway improvements

and alternative traffic signal coordination plans that would improve corridor traffic operations. [Note: this is the same as cumulative mitigation C-3.]

- C-9 The 49th Avenue/Capitola Road intersection should be monitored by the City and a traffic signal installed when warranted based on intersection operations and volumes. Signalization of the intersection would result in LOS C operations during the weekday PM and Saturday peak hours.

The current Rispin Park proposal is a less intense project than the previously evaluated project because it does not include an Inn which was the primary source of traffic generation. According to the Institute of Traffic Engineers, city parks typically generate approximately 2.2 weekend peak hour trips per acre. The proposed project is less than an acre, so it is expected that the project would generate no more than 2.2 weekend peak hour trips. Additionally, the park has been designed to be a community facility which would be predominantly used by local residents who can walk or bike to the park. Moreover, it is expected that most out-of-town users would visit Capitola to experience the beach, wharf, or other more regional visitor serving uses and would incorporate a trip to the proposed park while in town to visit other attractions.

There also have not been any substantial changes to traffic conditions in the immediate project area since the previous project was approved. No new, major development has occurred which contributed substantial new traffic since the previous project was approved. Therefore, the modified project would significantly reduce the number of project trips from the previously approved project and would not result in a significant direct or a cumulatively considerable traffic impact. Therefore, previous mitigation measures intended to reduce traffic impacts from the Inn would no longer apply.

XVIII. UTILITIES AND SERVICE SYSTEMS

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

Response: The previously certified EIR found that impacts to utilities and service systems would be less than significant. However, as noted above under Public Services, the prior EIR did find potentially significant impacts to water supply, wastewater treatment capacity, and fire protection. As previously described, mitigation measures to reduce potential impacts to water supply will be included as conditions of project approval. Previous measures associated with wastewater treatment and fire protection no longer apply because the revised project does not include habitable structures or facilities which could result in potentially significant impacts. There have been no changes to the project, circumstances, or availability of new information which could result in a more severe impact than what was considered in the 2004 EIR. Through implementation of mitigation measures to reduce water use, the project would have a less than significant impact to utilities and public services.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that would cause *new significant environmental effects or a substantial increase in the severity of previously identified significant effects which result in any mandatory finding of significance listed below?*

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Response: There have been no changes to the project, circumstances, or any new information of substantial importance which indicate that the proposed Rispin Park project would result in any new or more severe impacts to the quality of the environment, including adverse impacts to habitat for sensitive species, cumulative environmental impacts, or adverse direct or cumulative effects on human beings.

Attachments:

1. Rispin Mansion Park Conceptual Design Plans (Michael Arnone + Associates)
2. Amphitheater Design Options 2 and 3
3. Previously Certified Rispin Mansion EIR –
http://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/4024/revised_draft_eir.pdf
4. Secretary of Interior Review for the Rispin Mansion Park Landscape Rehabilitation Project at the Historic Rispin Mansion (Archives and Architecture, May 26, 2015)
5. List of previously adopted and currently proposed Rispin Park mitigation measures