

## MEMORANDUM

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Date: August 26, 2013

To: Santa Cruz County Planning Commission

From: Carolyn Burke, Civil Engineer

Re: **Planning Commission Agenda 8/28/13, Item #8 Aptos High Athletic Field Supplemental Information**

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Please find attached supplemental information for the staff report prepared for the Aptos High Athletic Field, included on the August 28, 2013 Agenda, Item No. 8. The supplemental information includes corrections, responses to comments received after the submission of the Planning Commission Staff Report and additional correspondence, as follows:

- Initial Study Corrections and Clarifications
  - Initial Study Project Description
  - Negative Declaration Cover Sheet
    - Attachment: Revised Negative Declaration Cover Sheet
- Response to Comments Received during Initial Study Circulation
  - MBUAPCD letter dated 8/20/13
  - Paul Binding, Mosquito and Vector Control email dated 8/20/13
  - Cherie Bobbe email dated 8/12/13
    - Attachment: Email from Ralph Bracamonte, Central Water District, District Manager, dated 8/26/13
  - Melissa Farinha, CDFW email dated 8/22/13
  - Melissa Farinha, CDFW email dated 8/23/13
  - Cypress Environmental and Land Use Planning letter dated 8/21/13
    - Attachment: Email from Chad Mitcham, USFWS dated 8/22/13
- Additional Correspondence
  - Cypress Environmental and Land Use Planning letter dated 6/18/12
  - Cypress Environmental and Land Use Planning letter dated 3/20/13
  - Peter Carr email dated 8/24/13

# **Initial Study Corrections and Clarifications**

Initial Study Project Description

The Initial Study and Planning Commission Staff Report Detailed Project Descriptions include an informational description of the proposed native vegetation restoration efforts to be undertaken as a collaborative effort between USFWS and PVUSD. The restoration locations identified are areas of the campus unrelated to the proposed grading project that would benefit from restoration efforts and are not impact mitigation measures (see attached email from Chad Mitcham, USFWS, 8/22/13 in Response to Comments from Kim Tshantz). As the referenced restoration plan is a separate, voluntary venture between PVUSD and USFWS it should not be included in the Initial Study and Planning Commission Staff Report Detailed Project Descriptions.

Negative Declaration Cover Sheet

The Negative Declaration Cover Sheet included with the Initial Study errantly includes reference to a "Mitigated Negative Declaration" in the body of the text. This error was isolated to the cover sheet, and not repeated anywhere in the Initial Study or supporting documentation. A revised cover sheet is included here as an attachment.



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR  
<http://www.sccoplaning.com/>

## NEGATIVE DECLARATION

**Project:** Aptos High School Athletic Field

**APN(S):** 041-291-39

**Project Description:** Proposal to place approximately 19,000 cubic yards of soil to create an athletic field on the campus of Aptos High School. The project includes the installation of drainage facilities, irrigation, turf and paving for an ADA accessible parking area.

**Project Location:** The proposed project is located near the entrance to Aptos High School at the intersection of Freedom Boulevard and Mariner Way (approximately 0.4 miles North of the Hwy 1, Freedom Boulevard exit).

**Owner:** Pajaro Valley Unified School District

**Applicant:** Pajaro Valley Unified School District

**Staff Planner:** Carolyn Burke, (831) 454-5121, [pln416@co.santa-cruz.ca.us](mailto:pln416@co.santa-cruz.ca.us)

This project will be considered at a public hearing by the Santa Cruz County Planning Commission on August 28, 2013 in the Board of Supervisors Chambers, 701 Ocean Street, Room 525, Santa Cruz, CA 95060

### California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Clerk of the Board located at 701 Ocean Street, 5<sup>th</sup> Floor, Santa Cruz, California.  
Review Period Ends: August 22, 2013

*Note: This Document is considered Draft until it is Adopted by the Appropriate County of Santa Cruz Decision-Making Body*

Date: 8/23/13

Todd Sexauer  
TODD SEXAUER, Environmental Coordinator  
(831) 454-3201

**Response to Comments  
Received during Initial Study  
Circulation**



**MBUAPCD**

Monterey Bay Unified Air Pollution Control District  
Serving Monterey, San Benito, and Santa Cruz Counties

24580 Silver Cloud Court  
Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501

August 20, 2013

Carolyn Burke, Civil Engineer  
County of Santa Cruz, Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060  
Email: pln416@co.santa-cruz.ca.us

Re: Negative Declaration for the Aptos High School Athletic Field

Dear Ms. Burke:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comment:

**Air Quality (Section K)**

The discussion under K.1 on page 26 should include the approximate number of daily acres to be graded during construction of the athletic field. The project description indicates a grading permit is needed for the project and that approximately 200,000 square foot area will be graded. Please provide an estimate of the maximum daily acres to be graded for comparison to the Air District's 2.2 acre/day level of construction activity that may result in potentially significant impacts from construction generated PM<sub>10</sub> emissions.

Please let me know if you have any questions. I can be reached at (831) 647-9418 ext. 227 or [aclymo@mbuapcd.org](mailto:aclymo@mbuapcd.org).

Best Regards,

Amy Clymo  
Supervising Air Quality Planner

cc: David Frisbey, MBUAPCD Air Quality Planner

MBUAPCD Comment (letter dated August 20, 2013)

"The discussion under K.1 on page 26 should include the approximate number of daily acres to be graded during construction of the athletic field. The project description indicates a grading permit is needed for the project and that approximately 200,000 square foot area will be graded. Please provide an estimate for the maximum daily acres to be graded for comparison to the Air District's 2.2 acre/day level of construction activity that may result in potentially significant impacts from construction generated PM<sub>10</sub> emissions."

Response to MBUAPCD Comment (letter dated August 20, 2013)

*The bulk of the proposed grading activities are already complete. Remaining activities include the re-working of existing soils on the playing field, parking area and embankment to achieve final grades and compaction values. Due to the nature of the remaining work, the grading operations will be undertaken in discrete sections. The largest continuous area to be graded will be the playing field, which is approximately 71,250 square feet (1.64 acres). Grading for smaller areas of improvement such as the embankments, parking and path areas will be undertaken separately. As such, the work proposed will fall below the Air District's 2.2 acre/day level of construction activity that may result in potentially significant impacts from construction generated PM<sub>10</sub> emissions.*

## Carolyn Burke

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**From:** Paul Binding  
**Sent:** Tuesday, August 20, 2013 11:49 AM  
**To:** Carolyn Burke  
**Cc:** MaryLou Nicoletti; Steven Driscoll  
**Subject:** Aptos HS Athletic Field

Carolyn,

Thank you for the opportunity to comment on the Aptos HS Athletic Field neg dec.

Our mosquito control program uses integrated methods to manage mosquito breeding and the threat of mosquito-borne diseases. Reduction of breeding sources is the best, long-term method and the most ecologically sound. Retention basins such as exists in the project area are prone to breeding mosquitoes when water stands among decaying vegetation for longer than one week. We find that detention/retention features sometimes lose their percolation properties as they silt up with organic material. Furthermore, Cattails and tules that normally assist in drawing down standing water can become too dense and thatch, creating decay, adding nutrients that provide food and mosquito habitat and inhibiting effectiveness of mosquito larvicides. For this reason, occasional vegetation maintenance by the landowner is usually necessary. Access for this purpose should be part of the design, and all parts of the retention feature should be within the 30 foot swath width of granule applicators.

The CA Health and Safety Code assigns responsibility for mosquito prevention to the landowner, in this case PVUSD. The landowner should contact our office for consultation and advice regarding drainage maintenance scheduling.

Thank you,

Paul Binding, Manager  
Santa Cruz County Mosquito and Vector Control  
(831)454-2590  
<http://www.agdept.com/AgriculturalCommissioner/MosquitoAbatementVectorControl.aspx>



Comment from Paul Binding, Santa Cruz County Mosquito and Vector Control

Thank you for the opportunity to comment on the Aptos HS Athletic Field neg dec.

Our mosquito control program uses integrated methods to manage mosquito breeding and the threat of mosquito-borne diseases. Reduction of breeding sources is the best, long-term method and the most ecologically sound. Retention basins such as exists in the project area are prone to breeding mosquitoes when water stands among decaying vegetation for longer than one week. We find that detention/retention features sometimes lose their percolation properties as they silt up with organic material. Furthermore, Cattails and tules that normally assist in drawing down standing water can become too dense and thatch, creating decay, adding nutrients that provide food and mosquito habitat and inhibiting effectiveness of mosquito larvicides. For this reason, occasional vegetation maintenance by the landowner is usually necessary. Access for this purpose should be part of the design, and all parts of the retention feature should be within the 30 foot swath width of granule applicators.

The CA Health and Safety Code assigns responsibility for mosquito prevention to the landowner, in this case PVUSD. The landowner should contact our office for consultation and advice regarding drainage maintenance scheduling.

Response to Comment from Paul Binding, Santa Cruz County Mosquito and Vector Control

*While maintenance of the existing retention basin is not within the scope of this project, this comment was forwarded to PVUSD staff for review and distribution to appropriate parties.*

**Carolyn Burke**

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**From:** Kathy Previsich  
**Sent:** Monday, August 12, 2013 6:25 PM  
**To:** Kent Edler; Matt Johnston; Carolyn Burke; Todd Sexauer  
**Subject:** Fwd: Planning Agenda

FYI

Begin forwarded message:

**From:** Zach Friend <BDS022@co.santa-cruz.ca.us>  
**Date:** August 12, 2013, 6:02:45 PM PDT  
**To:** Kathy Previsich <PLN001@co.santa-cruz.ca.us>  
**Subject:** Fwd: Planning Agenda

Kathy-

FYI

Zach

Begin forwarded message:

**From:** Cherie Bobbe <cbobbe@me.com>  
**Date:** August 12, 2013, 5:56:20 PM PDT  
**To:** John Ricker <ENV012@co.santa-cruz.ca.us>  
**Cc:** Zach Friend <BDS022@co.santa-cruz.ca.us>, John Leopold <John.Leopold@co.santa-cruz.ca.us>  
**Subject:** Planning Agenda

<http://sccounty01.co.santa-cruz.ca.us/planning/plnmeetings/ASP/Display/ASPX/DisplayAgenda.aspx?MeetingDate=8/28/2013&MeetingType=1>

Good evening Gentlemen,

The planning commission's likely approval of a new sports field in Aptos is quite disturbing. This will be a very large and very new usage of water out of our tapped aquifers. There appear to be no plans for a cistern system, recycled water, greywater or a catchment system. I hope you will try to intercede. I have sent an email about it to the Conservation Director at Soquel Water, and also to the Soquel water board as a whole.

Thank you,  
Cherie

Cherie Bobbe Landscape Design

Comment from Cherie Bobbe via email August 12, 2013

The planning commission's likely approval of a new sports field in Aptos is quite disturbing. This will be a very large and very new usage of water out of our tapped aquifers. There appear to be no plans for a cistern system, recycled water, greywater or a catchment system. I hope you will try to intercede. I have sent an email about it to the Conservation Director at Soquel Water, and also to the Soquel water board as a whole.

Response to Comment from Cherie Bobbe via email August 12, 2013

*The proposed field incorporates multiple Best Management Practices (BMPs) to maximize groundwater recharge. Specifically the project proposes virtually no impervious surfaces, incorporating pervious gravel paver surfacing for the parking area. The swales used to capture field runoff are pervious with retention trenches beneath them to allow percolation. Overflow from these retention trenches enters into a 195 lineal foot retention trench at the west end of the field to allow further percolation of runoff. Department of Public Works (DPW) Stormwater Management staff have reviewed calculations for pre and post-development groundwater recharge rates to ensure that they meet County Stormwater Design Criteria for maintenance of groundwater recharge rates. The plans were reviewed by the Central Water District and they confirmed that "it does not appear that any groundwater recharge problems will be created by this project." (see attached email from Ralph Bracamonte, District Manager Central Water District, dated 8/26/13).*

*Irrigation water for the proposed field will be provided by two existing wells on the Aptos High School campus. PVUSD does monitor their campus water usage and have recently undertaken several voluntary projects to increase their water efficiency, including the replacement of the natural turf surfacing of their existing football field with artificial turf as well as the repair/replacement of their existing aging water tanks (currently underway).*

## Carolyn Burke

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**From:** Central Water District [cenwtr@yahoo.com]  
**Sent:** Monday, August 26, 2013 2:00 PM  
**To:** Carolyn Burke  
**Subject:** RE: Response to Central Water District Comment

Carolyn,

As I mentioned during our telephone conversation the primary concern of the Central Water District is preserving and protecting the groundwater recharge area and I greatly appreciate that you forwarded me the site plan. After talking with you and reviewing the site plan I want to let you know that it does not appear that any groundwater recharge problems will be created by this project.

Thanks again,  
Ralph Bracamonte

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**From:** Carolyn Burke [mailto:PLN416@co.santa-cruz.ca.us]  
**Sent:** Monday, August 26, 2013 12:02 PM  
**To:** 'Central Water District'  
**Subject:** RE: Response to Central Water District Comment

Absolutely – please find the site plan (Sheet 1.0) attached. I also can provide a full set of plans in .pdf form if you wish (it is just a very large document). Please let me know if this information is sufficient for your needs.

Thanks, Carolyn

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**From:** Central Water District [mailto:cenwtr@yahoo.com]  
**Sent:** Monday, August 26, 2013 11:01 AM  
**To:** Carolyn Burke  
**Subject:** RE: Response to Central Water District Comment

Carolyn,  
Thanks for that information. I would like to see the site plan showing the location of the athletic field in relationship to the ADA parking. Is that something that I can get via email?  
Thanks,  
Ralph

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**From:** Carolyn Burke [mailto:PLN416@co.santa-cruz.ca.us]  
**Sent:** Monday, August 26, 2013 10:37 AM  
**To:** 'cenwtr@yahoo.com'  
**Subject:** Response to Central Water District Comment

Hi Ralph,

Thank you for speaking with me this morning regarding the proposed Aptos High field project. In response to your question regarding the proposed parking area surfacing, I would like to confirm that surfacing will consist of gravel

pavers. I have attached two plan sheets, Sheet C1.1 (plan view) and Sheet C3.0 (detail shown as 4/C3.0) that provide more specifics.

As we discussed this morning the proposed field is within the primary groundwater recharge area for the district, but you do not foresee problems with this as there are no significant impervious surfaces being proposed. Also, there are no additional permits or approvals required by your agency since the field will use water from Aptos High wells. The efficiency of their overall water system has been notably improved by recent repairs to existing tanks.

I realize Central Water District has not submitted written comments for the project at this time. Please let me know if the talking points I outlined above are accurate, and feel free to add any additional comments or revisions you would like to be part of the official record.

Thank you for your time.

Sincerely,

Carolyn Burke  
Civil Engineer  
County of Santa Cruz, Environmental Planning  
(831) 454-5121

## Carolyn Burke

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**From:** Bernice Romero  
**Sent:** Friday, August 23, 2013 8:24 AM  
**To:** Carolyn Burke; Matt Johnston; Todd Sexauer  
**Subject:** FW: Aptos High School Athletic Field

FYI.

### *Bernice Romero*

Executive Secretary  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060  
(831) 454-3137

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**From:** Farinha, Melissa@Wildlife [<mailto:Melissa.Farinha@wildlife.ca.gov>]  
**Sent:** Thursday, August 22, 2013 4:41 PM  
**To:** Bernice Romero; Agriculture Department/Darlene Din; Amy Clymo; Angela Aitken, SCMetro Transit; Betty Cost; Central Fire Protection District/Jeanette; Chris Berry; Walters, Chris@CALFIRE; Ciro Aguirre, SCMetro Transit; Comm. Dev. Dept. City of Watsonville; Commissions; District Manager/SLV Water District; Grace Blakeslee; Jacob Jones; Jonathan Wittwer; Linette Almond; Mary Bannister/PVWMA; Farinha, Melissa@Wildlife; Monterey Bay Unified Air Pollution Control District; Pat McCormick/LAFCO; Patricia Matachek; Paul Binding; PVWMA; Renee Shepherd; Ron Powers; Sherry Reiker; SLV Water District; Steve Gettel; Craig, Susan@Coastal; Vince Cheap; Vince Cheap; Watsonville Planning/luz Martinez  
**Cc:** Kim Tschantz ([kimt@cypressenv.com](mailto:kimt@cypressenv.com))  
**Subject:** RE: Aptos High School Athletic Field

Dear Ms. Romero,  
CDFW has reviewed the Negative Declaration for the Aptos High School Athletic Field (Application # 131110) and has the following comments.

CDFW has never consulted with the Pajaro Valley Unified School District on this project nor has it concurred that the project will not result in an impact to special status species. Please correct the document to reflect this.

Thank You,

Melissa A. Farinha  
California Department of Fish and Wildlife  
Environmental Scientist - Santa Cruz County  
7329 Silverado Trail  
Napa, CA 94558

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**From:** Bernice Romero [<mailto:PLN816@co.santa-cruz.ca.us>]  
**Sent:** Monday, August 05, 2013 2:09 PM  
**To:** Agriculture Department/Darlene Din; Amy Clymo; Angela Aitken, SCMetro Transit; Betty Cost; Central Fire Protection District/Jeanette; Chris Berry; Chris Walters/County Deputy Fire Marshal; Ciro Aguirre, SCMetro Transit; Comm. Dev. Dept. City of Watsonville; Commissions; District Manager/SLV Water District; Grace Blakeslee; Jacob Jones; Jonathan Wittwer; Linette Almond; Mary Bannister/PVWMA; Farinha, Melissa@Wildlife; Monterey Bay Unified Air Pollution Control District; Pat McCormick/LAFCO; Patricia Matachek; Paul Binding; PVWMA; Renee Shepherd; Ron Powers; Sherry Reiker; SLV Water District; Steve Gettel; Susan Craig; Vince Cheap; Vince Cheap; Watsonville Planning/luz Martinez  
**Cc:** Kim Tschantz ([kimt@cypressenv.com](mailto:kimt@cypressenv.com))  
**Subject:** Aptos High School Athletic Field

Comment from Melissa Farinha, CDFW via email dated August 22, 2013

CDFW has never consulted with the Pajaro Valley Unified School District on this project nor has it concurred that the project will not result in an impact to special status species. Please correct the document to reflect this.

Response to Comment from Melissa Farinha, CDFW via email dated August 22, 2013

*The Initial Study stated that both CDFW and USFWS were consulted on the proposed project, but it should be clarified that CDFW asked USFWS to be **consulted** with on further actions and would let USFWS take the lead on guiding remediation efforts (Matt Johnston communication with Melissa Farinha, CDFW, 8/23/13). USFWS subsequently made the determination that the area that was graded was not considered Santa Cruz Long-Toed Salamander habitat.*

*While the voluntary habitat restoration undertaken by PVUSD is not part of the subject project (see Initial Study Corrections), PVUSD has been informed that CDFW must be conferred with on development of the associated native plant restoration plans.*

## Carolyn Burke

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**From:** Todd Sexauer  
**Sent:** Friday, August 23, 2013 2:22 PM  
**To:** Carolyn Burke  
**Subject:** FW: Negative Declarations

Carolyn,

Here is another comment from Melissa Farinha of CDFW on the IS/MND for the Aptos High School Athletic Field. We will go ahead and make the correction to the Negative Declaration document.

Todd

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**From:** Farinha, Melissa@Wildlife [<mailto:Melissa.Farinha@wildlife.ca.gov>]  
**Sent:** Friday, August 23, 2013 11:47 AM  
**To:** Todd Sexauer  
**Subject:** Negative Declarations

Dear Todd,

Can you help me understand why "Mitigated Negative Declaration" keeps coming up in the Negative Declarations?

Much Appreciated,

Melissa A. Farinha  
California Department of Fish and Wildlife  
Environmental Scientist - Santa Cruz County  
7329 Silverado Trail  
Napa, CA 94558



Comment from Melissa Farinha, CDFW via email dated August 23, 2013

Can you help me understand why “Mitigated Negative Declaration” keeps coming up with the Negative Declaration?

Response to Comment from Melissa Farinha, CDFW via email dated August 23, 2013

*The cover sheet for the Negative Declaration mistakenly uses the term “mitigated negative declaration” in the text. This sheet has been updated and included in the Initial Study Corrections section of the Staff Report Supplemental Information packet.*

# **CYPRESS ENVIRONMENTAL AND LAND USE PLANNING**

**P.O. BOX 1844**

**APTOS CALIFORNIA**

Email: [kimt@cypressenv.com](mailto:kimt@cypressenv.com)

August 21, 2013

Todd Sexauer and Matt Johnston, Environmental Coordinators  
County of Santa Cruz Planning Department  
County Governmental Center  
701 Ocean Street, 4<sup>th</sup> floor  
Santa Cruz, CA 95060

**SUBJECT: Comments on the Initial Study Prepared for the Aptos High School Grading  
and Sports Field Project; Application 131110: A.P.N. 41-291-39**

Dear Messrs. Sexauer and Johnston,

I have reviewed the Initial Study prepared for the project referenced above and have the following comments.

## **Page 2; Paragraph 3**

Under the heading of Other Agencies that Must Issue Approvals or Permits, the entry is shown as "none". This is not correct. The Office of the State Architect must review and approve handicapped parking for the project. In addition, this project has generated consultation between the Pajaro Valley Unified School District (PVUSD) and the U. S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to enter into an MOU for a biotic restoration plan to mitigate for potential impacts to federally listed migratory amphibians.<sup>1</sup> The MOU and its pending restoration plan are part of the whole project as defined by CEQA. USFWS and CDFW should be included as other agencies that must issue approvals since they will have regulatory oversight of the restoration plan. This Initial Study should be provided to these three agencies for review and comment through the State Clearinghouse.

## **Page 3; Paragraph 1 (Background Information)**

The Existing Conditions; Vegetation category fails to include the wetland habitat that occurs on the site. While the wetland was originally created as a drainage basin, over several years it has been colonized with emergent wetland plant species and numerous amphibians and water birds use this biotic feature. (Refer to photo of wetland marked as Exhibit A). It is the existence of this wetland that USFWS and CDFW believe may attract migratory amphibians. Wetland habitats are considered protected sensitive habitats by the California Fish and Game Code and Chapters 16.30 and 16.32 of the Santa Cruz County Code.

*Environmental Planning and Analysis, Land Use Consulting and Permitting*

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<sup>1</sup> Telephone conversation with Chad Mitchell, USFWS, March 14, 2013

**Page 3; Paragraph 2 (Background Information)**

The listing of Environmental Resources and Constraints fails to identify the wetland habitat described above. While County Planning's Resource and Constraints maps may not have mapped this area as a biologically sensitive habitat, routine site inspection would show otherwise. The Resource and Constraints maps are a tool to assist in environmental analyses, but are not the final determinant of site conditions.

**Page 3; Paragraph 3 (Background Information)**

Under "Services", the School District is incorrectly identified as "Aptos High". The school district is Pajaro Valley Unified School District. Under "Water Supply", the project site and the adjoining Aptos High School campus are within the Central Water District. This Initial Study should be provided to this agency for their review and comment.

**Page 4; Paragraph 6 (Environmental Setting)**

This section fails to discuss the wetland habitat that occurs at the detention basin area of the site. Refer to my comment regarding Page 3; Paragraph 2 above.

**Page 5; Paragraph 2 (Environmental Setting)**

The reason there is a potential for threatened amphibian species to migrate across the field site is due to its location between a known breeding location on Shadowmere Way for these species and the wetland habitat described in the preceding comment. This is another factor showing why the wetland should be described as a sensitive habitat.

**Page 7; Paragraph 2 (Detailed Project Description)**

The statement "no area of stadium-type lighting is proposed for the field and therefore activities would be concluded by late afternoon" is incorrect. The lack of field lighting will allow field games and practices to occur until the evening hours of 8:00-9:00 P.M. in summer months and 7:00 P.M. during certain autumn and spring months. The effects of evening use of the field should be discussed in the Initial Study.

The following statement that "the existing baseball field parking lot would be available for parking needs beyond that which could be accommodated by the proposed ADA accessible parking area" is unsupported by any facts in the document. I have observed baseball games on weekends with its parking lot filled to capacity with vehicles. Clearly, the baseball lot would only be available when the baseball field is also not in use, but under the current project description, there is no way to prevent simultaneous use of the fields. This lack of understanding the parking dilemma has led to a faulty parking analysis that is discussed in a later comment below.

**Page 12 and 13; Item B.4**

It should be noted that the groundwater recharge elements of the project drainage plan are a result of this project going through the permit process. The original project, which commenced before a Grading Permit application was made, did not have the features described in this section of the Initial Study to mitigate for groundwater recharge impacts from the placement of 13,000 cubic

yards of fill material.

**Page 14; Item B.8**

Same comment as discussed for Page 12 and 13 above.

**Page 14; Item C.2**

Just because a site is not mapped as containing a biologically sensitive habitat does not always mean no such habitat occurs on the site. Refer to the comment for Page 3; Paragraph 2 above and Exhibit A.

**Page 15; Item C.3**

The discussion under this section is limited to findings pertaining to special status State or federal species. However, this item of the Initial Study Checklist pertains to “any native resident migratory fish or wildlife species”. As stated in preceding comments, the proximate wetland habitat is used regularly by amphibian and water bird species. I and other residents in the neighborhood have observed multiple mallard ducks in the pond and the cacophonous croaking of tree frogs on successive nights during the rainy season. The effects on these species use of the wetland habitat from increased human use of the nearby field should be discussed in the Initial Study. A noise and visual barrier between the field of play and the wetland habitat could mitigate impacts to wildlife use of the wetland. Refer to comment for Page 25; item J.3 below.

**Page 16; Item C.4**

This comment wrongly identifies the project site as being located in an urban area. On the high school side of Freedom Blvd., the County’s Urban Services Line (USL) ends at the south edge of Mariner Way. On the opposite (west) side of Freedom Blvd, the USL ends a few feet north of the Mariner Way intersection. The Aptos Pines Mobile Home Park is within the USL, but the project site, Aptos High School campus and most rural residential properties on the west side of Freedom Blvd. are located beyond the USL and do not have most urban services. Properties on the west side of Freedom Blvd. that are within the USL are designated by the General Plan as “Rural Residential” land use and zoned “RA”, so they too are essentially rural properties.

Street lighting on this segment of Freedom Blvd. is limited to its intersections with Soquel Drive and Mariner Way. The proposed lighting described by Planning staff in this section of the Initial Study would not generate a substantial change in the nighttime environment *if* it is designed as true pedestrian-oriented lighting that shines downward rather than outward on to other nearby properties. In addition, pedestrian lighting is placed on standards not exceeding two-feet in height. However, the project plans do not provide any lighting details. Therefore, the description of lighting in this section of the Initial Study is not substantiated by any facts. Absent any plans that show “low impact” lighting, this section of the Initial Study needs to provide performance standards to ensure future lighting will actually be “low impact” and not generate glares on nearby dwellings on the opposite side of Mariner Way. The conclusion for this issue needs to be changed in the Initial Study to “Less than Significant with Mitigation Incorporated” and a mitigation measure, such as performance standards for this lighting, needs to be included.

**Page 19; Item F.3**

Several mature acacia trees are proposed to be removed as part of the biotic restoration plan PVUSD plans to implement on the site. While the plan includes replacing these non-native trees with coast live oak (*Quercus agrifolia*), these native species are characterized as being extremely slow growing compared to other tree species. Therefore, there will be a long period of time between removal of the existing tree canopy at the western portion and the growth of a moderate new tree canopy. The plan restoration plan is a result of PVUSD's discussions with USFWS and is being implemented to mitigate for any potential impacts to listed migratory amphibian species, including the Santa Cruz Long-Toed salamander (*Ambystoma macrodactylum croceum*), which may migrate to and from the wetland located between the proposed field and Freedom Blvd. The restoration plan element of this project needs to be discussed throughout the Initial Study where appropriate.

**Page 19; Item F.4**

There is no evidence in the project plans attached to the Initial Study that the proposed lighting will be the "low impact" type described in this comment. Refer to the comment regarding item C.4 above.

**Page 22; Item I.1**

The description of field use differs significantly from what PVUSD administrative staff has told representatives of Rob Roy Neighbors. We have been told the field will be used as follows:

- During each school day for physical education classes (weather permitting);
- Directly after the school day for high school team practices;
- After the school day (weekdays) for other organized sports, including adult soccer and rugby teams, when not in conflict with high school team practices (e.g. after 5:00 p.m.);
- Each Saturday and Sunday during the spring and autumn youth soccer seasons for Aptos Soccer Club team games; and
- At other times it could be rented out to other organized teams, including adult teams for games.<sup>2</sup>

This represents a more intense use of a playing field than occurs at other sports fields at school or public park facilities throughout the County. If the proposed field usage has recently been reduced from what was articulated by PVUSD, the Initial Study should provide evidence of the reduced use (e.g. PVUSD Board resolution, etc.). Absent such evidence, a CEQA traffic analysis must be done under the "worst case" (highest possible use) situation. As such, the current discussion for this item is inadequate and inconsistent with CEQA.

**Page 23; Item I.5**

The discussion of parking is inadequate. Project plans show the parking area for the proposed new field will be limited to 2 handicapped accessible spaces and 11 other parking spaces. This number

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<sup>2</sup> Description from Brent McFadden, PVUSD Assistant Superintendent during a meeting with 10 representatives of PVUSD administration and Aptos Sports Foundation and 4 members of Rob Roy Neighbors at Aptos High School conference room, June 28, 2012.

of spaces will not provide parking for even 25% of the projected field users. The discussion claims field users can always park in the nearby unpaved parking lot at the high school baseball field. But this illogical reasoning assumes the baseball lot will always be vacant and waiting to be used by players and spectators of the proposed field. Everyone who has visited the Aptos High campus knows differently. The baseball lot is used frequently on weekdays and weekends to accommodate players and spectators using the baseball field, who are not limited to the Aptos High School baseball team. In addition, this discussion also illogically assumes users and spectators of the proposed field will just drive up to the main campus, located 0.5 mile from the field and either park near the football field (1,375 ft. from the proposed field parking lot) or the performing arts hall (2,669 feet) and walk down to the proposed field. It is unrealistic to assume this will occur, especially with youth sports leagues and their parents and grandparents. According to Willie Yahiro, President of the PVUSD Board of Trustees, “we can’t expect people to drive and park all the way up on campus and then walk down to the field from there.”<sup>3</sup>

The Initial Study conclusion that the parking impact will be a “Less than Significant Impact” is incorrect. This impact is currently a “Potentially Significant Impact” and will remain so unless PVUSD or the County can formulate an effective mitigation measure to adequately solve the future parking problem generated by use of this new facility.

#### **Page 24; Item J.1**

The characterization of both construction phase noise and noise generated by long-term use are both inadequate and include false assumptions. The analysis under this item J.1 states the noise increase from field use would not be substantial. However, this statement is not substantiated with any facts or evidence and therefore cannot be used in a CEQA document.

#### **Page 25; Item J.3**

The Initial Study uses a noise study for a park master plan in Nipomo (San Luis Obispo County) to conclude that noise from three simultaneously played soccer games generates “54 Leq dBA at a distance of 100 feet from the center of the field”. One wonders why the Initial Study preparers used a noise study from Nipomo, California when they could have used noise studies prepared for park projects in Santa Cruz County. The data from the Nipomo study differs dramatically from the data provided by EIRs prepared for park projects in Santa Cruz County. The EIR prepared for the O’Neill Ranch Park in Soquel states the average noise level generated by soccer games is 55 dBA at 200 feet from the center line of the field with maximum noise at 60 dBA (emphasis mine)<sup>4</sup>. The EIR prepared for Polo Grounds Regional Park in Aptos states soccer field play would generate noise at 63–70 dBA to dwellings located about 75–100 feet from the field. Sports whistles would generate 64–65 dBA.<sup>5</sup> While this information comes from EIRs that were

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<sup>3</sup> PVUSD Board of Trustees meeting, Watsonville, June 26, 2013

<sup>4</sup> O’Neill Ranch EIR prepared by Brady and Associates, 1995. Certified by the Board of Supervisors in 1995. Noise impacts from playing fields discussed in EIR are based on measurements from Illingworth and Rodkin Acoustical Consultants.

<sup>5</sup> Polo Grounds Regional Park Draft EIR, prepared by Leonard Charles Associates, July 1991. Noise impacts from playing fields discussed in EIR are based on measurements from Illingworth and Rodkin Acoustical Consultants.

prepared in 1991 and 1995, acoustical methods to measure noise impacts have not changed since these times.

In addition to using the noise standards of County General Plan for significance criteria to determine if an impact is significant, the O'Neill Ranch EIR also specified an increase in noise beyond the existing ambient level of 10 dBA or more as another significance criteria to determine substantial impacts. This is common practice in CEQA documents and is based on community response studies that have determined a noise increase of 10 dBA beyond ambient levels typically results in widespread complaints. The setting of the O'Neill Ranch has many similarities to that of the proposed Aptos High School field in that a soccer field without stadium lights and spectator seating was proposed proximate to the rear yards of existing residential lots with dwellings. The O'Neill Ranch EIR concluded that the new field would generate noise exceeding the ambient level by 10–15 dBA. The mitigation to address this significant impact was to either: a) construct a 6-foot high earth berm between the field and the residential lots or b) construct a 6-foot high solid wood fence with minimum thickness of  $\frac{3}{4}$  inch, along the rear yard of the residential lots. One or both of these mitigative techniques should be used at the Aptos High field to solve the future noise impacts from the uses of the field.

The second paragraph of this analysis states that the existing 5-foot high fence along the residential rear yard property lines facing Mariner Way will provide “a further incremental reduction in the field noise level”. A casual inspection of the site would show that this statement is not accurate. The grading for the field has altered the topography of the site to elevate most of the field area higher than the existing 5-foot high fence. In fact, the southwest corner of the field is elevated 11–12 feet higher than the previous grade resulting in the majority of the field *surface* being at a higher elevation than the top of the existing fence!<sup>6</sup> To attenuate noise, barriers must be placed between the noise generator and the receptor on both the horizontal plane and the vertical plane. The existing 5-foot high fence at the mobile home park will not and cannot reduce any field noise. The only way to provide a barrier between the field and the mobile home park dwellings in the vertical plane is to construct a 6-foot high earth berm and/or solid wood fence at the surface of the field. There is sufficient spatial area to construct a berm at the west end of the field at a 2:1 slope (and possibly a 3:1 slope) without encroaching in the 100-foot setback from the proximate wetland. Such a berm would reduce field noise to all dwellings in the mobile home park along Eugenia Avenue and dwellings on Freedom Blvd. Because most of the field is already constructed, there is not sufficient spatial area to construct an earth berm at the field surface parallel to Mariner Way; but a 6-foot high fence could be constructed that would attenuate noise impacts to the remainder of Aptos Pines Mobile Home Park.

**Page 26; Item J.4**

The analysis states construction noise will not be significant because it would be temporary. This statement is contrary to the conclusions of a myriad of CEQA documents pertaining to

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<sup>6</sup> One example of this elevation difference was provided by Carol Linder's oral comments at the PVUSD sponsored neighborhood meeting on June 10, 2013. She stated that people standing on the field could see in her bedroom window.

construction-phase impacts, including those prepared by the County of Santa Cruz. Having personally experienced the construction noise during initial grading for the field in May 2011, I know it was a significant alteration of the ambient environment. Put in lay terms, the construction noise was reminiscent of excavation operations at the Buena Vista landfill. Neighbors expect more of this noise when grading resumes in the future to complete the field unless mitigation measures to attenuate construction noise are included in the Grading Permit. While construction-phase noise cannot be avoided, most CEQA documents prescribe a list of best management practices to minimize noise impacts, including limiting work hours to 8:00 A.M. to 4:00/5:00 P.M. on weekdays. There is no reason why this Initial Study cannot do the same. In fact, policy 6.9.7 of the County General Plan “requires mitigation of construction noise as a condition of future project approvals”.

The Initial Study provides no real evidence to support repeated conclusions that noise impacts are “Less than Significant” for items J.1, J.3 and J.4. These conclusions need to be changed to “Potentially Significant Impact” unless mitigations are formulated in each of the three noise-related items to solve noise impacts to the surrounding neighborhood. In that case, the conclusion would be “Less than Significant with Mitigation Incorporated”. While the County’s permitting authority is limited to noise impacts related to J.4, the Initial Study can and should prescribe mitigation measures to fully address significant noise impacts related to J.1 and J.3 so PVUSD can consider these mitigation measures when the School Board discusses this project again in the near future.

**Pages 26 & 27; Item K.1**

During the initial grading that occurred in May 2011 residents on the opposite side of Freedom Blvd. received significant amounts of dust on their properties, especially in the afternoons due to the prevailing on-shore winds. Large volumes of mud were also tracked on Freedom Blvd. by construction vehicles.<sup>7</sup> The project proponent has already demonstrated that it does not employ correct dust control practices on its own. Surrounding residents have had to suffer the impacts. One of the purposes of a Grading Permit is to specify best management (or other) practices to alleviate the problems that occurred in May 2011. This portion of the Initial Study has failed to do this. Remember this project is the largest land alteration project that has occurred under the jurisdiction of the County of Santa Cruz County in several years. The conclusion that dust impacts are “Less than Significant” for item K.1 is not supported by any evidence. This conclusion should be changed to “Less than Significant with Mitigation Incorporated” and mitigation measures need to be specified.

**Page 33, Mandatory Finding of Significance 1**

The Initial Study has not evaluated the effects of use of the field proximate to a wetland habitat used by amphibians and water fowl. Unless mitigation measures are recommended under item C.3 to protect wildlife use of the wetland, this item would be a “Potentially Significant Impact”.

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<sup>7</sup> In, at least, one instance during May 2011, County Public Works had to take necessary enforcement action to order the construction crew to clean up the roadway and initiate better dirt tracking/mud control practices.



**Page 34, Mandatory Finding of Significance 3**

The Initial Study has erroneously made a finding of “Less than Significant” for the project’s impact on humans. As discussed above in several comments, the project will generate impacts and potential impacts to surrounding residents during both the construction-phase and the post-construction phase of the project. The Initial Study should be revised to acknowledge these impacts and prescribe mitigation measures that effectively reduce impacts to insignificant levels.

**Conclusion**

The Initial Study is too flawed to provide a comprehensive and effective analysis. In some instances it fails to acknowledge impacts. In other instances, impacts are identified as “Less than Significant” when they should be identified as generating significant or potentially significant impacts. As a result, mitigation measures that could minimize or avoid impacts as required by CEQA are not included in the analysis. In several instances the Initial Study makes conclusions that the project will not have any significant effects without providing supporting evidence for such conclusions. In other instances, discussions include incorrect information about the physical characteristics and/or regulatory mapping site and its vicinity. The document needs to be revised to correct inaccurate information and needs to better identify impacts and potential impacts to surrounding residents.

The Initial Study does not identify other agencies that have review and approval authority over elements of the project. The document should be sent these agencies in accordance with CEQA’s transmittal and distribution procedure through the State Clearinghouse. The Initial Study was only circulated for a 21-day period, rather than the required 30-day review and comment period.

While it is understood that the County’s permitting authority is limited to a Grading Permit for this project, its authority to prepare a CEQA document for the project is not limited in the same way. Actually, CEQA requires Initial Studies and EIRs to evaluate the *whole* project regardless of which agency has permitting authority. The document should be revised to incorporate this requirement of CEQA more seriously.

Sincerely,

*Kim Tschantz*

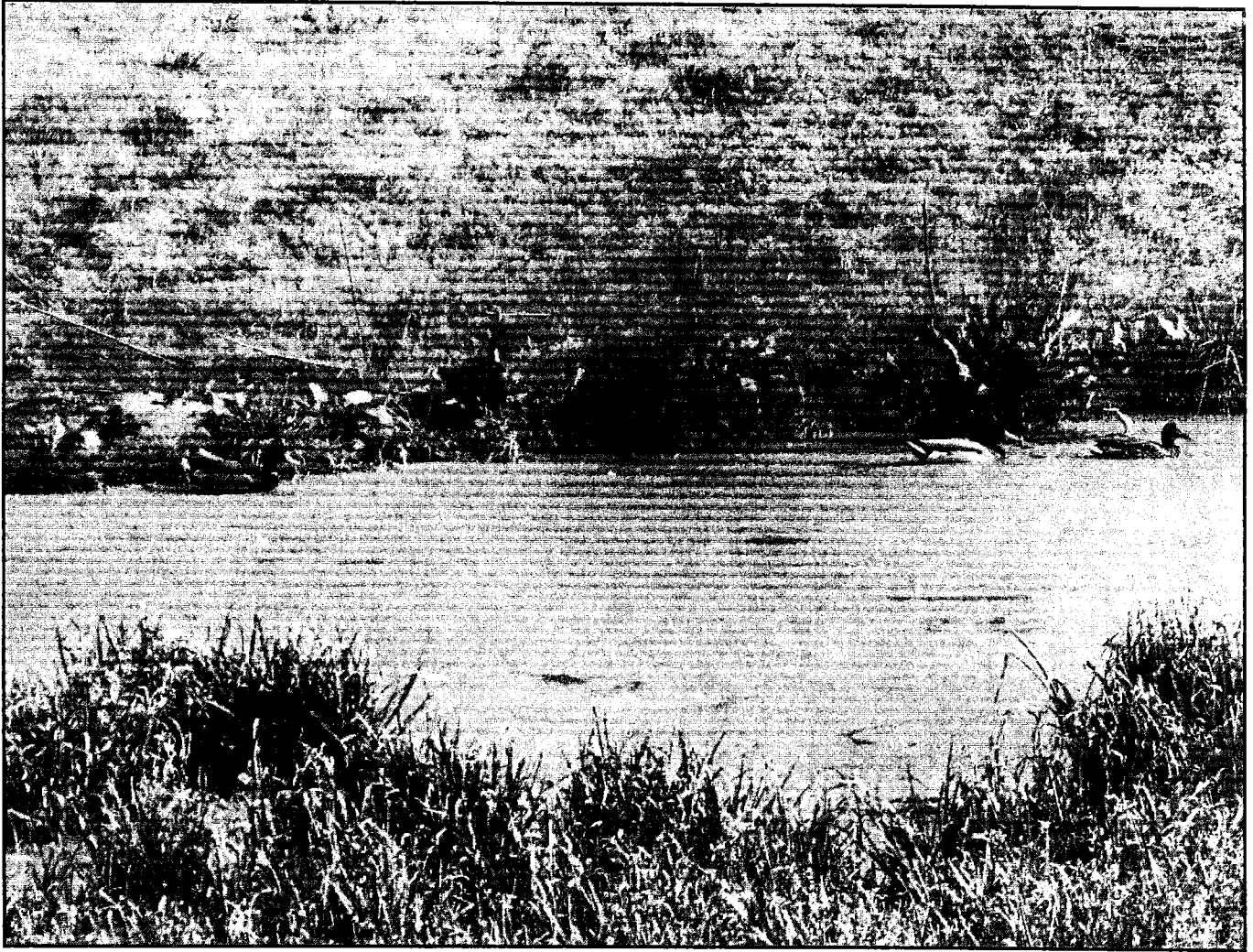
Kim Tschantz, MSP, CEP

Exhibits: Exhibit A – Photographs of the wetland at the west end of the project property.

cc: Supervisor Zach Friend  
Planning Commissioner Casey Hemard  
Claudia Stevens  
Alan and April Barclay  
Adam Kelley  
Frank and Malee Rosales

Paul and Kim McLeod  
Ann Leslie  
Andy Poston  
Basil and Carmen Brunner  
Joe Padota  
Dan Bronson  
Dave and Patty Marsh  
Janice Boardman  
Michael De Martini  
George and Ceci Myers  
Michael Rhodes  
Judy and Lee Willis  
Maxine Adams  
Penny Draper  
Joyce Conklin  
Samantha Olden  
Lee Miller  
Lana Bennett  
Don Piexoto  
Bernabe Carranco  
Shannon Purl

Exhibit A  
Page 1 of 2



Close-up of four Mallard ducks using wetland pond at project site - May 3, 2013

Exhibit A  
Page 2 of 2



More distant view of Mallard ducks using wetland pond at project site - May 3, 2013

Comment #1

**Page 2; Paragraph 3**

Under the heading of Other Agencies that Must Issue Approvals or Permits, the entry is shown as “none”. This is not correct. The Office of the State Architect must review and approve handicapped parking for the project. In addition, this project has generated consultation between the Pajaro Valley Unified School District (PVUSD) and the U. S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to enter into an MOU for a biotic restoration plan to mitigate for potential impacts to federally listed migratory amphibians.<sup>1</sup> The MOU and its pending restoration plan are part of the whole project as defined by CEQA. USFWS and CDFW should be included as other agencies that must issue approvals since they will have regulatory oversight of the restoration plan. This Initial Study should be provided to these three agencies for review and comment through the State Clearinghouse.

Response to Comment #1

*The Department of the State Architect (DSA) does not have discretionary authority over the proposed improvements. Construction of the field itself was authorized by the Pajaro Valley Unified School District, the grading of which falls under the regulatory authority of the County of Santa Cruz. Most grading permits are ministerial (like building permits) but due to the amount of material involved in this project, County Code requires a discretionary approval for this grading. While certain aspects of the project, such as handicapped accessible parking, may be reviewed by the DSA these features are being reviewed for compliance with ministerial code requirements. DSA acts in a similar capacity to that of the building department when they review building permit plans submitted after discretionary approval for compliance with local and state building codes. The Initial Study is not deficient in not listing the future DSA review, but this comment and response clarifies the situation.*

*The Pajaro Valley Unified School District has had an ongoing relationship with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) due to their known proximity to identified habitat of the Santa Cruz long-toed salamander. After having worked with these agencies on larger improvement projects, they voluntarily reached out to them to discuss the proposed grading project. CDFW asked USFWS to be consulted with on further actions and would let USFWS take the lead on guiding remediation efforts, during which PVUSD and USFWS identified unrelated areas of the campus that would benefit from restoration efforts and agreed upon a collaborative approach that would provide an educational benefit to the students. Neither USFWS nor CDFW have required a permit for the proposed grading and the referenced restoration plan is a separate, voluntary venture between PVUSD and USFWS (see attached email from Chad Mitcham, USFWS, 8/22/13).*

Comment #2

**Page 3; Paragraph 1 (Background Information)**

The Existing Conditions; Vegetation category fails to include the wetland habitat that occurs on the site. While the wetland was originally created as a drainage basin, over several years it has been colonized with emergent wetland plant species and numerous amphibians and water birds use this biotic feature. (Refer to photo of wetland marked as Exhibit A). It is the existence of this wetland that USFWS and CDFW believe may attract migratory amphibians. Wetland habitats are considered protected sensitive habitats by the California Fish and Game Code and Chapters 16.30 and 16.32 of the Santa Cruz County Code.

Response to Comment #2

*The retention basin was installed as part of a school improvement and modernization project between 2004 – 2007. The basin is maintained per a plan put in place at the time of construction which includes the removal of vegetation on an annual basis to maintain its function as a drainage facility, and as such is not considered to be an established wetland. USFWS and CDFW are aware of the ongoing maintenance of the retention basin.*

Comment #3

**Page 3; Paragraph 2 (Background Information)**

The listing of Environmental Resources and Constraints fails to identify the wetland habitat described above. While County Planning's Resource and Constraints maps may not have mapped this area as a biologically sensitive habitat, routine site inspection would show otherwise. The Resource and Constraints maps are a tool to assist in environmental analyses, but are not the final determinant of site conditions.

Response to Comment #3

*Please see our Response to Comment #2 for analysis of the existing retention basin. We performed multiple site inspections and carefully considered the assessment of USFWS staff as well as the conclusions of the Biotic Report prepared by John Gilchrist dated March 2013 (Initial Study attachment 5) prior to making our determination regarding the potential presence of biologically sensitive habitat in the area of proposed grading.*

Comment #4

**Page 3; Paragraph 3 (Background Information)**

Under "Services", the School District is incorrectly identified as "Aptos High". The school district is Pajaro Valley Unified School District. Under "Water Supply", the project site and the adjoining Aptos High School campus are within the Central Water District. This Initial Study should be provided to this agency for their review and comment.

Response to Comment #4

*Typing error noted; the school district designation should be corrected to read "Pajaro Valley Unified School District".*

*The "Water Supply" entry is intended to identify the agency responsible for providing water for the subject project. The field water needs will be served by two private wells on the Aptos High campus. No "will serve" agreement or other approval is required from the Central Water District for the proposed improvements.*

*The plans were reviewed by the Central Water District and they confirmed that "it does not appear that any groundwater recharge problems will be created by this project." (see email from Ralph Bracamonte, District Manager Central Water District, dated 8/26/13 as an attachment to our Response to Comment from Cherie Bobbe).*

Comment #5

**Page 4; Paragraph 6 (Environmental Setting)**

This section fails to discuss the wetland habitat that occurs at the detention basin area of the site. Refer to my comment regarding Page 3; Paragraph 2 above.

Response to Comment #5

*Please refer to our Response to Comment #2, above.*

Comment #6

**Page 5; Paragraph 2 (Environmental Setting)**

The reason there is a potential for threatened amphibian species to migrate across the field site is due to its location between a known breeding location on Shadowmere Way for these species and the wetland habitat described in the preceding comment. This is another factor showing why the wetland should be described as a sensitive habitat.

Response to Comment #6

*Please refer to Response to Comment #2, above and attached email from Chad Mitcham, USFWS, 8/22/13 that confirms the proposed area to be disturbed is not considered Santa Cruz Long-Toed Salamander habitat. The Biotic Report (John Gilchrist, March 2013, Included as Initial Study Attachment 5) concluded that because SCLTS move during rainy nights (when there would be no active use of the fields) and there are no planned barriers included in the design that might prohibit SCLTS movement, there would be no significant impacts to SCLTS from the field construction and operation.*

Comment #7

**Page 7; Paragraph 2 (Detailed Project Description)**

The statement “no area of stadium-type lighting is proposed for the field and therefore activities would be concluded by late afternoon” is incorrect. The lack of field lighting will allow field games and practices to occur until the evening hours of 8:00–9:00 P.M. in summer months and 7:00 P.M. during certain autumn and spring months. The effects of evening use of the field should be discussed in the Initial Study.

The following statement that “the existing baseball field parking lot would be available for parking needs beyond that which could be accommodated by the proposed ADA accessible parking area” is unsupported by any facts in the document. I have observed baseball games on weekends with its parking lot filled to capacity with vehicles. Clearly, the baseball lot would only be available when the baseball field is also not in use, but under the current project description, there is no way to prevent simultaneous use of the fields. This lack of understanding the parking dilemma has led to a faulty parking analysis that is discussed in a later comment below.

Response to Comment #7

*The operational guidelines set forth by the PVUSD MOU dated 6/26/13 and listed as Attachment 8 of the initial study state that the hours of operation will conclude by sunset each evening. These operational guidelines apply regardless of the time the field is used. While it is true that sunset times can vary by several hours throughout the year, our analysis of potential impacts was*

*performed under this assumption. The analysis of potential noise impacts is based on the General Plan guidelines, which define “daytime” as 7:00 a.m. to 10:00 p.m.*

*The discussion under Initial Study Section I.5 states “Any additional parking spaces required to meet the incremental increase in demand would be accommodated by the use of several parking lots at the adjacent baseball field and on the Aptos High campus, all of which would have ample spaces available on weekends and while school is not in session.” This is also reflected in the operational guidelines adopted in the PVUSD MOU mentioned above, which states “Parking for non-school use shall be directed to the upper campus area.” (see Response to Comment #16, below, for further discussion). Non-school use of the field would be managed by the school permitting process; refer to the operational guidelines adopted by PVUSD.*

Comment #8

**Page 12 and 13; Item B.4**

It should be noted that the groundwater recharge elements of the project drainage plan are a result of this project going through the permit process. The original project, which commenced before a Grading Permit application was made, did not have the features described in this section of the Initial Study to mitigate for groundwater recharge impacts from the placement of 13,000 cubic yards of fill material.

Response to Comment #8

*The project considered here is as described on the project plans, included as Attachment 2 of the Initial Study.*

Comment #9

**Page 14; Item B.8**

Same comment as discussed for Page 12 and 13 above.

Response to Comment #9

*Please refer to Response to Comment #8, above.*

Comment #10

**Page 14; Item C.2**

Just because a site is not mapped as containing a biologically sensitive habitat does not always mean no such habitat occurs on the site. Refer to the comment for Page 3; Paragraph 2 above and Exhibit A.

Response to Comment #10

*Please refer to Response to Comment #3, above.*

Comment #11

**Page 15; Item C.3**

The discussion under this section is limited to findings pertaining to special status State or federal species. However, this item of the Initial Study Checklist pertains to “any native resident migratory



fish or wildlife species”. As stated in preceding comments, the proximate wetland habitat is used regularly by amphibian and water bird species. I and other residents in the neighborhood have observed multiple mallard ducks in the pond and the cacophonous croaking of tree frogs on successive nights during the rainy season. The effects on these species use of the wetland habitat from increased human use of the nearby field should be discussed in the Initial Study. A noise and visual barrier between the field of play and the wetland habitat could mitigate impacts to wildlife use of the wetland. Refer to comment for Page 25; item J.3 below.

Response to Comment #11

*The complete text of Initial Study Checklist Item C.3 asks if the project will “Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or wildlife nursery sites”. Due to the continued maintenance of the retention basin, it is not considered an “established” wetland nor a wildlife nursery site. Please see Response to Comment #2 for further discussion.*

*This checklist item focuses specifically on the potential for the project to impact “the movement of” native or migratory fish or wildlife species. The Biotic Report prepared by John Gilchrist dated March 2013 (Initial Study attachment 5) indicates that “Common species adjusted to urban environments, such as skunk, raccoon, possum, would be expected” in the area to be disturbed by installation of the proposed field. Because these species are adjusted to urban environments, it is not expected that this disturbance would significantly affect their ability to navigate the terrain. Our discussion primarily focused on Santa Cruz Long-Toed Salamander (SCLTS) as they were identified as having the potential to traverse the disturbed area. The Biotic Report concluded that because SCLTS move during rainy nights (when there would be no active use of the fields) and there are no planned barriers included in the design that might prohibit SCLTS movement, there would be no significant impacts to SCLTS from the field construction and operation.*

*It should be noted that the “mitigative techniques” offered in the commenter’s discussion for Page 25, Item J.3 include a continuous 6-foot high solid wood fence along the southern and western perimeter of the field; it is unclear how these features would assist the movement of wildlife species; such a fence would actually appear to serve as a barrier inhibiting movement of species (especially SCLTS).*

Comment #12

**Page 16; Item C.4**

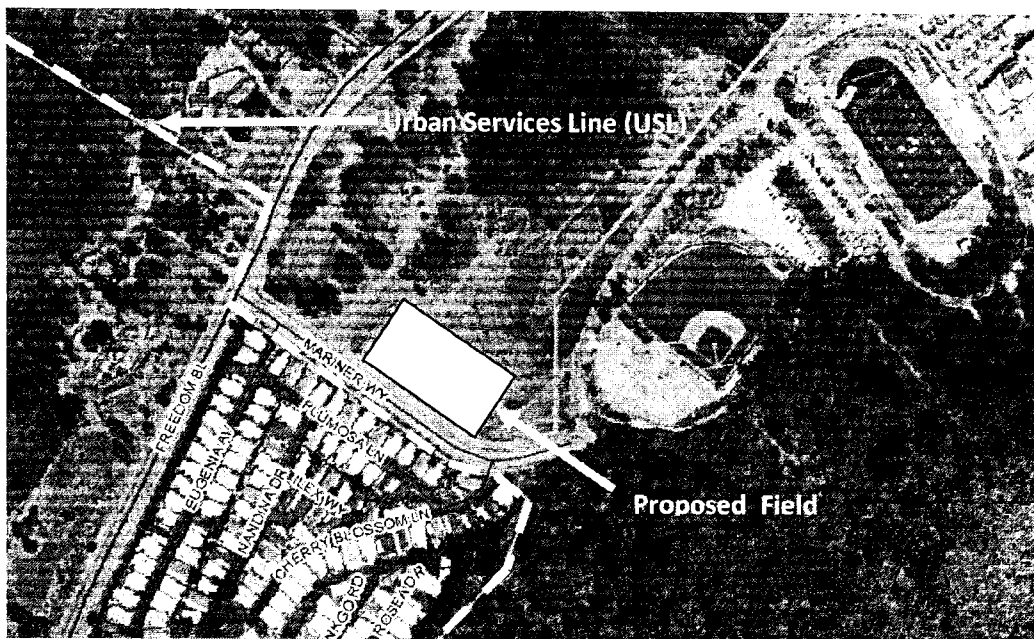
This comment wrongly identifies the project site as being located in an urban area. On the high school side of Freedom Blvd., the County’s Urban Services Line (USL) ends at the south edge of Mariner Way. On the opposite (west) side of Freedom Blvd, the USL ends a few feet north of the Mariner Way intersection. The Aptos Pines Mobile Home Park is within the USL, but the project site, Aptos High School campus and most rural residential properties on the west side of Freedom Blvd. are located beyond the USL and do not have most urban services. Properties on the west side of Freedom Blvd. that are within the USL are designated by the General Plan as “Rural Residential” land use and zoned “RA”, so they too are essentially rural properties.

Street lighting on this segment of Freedom Blvd. is limited to its intersections with Soquel Drive and Mariner Way. The proposed lighting described by Planning staff in this section of the Initial Study would not generate a substantial change in the nighttime environment if it is designed as true

pedestrian-oriented lighting that shines downward rather than outward on to other nearby properties. In addition, pedestrian lighting is placed on standards not exceeding two-feet in height. However, the project plans do not provide any lighting details. Therefore, the description of lighting in this section of the Initial Study is not substantiated by any facts. Absent any plans that show “low impact” lighting, this section of the Initial Study needs to provide performance standards to ensure future lighting will actually be “low impact” and not generate glares on nearby dwellings on the opposite side of Mariner Way. The conclusion for this issue needs to be changed in the Initial Study to “Less than Significant with Mitigation Incorporated” and a mitigation measure, such as performance standards for this lighting, needs to be included.

Response to Comment #12

*The discussion under Initial Study Item C.4 states that the subject property is located in an “urbanized area and is surrounded by existing residential development that currently generates nighttime lighting”. Although no statement was made regarding the location of the proposed field within or outside the urban services line, a map showing the location of this delineation is provided for reference here:*



Urban Services Line (USL) Delineation Map

*The site is located just north of Aptos Pines Mobile Home Park, which is comprised of high density residential housing with associated outdoor and security lighting fixtures similar to that being proposed for the athletic field. During the neighborhood meeting held 6/10/13 (meeting minutes provided as part of Initial Study Attachment 8) it was noted that Mariner Way used to have street lights, and there was voiced support for these lights to be reinstalled for security purposes.*

*The field is located downslope of the Aptos High Campus, which also maintains outdoor and security lighting as well as stadium-type lighting for the existing football field. Per the operational guidelines*

*outlined in the MOU adopted by PVUSD (Initial Study Attachment 8) the lighting proposed for the field is limited, stating “no stadium or other lighting for evening games/practices shall be installed and/or allowed”, and that in response to neighbor security concerns PVUSD will install “appropriate security lighting for the parking lot and adjacent walkways”. The resulting lighting plan for the proposed athletic field would be minimal; per verbal communications with PVUSD staff lighting will consist of an overhead motion-sensitive security light and bollard path lighting. As noted here, this lighting is similar in nature to existing light sources.*

Comment #13

**Page 19; Item F.3**

Several mature acacia trees are proposed to be removed as part of the biotic restoration plan PVUSD plans to implement on the site. While the plan includes replacing these non-native trees with coast live oak (*Quercus agrifolia*), these native species are characterized as being extremely slow growing compared to other tree species. Therefore, there will be a long period of time between removal of the existing tree canopy at the western portion and the growth of a moderate new tree canopy. The plan restoration plan is a result of PVUSD’s discussions with USFWS and is being implemented to mitigate for any potential impacts to listed migratory amphibian species, including the Santa Cruz Long-Toed salamander (*Ambystoma macrodactylum croceum*), which may migrate to and from the wetland located between the proposed field and Freedom Blvd. The restoration plan element of this project needs to be discussed throughout the Initial Study where appropriate.

Response to Comment #13

*As stated in our response to Comment #1, neither USFWS nor CDFW have required a permit for the proposed grading and the referenced restoration plan is a separate, voluntary venture between PVUSD and USFWS not a mitigation for potential impacts to listed species. As such, that effort is not considered part of the proposed project.*

Comment #14

**Page 19; Item F.4**

There is no evidence in the project plans attached to the Initial Study that the proposed lighting will be the “low impact” type described in this comment. Refer to the comment regarding item C.4 above.

Response to Comment #14

*Please see Response to Comment #12.*

Comment #15

**Page 22; Item I.1**

The description of field use differs significantly from what PVUSD administrative staff has told representatives of Rob Roy Neighbors. We have been told the field will be used as follows:  
During each school day for physical education classes (weather permitting);  
Directly after the school day for high school team practices;

After the school day (weekdays) for other organized sports, including adult soccer and rugby teams, when not in conflict with high school team practices (e.g. after 5:00 p.m.);

Each Saturday and Sunday during the spring and autumn youth soccer seasons for Aptos Soccer Club team games; and

At other times it could be rented out to other organized teams, including adult teams for games.

This represents a more intense use of a playing field than occurs at other sports fields at school or public park facilities throughout the County. If the proposed field usage has recently been reduced from what was articulated by PVUSD, the Initial Study should provide evidence of the reduced use (e.g. PVUSD Board resolution, etc.). Absent such evidence, a CEQA traffic analysis must be done under the “worst case” (highest possible use) situation. As such, the current discussion for this item is inadequate and inconsistent with CEQA.

Response to Comment #15

*The description of the proposed field use provided by the commenter (above) is consistent with the use guidelines adopted by the PVUSD in an MOU included as Initial Study Attachment 8, which include the following:*

- *Aptos High School would utilize the field solely for practice and P.E. purposes during the instructional day.*
- *Community use during evenings and weekends shall be authorized via the district facility use review and permit process. Community members and/or organizations would be required to adhere to these guidelines as a condition of authorization.*
- *No stadium or other lighting for evening games/practices shall be installed and/or allowed. Hours of operation shall be during the instructional day and conclude by sunset each evening.*

*The project would not generate any increase in traffic on weekdays (during the instructional day) throughout the school year, as only the existing student body would be using the field. Similarly, after school practices would not generate any additional inbound trips, as the students would already be on campus.*

*A typical soccer team generally consists of approximately 15 players plus coaches. For practices, the projected maximum number of participants would most likely be 17-20, and games would yield twice this number or approximately 35-40 participants. If each participant drove separately, this would result in a 40-trip increase on evenings or weekends. The nature of club sport games and practices lends itself to a higher level of participation in carpool and ridesharing programs, and a conservative 25% carpooling participation estimate would reduce this number to only 30-trips. This estimate is in line with that of the Polo Grounds Regional Park EIR, which estimated 25-40 participants per game, and a maximum afternoon trip generation of 30.*

*In addition to various events and sports practices already held after school hours, the existing traffic generation is most heavily influenced by football and baseball games which attract large numbers of spectators that watch from bleacher seating. The proposed soccer field does not include provisions for bleacher seating or any significant sideline viewing areas for spectators, limiting the overall number of trips generated by field use. Given the level of traffic generated by existing school uses, the timing of non-school use of the proposed field, and the relatively low number of trips generated, the proposed athletic field would constitute a less than significant increase.*

**Comment #16**

**Page 23; Item I.5**

The discussion of parking is inadequate. Project plans show the parking area for the proposed new field will be limited to 2 handicapped accessible spaces and 11 other parking spaces. This number of spaces will not provide parking for even 25% of the projected field users. The discussion claims field users can always park in the nearby unpaved parking lot at the high school baseball field. But this illogical reasoning assumes the baseball lot will always be vacant and waiting to be used by players and spectators of the proposed field. Everyone who has visited the Aptos High campus knows differently. The baseball lot is used frequently on weekdays and weekends to accommodate players and spectators using the baseball field, who are not limited to the Aptos High School baseball team. In addition, this discussion also illogically assumes users and spectators of the proposed field will just drive up to the main campus, located 0.5 mile from the field and either park near the football field (1,375 ft. from the proposed field parking lot) or the performing arts hall (2,669 feet) and walk down to the proposed field. It is unrealistic to assume this will occur, especially with youth sports leagues and their parents and grandparents. According to Willie Yahiro, President of the PVUSD Board of Trustees, "we can't expect people to drive and park all the way up on campus and then walk down to the field from there."

The Initial Study conclusion that the parking impact will be a "Less than Significant Impact" is incorrect. This impact is currently a "Potentially Significant Impact" and will remain so unless PVUSD or the County can formulate an effective mitigation measure to adequately solve the future parking problem generated by use of this new facility.

**Response to Comment #16**

*The discussion under Initial Study Section I.5 states "Any additional parking spaces required to meet the incremental increase in demand would be accommodated by the use of several parking lots at the adjacent baseball field and on the Aptos High campus, all of which would have ample spaces available on weekends and while school is not in session." This is also reflected in the operational guidelines adopted in the PVUSD MOU mentioned above, which states "Parking for non-school use shall be directed to the upper campus area." Our response to Comment #15 estimates the maximum number of trips generated by a game to be approximately 30. Of those trips, a percentage will be drop-off only, and will not require a parking space. Review of the Polo Grounds Regional Park EIR shows that trip generation for the soccer field included 30 inbound trips and 10 outbound, or a 33% drop-off rate. Using these figures, the proposed soccer field would be estimated to require a*

*maximum of 20 parking spaces. While the proposed field project provides 13 spaces, there is ample room in the remainder of the campus lots to accommodate an additional 9 spaces.*

*The commenter provides speculation regarding the probability of field users to abide by the guidelines set forth in the PVUSD MOU referenced in the previous paragraph. This MOU clearly states that “No parking would be allowed on Mariner Way.”, and that “Community use during evenings and weekends shall be authorized via the district facility use review and permit process. Community members and/or organizations would be required to adhere to these guidelines as a condition of authorization.” Groups who would like to use the field would be required to sign a Facilities Use Agreement binding them to these guidelines and authorizing PVUSD to prohibit future agreements with the group if they do not adhere to these guidelines. Although people always have the option of breaking the rules, the consequences set forth by PVUSD effectively culls offenders from the list of groups eligible to use the field.*

#### **Comment #17**

##### **Page 24; Item J.1**

The characterization of both construction phase noise and noise generated by long-term use are both inadequate and include false assumptions. The analysis under this item J.1 states the noise increase from field use would not be substantial. However, this statement is not substantiated with any facts or evidence and therefore cannot be used in a CEQA document.

#### **Response to Comment #17**

County Code Section 8.30.101.A states that “No persons shall, between the hours of 10:00 p.m. and 8:00 a.m., make, cause, suffer, or permit to be made any offensive noise. “Offensive noise” is described in County Code Section 8.13.101.B as “any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner such that it is likely to disturb people of ordinary sensitivities in the vicinity of such noise, and includes, but is not limited to, noise made by an individual alone or by a group of people engaged in any business, meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, structure, construction, ride, machine, implement, instrument or vehicle.”

PVUSD has agreed that construction will take place between the hours of 8:00 a.m. and 5:00 p.m. which is a regular condition for grading permits issued in residential areas. The remaining grading is estimated to take several weeks to complete and therefore the noise generated by construction may be considered temporary in nature and will not constitute “A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project”, as noted on Initial Study Section J.1 referenced above.

Per the MOU adopted by PVUSD outlining operational guidelines for the field (Initial Study Attachment 8), the field hours of operation will fall within the 8:00 a.m. to 10:00 p.m. A comprehensive discussion of the potential impacts of noise generation due to field use is provided in our response to Comment #18, below. Our finding remains that use of the athletic field will not constitute a substantial permanent increase in ambient noise levels.

Comment #18

**Page 25; Item J.3**

The Initial Study uses a noise study for a park master plan in Nipomo (San Luis Obispo County) to conclude that noise from three simultaneously played soccer games generates “54 Leq dBA at a distance of 100 feet from the center of the field”. One wonders why the Initial Study preparers used a noise study from Nipomo, California when they could have used noise studies prepared for park projects in Santa Cruz County. The data from the Nipomo study differs dramatically from the data provided by EIRs prepared for park projects in Santa Cruz County. The EIR prepared for the O’Neill Ranch Park in Soquel states the average noise level generated by soccer games is 55 dBA at 200 feet from the center line of the field with maximum noise at 60 dBA (emphasis mine)<sup>4</sup>. The EIR prepared for Polo Grounds Regional Park in Aptos states soccer field play would generate noise at 63–70 dBA to dwellings located about 75–100 feet from the field. Sports whistles would generate 64–65 dBA.<sup>5</sup> While this information comes from EIRs that were prepared in 1991 and 1995, acoustical methods to measure noise impacts have not changed since these times.

In addition to using the noise standards of County General Plan for significance criteria to determine if an impact is significant, the O’Neill Ranch EIR also specified an increase in noise beyond the existing ambient level of 10 dBA or more as another significance criteria to determine substantial impacts. This is common practice in CEQA documents and is based on community response studies that have determined a noise increase of 10 dBA beyond ambient levels typically results in widespread complaints. The setting of the O’Neill Ranch has many similarities to that of the proposed Aptos High School field in that a soccer field without stadium lights and spectator seating was proposed proximate to the rear yards of existing residential lots with dwellings. The O’Neill Ranch EIR concluded that the new field would generate noise exceeding the ambient level by 10–15 dBA. The mitigation to address this significant impact was to either: a) construct a 6-foot high earth berm between the field and the residential lots or b) construct a 6-foot high solid wood fence with minimum thickness of ¾ inch, along the rear yard of the residential lots. One or both of these mitigative techniques should be used at the Aptos High field to solve the future noise impacts from the uses of the field.

The second paragraph of this analysis states that the existing 5-foot high fence along the residential rear yard property lines facing Mariner Way will provide “a further incremental reduction in the field noise level”. A casual inspection of the site would show that this statement is not accurate. The grading for the field has altered the topography of the site to elevate most of the field area higher than the existing 5-foot high fence. In fact, the southwest corner of the field is elevated 11–12 feet higher than the previous grade resulting in the majority of the field *surface* being at a higher elevation than the top of the existing fence!<sup>6</sup> To attenuate noise, barriers must be placed between the noise generator and the receptor on both the horizontal plane and the vertical plane. The existing 5-foot high fence at the mobile home park will not and cannot reduce any field noise. The only way to provide a barrier between the field and the mobile home park dwellings in the vertical plane is to construct a 6-foot high earth berm and/or solid wood fence at the surface of the field. There is sufficient spatial area to construct a berm at the west end of the field at a 2:1 slope (and possibly a 3:1 slope) without encroaching in the 100-foot setback from the proximate wetland. Such a berm would reduce field noise to all dwellings in the mobile home park along Eugenia Avenue and dwellings on Freedom Blvd. Because most of the field is already constructed, there is not sufficient spatial area to construct an earth berm at the field surface parallel to Mariner Way; but a 6-foot

high fence could be constructed that would attenuate noise impacts to the remainder of Aptos Pines Mobile Home Park.

Response to Comment #18

*While preparing the Aptos High Field Initial Study, we reviewed both the O'Neill Ranch and Polo Grounds Regional Park EIR documents with respect to the noise studies presented therein. Although the commenter references these as the noise studies contained in these EIRs "prepared for park projects in Santa Cruz County" none of the sound data used to estimate noise generation was gathered in Santa Cruz County, and it is unclear where the data was gathered and under what circumstances. Both reports use data gathered by Illingworth and Rodkin, Inc. The O'Neill Ranch Park EIR states that the noise estimates were made from "measurements of noise generated by softball games, youth soccer leagues and little league baseball at a number of facilities". It does not state how many spectators were in attendance, whether amplified sound and/or bullhorns were used, etc. Similarly the Polo Grounds Regional Park EIR states that the noise levels used in their analysis were "measured by Illingworth and Rodkin, Inc. at other recreational areas in northern California". Once again, no qualifiers were provided regarding the circumstances under which the noise samples were taken.*

*As stated in the MOU adopted by PVUSD regarding operational guidelines for the field, no bullhorns or amplified sound shall be permitted on the field at any time. The referenced noise study conducted in Nipomo, California is based on measurements from a multi-game youth soccer tournament and specifically noted "There was no amplified sound at any of the games". (Nipomo Community Park Master Plan EIR, Nipomo, California – Noise Study Report, p.6) The measurements were also taken while three games were being played at the same time, which offers a conservative estimate of the potential noise generation of one soccer game.*

*The Nipomo Park Master Plan EIR noise study also noted that "most of the noise measured for the games resulted from the crowd cheering during exciting plays. Very little noise is actually generated by participants or action on the field." The proposed soccer field does not include provisions for bleacher seating or any significant sideline viewing areas for spectators, limiting the number of cheering fans that may contribute to noise levels.*

*The commenter notes that the O'Neill Ranch "also specified an increase in noise beyond the existing ambient level of 10 dBA or more as another significance criteria to determine substantial impacts" and that the EIR found that the new field would generate noise exceeding the ambient level by 10-15 dBA. While the commenter asserts that the setting of the O'Neill Ranch has many similarities to that of the proposed Aptos High School field making this conclusion applicable to both, there are several factors that influence the existing ambient noise level used as the baseline for determining the potential for a substantial impact and that vary significantly between the two projects.*

*The O'Neill Ranch Park EIR ambient noise measurements used for determining the potential noise impact of the proposed soccer fields were taken at locations between 1100 -1350 feet from the*



*nearest significant roadway, Soquel San Jose Road, and the EIR notes that “Noise from distant traffic dominated the noise environment”. Contrastingly, the nearest sensitive noise receptors to the proposed Aptos High School field (the residents of Aptos Pines Mobile Home Park) are located at most 800 feet from the centerline of Freedom Boulevard and only 37 feet from the centerline of Mariner Way. An exhibit prepared for the 1994 General Plan measured Aptos Planning Area Noise Levels and found that Freedom Boulevard had an  $L_{eq}$  of 73 dBA at a distance of 50 feet from the centerline, which equates to approximately 49 dBA at 800 feet. In addition to the ambient noise level generated by Freedom Boulevard traffic, traffic traveling along Mariner Way also contributes to the ambient noise level at the property line of Aptos Pines residence. Per the discussion outlined in the discussion under Initial Study Section J.3, the motorized traffic along Mariner Way could be expected to generate a noise level between 63-70 dBA at the northern property lines of the Aptos Pines residents. The cited soccer field noise generation value of 48 dBA (see Initial Study Section J.3 and previous discussion in this response) falls well below the existing ambient noise levels and does not meet the 10 dBA threshold for increase in ambient noise levels.*

*Given that the noise generation levels for the proposed field are shown to fall within the range set forth in the General Plan, mention of the existing wooden fence was not meant to identify a mitigation measure but simply to state that its presence may offer a further incremental reduction in noise levels.*

Comment #19

**Page 26; Item J.4**

The analysis states construction noise will not be significant because it would be temporary. This statement is contrary to the conclusions of a myriad of CEQA documents pertaining to construction-phase impacts, including those prepared by the County of Santa Cruz. Having personally experienced the construction noise during initial grading for the field in May 2011, I know it was a significant alteration of the ambient environment. Put in lay terms, the construction noise was reminiscent of excavation operations at the Buena Vista landfill. Neighbors expect more of this noise when grading resumes in the future to complete the field unless mitigation measures to attenuate construction noise are included in the Grading Permit. While construction-phase noise cannot be avoided, most CEQA documents prescribe a list of best management practices to minimize noise impacts, including limiting work hours to 8:00 A.M. to 4:00/5:00 P.M. on weekdays. There is no reason why this Initial Study cannot do the same. In fact, policy 6.9.7 of the County General Plan “requires mitigation of construction noise as a condition of future project approvals”. The Initial Study provides no real evidence to support repeated conclusions that noise impacts are “Less than Significant” for items J.1, J.3 and J.4. These conclusions need to be changed to “Potentially Significant Impact” unless mitigations are formulated in each of the three noise-related items to solve noise impacts to the surrounding neighborhood. In that case, the conclusion would be “Less than Significant with Mitigation Incorporated”. While the County’s permitting authority is limited to noise impacts related to J.4, the Initial Study can and should prescribe mitigation measures to fully address significant noise impacts related to J.1 and J.3 so PVUSD can consider these mitigation measures when the School Board discusses this project again in the near future.

Response to Comment #19

*Please see Response to Comment #17.*

Comment #20

**Pages 26 & 27; Item K.1**

During the initial grading that occurred in May 2011 residents on the opposite side of Freedom Blvd. received significant amounts of dust on their properties, especially in the afternoons due to the prevailing on-shore winds. Large volumes of mud were also tracked on Freedom Blvd. by construction vehicles.<sup>7</sup> The project proponent has already demonstrated that it does not employ correct dust control practices on its own. Surrounding residents have had to suffer the impacts. One of the purposes of a Grading Permit is to specify best management (or other) practices to alleviate the problems that occurred in May 2011. This portion of the Initial Study has failed to do this. Remember this project is the largest land alteration project that has occurred under the jurisdiction of the County of Santa Cruz County in several years. The conclusion that dust impacts are “Less than Significant” for item K.1 is not supported by any evidence. This conclusion should be changed to “Less than Significant with Mitigation Incorporated” and mitigation measures need to be specified.

Response to Comment #20

*The project plans (Initial Study Attachment 1) include a Stormwater Pollution Control Plan as required by County Code Section 7.79.100 (Best Management Practices (BMPs) for Construction Activities). The plan specifically includes stabilized construction entrances/exits to limit soil tracking onto the roadway, designated stockpile areas that can be covered or watered as necessary to prevent dust generation, and silt fences to prevent soil migration beyond the limits of the disturbed area. It is also important to note that all necessary soil for the grading operation exists on-site. The remaining work necessary to complete the project consists of re-working of these existing site soils to achieve final grades.*

*Because the project will disturb more than one acre, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and filed with the State Water Resources Control Board (SWRCB) in accordance with their Construction General Permit requirements. This plan requires further oversight and regular inspection of stormwater pollution compliance measures by certified professionals authorized by the SWRCB to perform such inspections.*

*Finally, as noted in Initial Study Section K.1, standard Monterey Bay Unified Air Pollution Control District (MBUAPCS) dust control best management practices, such as periodic watering, would be implemented during construction. These measures are mandatory compliance measures enforced by MBUAPCS.*

*The erosion control and air quality BMPs listed above are compulsory for compliance with County and State codes and therefore are not listed as mitigations. The conclusion for Initial Study Section K.1 remains “less than significant”.*

Comment #21

**Page 33, Mandatory Finding of Significance 1**

The Initial Study has not evaluated the effects of use of the field proximate to a wetland habitat used by amphibians and water fowl. Unless mitigation measures are recommended under item C.3 to protect wildlife use of the wetland, this item would be a “Potentially Significant Impact”.

Response to Comment #21

*Please refer to Response to Comment #2 for discussion regarding the retention basin.*

Comment #22

**Page 34, Mandatory Finding of Significance 3**

The Initial Study has erroneously made a finding of “Less than Significant” for the project’s impact on humans. As discussed above in several comments, the project will generate impacts and potential impacts to surrounding residents during both the construction-phase and the post-construction phase of the project. The Initial Study should be revised to acknowledge these impacts and prescribe mitigation measures that effectively reduce impacts to insignificant levels.

Response to Comment #22

*For the reasons outlined in our Initial Study and further clarified in our responses to comments, above, we maintain that the “less than significant” finding is correct.*

**Carolyn Burke**

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**From:** Matt Johnston  
**Sent:** Friday, August 23, 2013 4:01 PM  
**To:** Carolyn Burke  
**Subject:** FW: Aptos

For your file

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**From:** Mitcham, Chad [[mailto:chad\\_mitcham@fws.gov](mailto:chad_mitcham@fws.gov)]  
**Sent:** Thursday, August 22, 2013 11:38 AM  
**To:** Matt Johnston  
**Cc:** Carolyn Burke  
**Subject:** Re: Aptos

Matt,

The area that was graded was not considered SCLTS habitat based on the fact that it was highly disturbed with no over summering habitat. Although this was the case I approached the Pajaro Valley School District to discuss the potential for habitat restoration on the property as it is the range of SCLTS. The District agreed to collaborate with the Service's Schoolyard Habitat Program which is currently being explored. The District passed a board resolution agreeing to this and I believe set aside funding to accomplish this goal. The restoration would focus on the area around the sediment basin adjacent to Freedom Road. This area could one day be restored to SCLTS optimal habitat by the removal of invasive species (primarily Acacia) and replaced with oak woodland. Let me know if you need any more information. Thanks.

Chad

# **Additional Correspondence**

2012-FY1  
(Matt may also want a copy?)

**CYPRESS ENVIRONMENTAL AND LAND USE PLANNING**

**P.O. BOX 1844**

**APTOS CALIFORNIA**

Email: [kimt@cypressenv.com](mailto:kimt@cypressenv.com)

June 18, 2012

Kathy Previsich, Planning Director  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> floor  
Santa Cruz, CA 95060

**SUBJECT: Permitting and Environmental Review for the Aptos High School Grading and Sports Field Project (A.P.N. 41-291-39)**

Dear Ms. Previsich,

I am pleased to know from Supervisor Pirie that County Counsel and County Planning have reconsidered the legal permitting requirements for the grading/sports field project adjacent to the Aptos High School campus and have informed the Pajaro Valley Unified School District of the necessity of their applying for a Grading Permit for their project. The construction of the project includes about 15,000 cubic yards of soil importation and grading.<sup>1</sup> The purpose of this letter is two-fold:

1. To inform you that, on behalf of the neighborhood, I have formally appealed the PVUSD staff's determination that this project is exempt from Environmental Review (Exhibit A); and
2. To request the County notify all neighbors listed on the petition presented to the PVUSD Board (Exhibit B) of any opportunities for public input regarding the Grading Permit application and its associated reviews, including Environmental Review.

As you know, the California Environmental Quality Act (CEQA) allows public agencies seeking permits from other agencies the option of conducting appropriate Environmental Review themselves and submitting their CEQA documents to the permitting agency; or they may choose to have the agency responsible for the permitting conduct the CEQA analysis. If the School District decides to retain lead agency status and conduct Environmental Review, we hope they will do so by first granting my appeal to rescind their exemption from CEQA and follow this action by hiring a qualified consultant to prepare the correct CEQA analysis of the project. Alternatively, if PVUSD agrees to give lead agency responsibility to the County, then the letter in Exhibit A can be used by County Planning staff for scoping purposes.

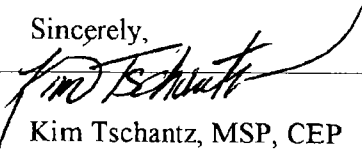
<sup>1</sup> Source: Stormwater Pollution Prevent Plan for Aptos High School Stockpile. prepared by Montgomery and Associates, dated April 30, 2012, page 10.

***Environmental Planning and Analysis, Land Use Consulting and Permitting***

On behalf of the signatory neighbors on Exhibit B, I am urging the County to assume lead agency responsibility under CEQA. We believe the public will be better served if the County conducts Environmental Review on this project. We further request that Environmental Review be conducted on the whole project as required by Sections 15003 (h) and 15378 of the CEQA Guidelines. Therefore, the CEQA analysis would include both the construction phase and post-construction (long-term use) phase of the project.

In closing, let me point out that none of the neighbors I have talked to have stated an opposition to grading at or athletic use of the project property *per se*, but rather they are concerned that the project will generate significant impacts as it is currently being carried out and designed. We look forward to having the impacts, including those identified in Exhibit A, mitigated, as well as participating in the permit process to the extent it is allowed by law. I would appreciate being notified when PVUSD submits their application.

Sincerely,



Kim Tschantz, MSP, CEP

Attachments: Exhibit A – Letter dated, June 13, 2012 appealing PVUSD Notice of Exemption  
Exhibit B – Petition of Freedom Blvd. Neighbors to the PVUSD Board

cc: Supervisor Ellen Pirie  
Claudia Stevens  
Anthony and Natasha Montana  
Alan and April Barclay  
Adam Kelley  
Frank and Malee Rosales  
Jeremy and Mary Nie  
Margaret Olich  
Paul and Kim McLeod  
Caryn St. Germain  
Mike and Ann Del Rosario  
Andy Poston  
Basil and Carmen Brunner  
Joc Padota

**CYPRESS ENVIRONMENTAL AND LAND USE PLANNING**  
**P.O. BOX 1844**  
**APTOS CALIFORNIA**  
Email: [kimt@cypressenv.com](mailto:kimt@cypressenv.com)

June 13, 2012

Leslie DeRose, President and Members of the Board of Trustees  
Pajaro Valley Unified School District  
292 Green Valley Road  
Watsonville, CA 95076

**SUBJECT: Aptos High School Grading and Sports Field Project - Appeal of Exemption**

Members of the Board of Trustees,

On behalf of several residents of the Pajaro Valley Unified School District, I am appealing the School District staff determination that the Grading/Sports Field Project adjacent to Aptos High School campus is exempt from Environmental Review as required by the California Environmental Quality Act (CEQA). Such an appeal to your Board is authorized under Section 15061(e) of the CEQA Guidelines. This letter discusses why the PVUSD Notice of Exemption issued by your staff on May 25, 2012 for this project (Exhibit A) is not in compliance with CEQA and what your Board can do to legally remedy this problem.

According to Section 15061(b) of the CEQA Guidelines, a project cannot be exempt from CEQA if there is a "possibility that the activity in question may have a significant effect on the environment". Further, Section 15300.2(c) states none of CEQA's allowable Categorical Exemptions shall be used for any project if "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances".

During May and June 2012 residents living on Freedom Blvd. near the project site have contacted School District staff and have spoken at your Board meeting of May 30, 2012 regarding the various negative environmental effects of the construction and future use of this project. These impacts include:

1. Excessive increase of noise and dust from excavation equipment and grading operations to transport about 20,000 cubic yards of earth to the site and construct a sports field;
2. Excessive increase of long-term noise to the neighborhood from the proposed conversion of a vacant parcel in the "RA" (Residential-Agricultural) zoning district to a sports field use where regular high school sports practice and other sporting events will occur;
3. Potential excessive generation of glare and illumination to the neighborhood from the

***Environmental Planning and Analysis, Land Use Consulting and Permitting***



possible future implementation of night-time play lighting or security lighting at the sports field;

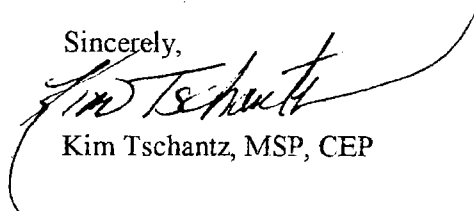
4. Potential loss of aquifer recharge by the covering of a mapped groundwater recharge area with over 20,000 cubic yards of earth material that has a different soil composition than the native soil at the site;
5. Potential endangerment of wildlife and water quality in the adjacent recharge pond generated by runoff from the future application of chemical fertilizers that will be used on the sports field turf<sup>1</sup>;
6. Increase in traffic along the segment of Freedom Blvd near the project site and its associated intersections generated by converting a vacant parcel to a new intensive use that was not anticipated in when recent circulation upgrades were implemented to address the 2005-07 expansion of Aptos High School<sup>2</sup>; and
7. Potential land use conflicts with other properties in the vicinity.

These impacts and potential impacts make it clear that an Initial Study must be prepared, as specified by Section 15063 of the CEQA Guidelines, to determine if an Environmental Impact Report (EIR) needs to be prepared for this project or if a Mitigated Negative Declaration is appropriate. Either type of analysis should provide a thorough discussion of environmental impacts and the methods by which these impacts can be mitigated.

I therefore, request your Board rescind the staff determination (Exhibit A) and replace it with a new determination that an Initial Study for the grading/sports field project be prepared followed by either preparation of the appropriate document—either an EIR or Mitigated Negative Declaration.

We look forward to participating in the Environmental Review process to the extent it is allowed by law. Please notify me of any Board meetings where this issue is placed on the agenda and when the public review period commences for the CEQA document that is prepared for this project.

Sincerely,



Kim Tschantz, MSP, CEP

Attachments: Exhibit A – PVUSD Notice of Exemption

<sup>1</sup> The “stormwater pond” constructed to mitigate for additional storm runoff for the 2005-07 expansion of Aptos High

School has also become a biotic habitat for frog and waterfowl species (personal observation). The Initial Study prepared for the high school expansion (Owens Hill Consulting and Coastplans, May 2004) states that the endangered Santa Cruz Long-toed salamander (*Ambystoma macrodactylum croceum*) is known to occur in the Freedom Blvd. vicinity near the high school. This same Initial Study discusses the potential for the threatened California Red-legged frog (*Rana aurora draytonii*) to inhabit the area. The stormwater pond is potential habitat for this species.

<sup>2</sup> The project described in the Initial Study prepared for the high school expansion (Owens Hill Consulting and Coastplans, May 2004) did not include the new sports field and therefore did not assess traffic impacts that could be generated by this new use.

cc: Supervisor Ellen Pirie  
Norma Baker, PVUSD Superintendent  
Kathy Previsich, County Planning Director  
Central Coast Regional Water Quality Control Board  
Claudia Stevens  
Anthony and Natasha Montana  
Alan and April Barclay  
Adam Kelley

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Frank and Malee Rosales  
Jeremy and Mary Nie  
Margaret Olich  
Paul and Kim McLeod  
Caryn St. Germain  
Mike and Ann Del Rosario  
Andy Poston  
Basil and Carmen Brunner  
Joe Padota

## NOTICE OF EXEMPTION

## CEQA Form D

To: Office of Planning and Research  
PO Box, 3044, Room 212  
Sacramento, CA 95812-3044

From: Pajaro Valley Unified School District  
294 Green Valley Road  
Watsonville, CA 95076

Santa Cruz County Clerk  
701 Ocean Street  
Santa Cruz, CA 95060

**Project Title:** Aptos High School New Athletic Field

**Project Location: (Specific)** 100 Mariner Way, Aptos CA

**Project Location (City):** Aptos CA 95003

**Description of Project:** The project consists of the construction of a new athletic practice field on the campus of an existing high school. The project involves the import of 15,000 yards of imported soils, grading of a ±200,000 square foot area, and the installation of irrigation and turf. The project also includes the placement of two (2) disabled parking places in conformance with the California Education Code and Department of the State Architect accessibility standards.

**Name of Public Agency Approving Project:** Pajaro Valley Unified School District

**Name of Person or Agency Carrying out Project:** Pajaro Valley School District

**Exempt Status (Check One)**

- ☐ Ministerial Sec. 21080(b)(1);15268):  
☐ Declared Emergency (Sec. 21080 (b)(3);15269(a):  
☐ Emergency Project (Sec. 21080(b)(4);15269(b)(c):  
☐ Statutory Exemption: State code number  
☒ **Categorical Exemption:** Class 14 Sec.15314

**Reasons why project is exempt:** The project meets the criteria of a Class 14 Categorical Exemption, *Minor Additions to Schools*. The project is a minor addition of a sports practice field to the existing athletic facilities within the school campus grounds of Aptos High School. The project does not increase the original student capacity by more than 25% or ten classrooms.

Brett McFadden

831-728-8160 ext: 2531

**Lead Agency Contact Person:**

**Telephone/Extension**



Chief Business Officer

5/25/12

Signature /Title

Date

☒ **Signed by Lead Agency**

**Date Received for filing at OPR:** \_\_\_\_\_

☐ **Signed by Applicant**

# **Petition to the Board of Trustees of the Pajaro Valley Unified School District**

**For Appropriate Environmental Review and Mitigation of Environmental Impacts  
for the Construction of and Use of a New Athletic Field on 10 acres of  
A.P.N 41-291-39 adjacent to the Aptos High School campus.**

We the undersigned, residents of the Pajaro Valley Unified School District urge the PVUSD to conduct Environmental Review, as required by the California Environmental Act, on the 20,000 cubic yard grading project/athletic field project and to implement mitigations to all negative effects of that project on the environment and the surrounding neighborhood and to include neighborhood residents in meetings and communications about the project.

Name and Signature: Joseph Redota [Signature]

Address: 7476 Freedom Blvd., Aptos CA 95003

Name and Signature: Kim Tschantz [Signature]

Address: 7176 Freedom Blvd., Aptos, CA 95003

Name and Signature: Caryn St. Germain [Signature]

Address: 7100 Freedom Blvd., Aptos, CA 95003

Name and Signature: KIMBERLY MCLEOD [Signature]

Address: 7100 FREEDOM BLVD. APTOS, CA 95003

Name and Signature: Paul McLeod [Signature]


Address: 7100 FREEDOM BLVD. APTOS, CA 95003

Name and Signature: \_\_\_\_\_

**Petition to the Board of Trustees of the Pajaro Valley Unified School District**

**For Appropriate Environmental Review and Mitigation of Environmental Impacts  
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Name and Signature: CLAUDIA STEVENS 


Address: 7176 FREEDOM BLVD APTOS, CA 95003

Name and Signature: Carmen Brunner - CARMEN BRUNNER

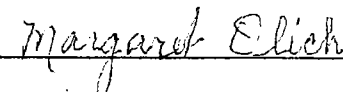
Address: 7350 Freedom Blvd; Aptos, CA 95003

Name and Signature: Basil Brunner BASIL BRUNNER

Address: 7350 Freedom Blvd Aptos CA 95003

Name and Signature: VEREMY NIE 

Address: 7050 FREEDOM BLVD. APTOS, CA 95003

Name and Signature: MARGARET CLICH 

Address: 7050A Freedom Blvd. Aptos Ca 95003

Name and Signature: \_\_\_\_\_

**Petition to the Board of Trustees of the Pajaro Valley Unified School District**

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Name and Signature: APRIL BARCLAY April Barclay

Address: 7158 Freedom Blvd Aptos, CA 95003

Name and Signature: ALAN B. BARCLAY Alan B. Barclay

Address: 7158 Freedom Blvd Aptos, CA 95003

Name and Signature: Adam Kelley Adam Kelley

Address: 7158 Freedom Blvd, Aptos, Ca, 95003

Name and Signature: ANTHONY & NATASHA MONTANA A/M

Address: 7130 FREEDOM BLVD APTOS, CA 95003

Name and Signature: Natasha Montana Natasha Montana

Address: 7130 Freedom Blvd Aptos Ca 95003

Name and Signature: \_\_\_\_\_

**Petition to the Board of Trustees of the Pajaro Valley Unified School District**

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Name and Signature: MARY NIE Mary Nie

Address: 7050 FREEDOM BLVD, APTOS

Name and Signature: FRANK ROSALES Frank Rosales

Address: 7100 FREEDOM BLVD, APTOS

Name and Signature: MARIE ROSALES Marie Rosales

Address: 7100 FREEDOM BLVD, APTOS

Name and Signature: Andrew Boston Andrew Boston

Address: 7326 Freedom Blvd. Aptos, CA 95003

Name and Signature: \_\_\_\_\_

Address: \_\_\_\_\_

# CYPRESS ENVIRONMENTAL AND LAND USE PLANNING

P.O. BOX 1844

APTOS CALIFORNIA

(831) 685-1007 [kimt@cypressenv.com](mailto:kimt@cypressenv.com)

March 20, 2013

Zach Friend, Supervisor-District 2  
Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, 5<sup>th</sup> floor  
Santa Cruz, CA 95060

## **Subject: Grading and Proposed Sports Field at Aptos High School on APN 41-291-39**

Dear Supervisor Friend,

On behalf of the Rob Roy Neighbors, I want to thank you for meeting with myself and some of the Neighbors on March 1, 2013. Due to our time constraint at the meeting, I thought it would be useful to reiterate of the concerns of the Rob Roy Neighbors and to ask for your assistance in resolving some issues.

As you may remember, the primary concerns expressed at the meeting regarding the proposed field are:

- The School District's lack of notifying neighbors or meeting with nearby residents regarding the project;
- Excessive construction noise and dust generation during grading operations that went beyond the project site;
- Long-term excessive noise from the regular daily use of the future field on both weekdays and weekends throughout the year;
- Long-term increase in traffic and inadequate provision for on-site parking; and
- The possibility of stadium-like nighttime lighting.

While each of the issues listed above are all significant concerns to nearby residents, the impact of new long-term noise generation is the greatest concern. During the June 28, 2012 meeting we had with School District staff and Aptos Sport Foundations representatives, we were told the future field is planned to be used for high school P. E. classes each weekday afternoon (weather permitting) until the end of the school day and then it would be used by organized sports until dusk. Each Saturday and Sunday during the spring and autumn, the field is planned to be used during the entire day for game play by Aptos Soccer Club teams. On other weekends it would be rented out to adult sports teams. We believe this proposed use frequency exceeds what occurs at other school or park sports fields in the County.

*Environmental Planning and Analysis, Land Use Consulting and Permitting*



Since our meeting, another act of trespass inside the fenced and gated area and vandalism occurred at the site on March 9, which was reported to the County Sheriff. Some of the Rob Roy Neighbors are becoming concerned that this site, within view of arterial roadway traffic and located away from any campus supervision, may become an attractive nuisance for criminal activity. Similar, to the possibility of future field lighting, the potential for increased crime resulting from this project are two significant community impacts that probably won't be addressed through Environmental Review of this project due to the scope of CEQA. Yet, these are two issue of grave concern to some of your constituents and we hope you can work with us and the School District to resolve them.

As you know, the Rob Roy Neighbors do not oppose the sports field project as long as it can effectively mitigate the impacts it will generate to the environment and the surrounding residents. Towards that goal, we seek your office's assistance to:

- Have County staff notify us as soon as a Grading application has been submitted for this project;
- Ensure the project will undergo thorough Environmental Review by County staff;
- Help us explore viable security ideas to minimize crime at the site by putting us in contact with the appropriate person in the County Sheriff's Office to discuss this issue;
- Negotiate an agreement with the School District that the proposed use be designed in manner that minimizes criminal activity potential without major illumination; and
- Negotiate an agreement with the School District that night lighting for nighttime use of the future field will not be installed at any time in the future.

Unfortunately, the School District officials have not been entirely open to discussing these issues with us. While we will keep trying to foster dialogue with the School District, we need your support to help resolve these issues. Thank you for your interest in this matter.

Sincerely,



Kim Tschantz, MSP, CEP

cc: Kathy Previsich, Planning Director  
Alan and April Barclay  
Frank and Malee Rosales  
Jeremy and Mary Nie  
Paul and Kim McLeod  
Ann Leslie  
Andy Poston  
Basil and Carmen Brunner  
Joe Padota  
Claudia Stevens  
Dan Bronson

**Carolyn Burke**

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**From:** Peter Carr [petercarr64@gmail.com]  
**Sent:** Saturday, August 24, 2013 3:57 PM  
**To:** Carolyn Burke  
**Subject:** Public Hearing for Aptos High School Sports Field

To: Santa Cruz County Planning Commission

As a local resident I am pleased that the permit process is proceeding on the new sports field. It can be a real asset to the Aptos community.

In your review please take into consideration the effects that this facility will have on the immediate neighbors, particularly noise impacts. Being a good neighbor should be in everyone's interest. I hope the new field will be a project that we all can feel good about in the future. That is what you will be deciding.

Thank you for your consideration,

Peter Carr