

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION

The project and cumulative impacts identified during the course of this environmental analysis are summarized in this section. The impacts are grouped with similar ranking beginning with impacts not found to be significant, followed by significant (in addition to potentially significant) impacts that can be mitigated, and ending with significant and unavoidable impacts. Therefore, the mitigation measures do not appear in consecutive order as presented in the EIR text. This summary should be used in conjunction with a thorough reading of the report. The summary is intended as an overview; the report serves as the basis for the summary.

Less-than-Significant Impacts

No significant impacts due to the Rispin Mansion project were identified in **4.1 Land Use and Planning**. **Table 1** in that section outlines the project's consistency with the General Plan, Local Coastal Program, and Coastal Act.

Significant or Potentially Significant Project Impacts That Can Be Mitigated To A Less-Than-Significant Level

Geology and Soils

Impact: Due to the amount of grading and potential for large magnitude earthquakes in the project area, there is a potential for exposure of people and structures to hazards during seismic events. *This is a potentially significant impact that can be reduced to a less-than-significant level by implementing the following mitigation.*

Mitigation

R-1 Buildings shall be constructed in accordance with applicable Building Codes including the Historic Building Code and the site recommendations presented in the geotechnical and geologic hazard assessment by J. V. Lowney & Associates (January 1991) including, but not limited to, specifications regarding clearing, site grading and preparation, footings, foundations, slabs-on-grade, site drainage, and pavements or turf block.

Impact: Clearing vegetation, site grading, construction, and concentrated discharge of collected runoff could result in erosion and increased sedimentation, if not properly controlled. This effect will be even more severe than at most other sites due to the steep slope of the west bank of Soquel Creek on the project site. *This is a potentially significant impact that can be reduced to a less-than-significant level by implementing the following mitigation.*

Mitigation

R-2 The Contractor shall implement the following measures, at a minimum:

- Install and maintain silt basins and fences or straw bales along drainage paths during construction to contain on-site soils until bare slopes are vegetated. Carefully stockpile graded soils away from drainages.
- Restrict grading and earthwork during the rainy season (October 15 through April 15) and stabilize all exposed soils and graded areas prior to onset of the rainy season through mulching and reseeded. Temporary mulching and reseeded (using a biologist/botanist approved native seed mix) will reduce erosion by establishing quick growing plants to stabilize disturbed areas which will not have permanent landscaping installed for a period of time or which may be redistributed at a later date. Permit grading after April 15 and before October 15 only with installation of adequate sediment and erosion control measures.
- Revegetate graded slopes with appropriate native plant species (as determined by a qualified botanist) immediately upon completion of grading.
- Comply with all applicable City of Capitola ordinances including landscaping compatibility for erosion control.

Hydrology and Water Quality

Impact: Development of the proposed Rispin Mansion project will result in increased runoff and alteration of existing on-site drainage patterns by increasing storm water flows to the existing Soquel Creek drainage. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation (in addition to mitigation measures R-29 through R-33 in **4.4 Biological Resources**).*

Mitigation

R-3 The Rispin Mansion project drainage system shall be designed to control the release of storm water flows to pre-development levels using on-site detention, percolation and proper system capacities. The design of the drainage system shall be prepared and submitted to the City to demonstrate that the project complies with this measure and other applicable City standards.

Impact: Construction activities including clearing vegetation, grading, and/or excavation of land would have the potential for causing siltation and sedimentation of Soquel Creek or other downstream water bodies. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-4 The project applicant shall prevent sediments or other pollutants resulting from construction activities from entering storm water discharge. During construction, the following measures shall be implemented by the construction contractor:

- Only clear land that will be actively under construction within 6 to 12 months;

- Stabilize disturbed areas except where active construction is taking place. Provide permanent stabilization during finish grade and landscape the site;
- Dispose of all construction waste in designated area, and keep storm water from flowing on or off of these areas;
- Divert or intercept storm water before it reaches Soquel Creek, using temporary dikes, swales, or pipe slope drains; and
- Perimeter controls shall be placed where runoff enters or leaves the site prior to clearing, grubbing, and rough grading. Perimeter controls may include dikes, swales, temporary storm drains, sand bags or hay bales. Secured maintenance contracts shall be established to keep these systems operating.

R-5 The project applicant shall submit a Notice of Intent to the Regional Water Quality Control Board to obtain a State Water Resources Control Board General Construction Storm Water Permit. This shall include preparation and approval of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of Best Management Practices to reduce water quality impacts as required by the Regional Water Quality Control Board. At a minimum, the measures in mitigation R-2 through R-9 shall be included in the SWPPP and implemented.

Impact: Surface runoff from the parking area within the project site would contain elevated levels of contaminants compared with existing conditions. If allowed to enter Soquel Creek, these contaminants would eventually enter downstream drainage areas and potentially lead to degradation of aquatic and upland habitat and impacts on associated flora and fauna. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation (in addition to mitigation measures under Impacts on Steelhead Habitat and Other Riparian and/or Aquatic Species in 4.4 Biological Resources).*

Mitigation

- R-6 The Rispin Mansion project parking area shall be swept on a regular basis (four times per year). Vacuum or regenerative air sweepers are effective at removing the finer sediments that often bind a higher proportion of heavy metals. The sweeping frequency shall be increased just before the wet season (to once per month in September and October of each year) to remove sediments accumulated during the summer.
- R-7 Install energy dissipators, sand traps and grease/sediment traps in storm drain outfalls that serve the Rispin site. All catch basins/traps that receive runoff from any areas subject to vehicular use shall be designed for both active filtration and active treatment of runoff.
- R-8 The Rispin Mansion project shall maintain catch basins and storm water inlets on a regular basis to remove pollutants, reduce high pollutant concentrations, prevent clogging of the downstream conveyance system, and maintain the catch basins' sediment trapping capacity. Inspection of the drainage system shall be performed annually and repairs and/or cleaning shall be completed prior to November 15.

- R-9 Minimize the amount of fertilizers and herbicides applied to the Rispin Gardens. Utilize slow-release chemical fertilizers and herbicides and avoid application prior to scheduled irrigation. The use of fertilizers and herbicides on-site must not conflict with the relevant mitigation intended to protect monarch butterflies (see mitigation R-25 in **4.4 Biological Resources**).

Biological Resources

Impact: Erosion or slope slippage from development on the steep slopes above Soquel Creek could harm the riparian vegetation and decrease the habitat values of the riparian habitat or the creek itself.

This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of mitigation measures R-1 and R-2 (Geology and Soils) and R-4 and R-5 (Hydrology and Water Quality). In addition, steelhead mitigation measures R-27 through R-42 are also applicable.

Impact: Potential nesting trees occur within the study area. While no nesting raptors were observed during the site assessment, species-specific surveys (including the 300-foot offset from project boundaries) were not conducted. Pre-construction nesting surveys are required to eliminate the potential presence of nesting raptors within, or within 300 feet of, project boundaries. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

- R-10 Pre-construction surveys for nesting raptors shall be performed by a qualified biologist to be retained by the applicant. If raptor nests are located during pre-construction surveys, a 300-foot buffer shall be established around each nest for the duration of the breeding season (August 1st, or until such time as the young are fully fledged as determined by a qualified biologist in coordination with the California Department of Fish and Game) to prevent nest harassment and brood mortality. Every effort shall be made to avoid removal of, or impact to, known raptor nests within project boundaries. If trees known to support raptor nests cannot be avoided, limbing or removal of these trees may only occur during the non-breeding season.

Impact: Suitable habitat for pallid bats, Townsend's big-eared bats, and small-footed myotis occurs within the project area, especially within the abandoned Rispin Mansion itself. Pre-construction surveys for these species are required. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

- R-11 Pre-construction surveys for roosting bats must be performed 30 days prior to construction by a qualified biologist to be retained by the applicant. If roosts are found, a Memorandum of Understanding (MOU) with the CDFG shall be obtained by the contractor in order to remove bat species, or the construction schedule shall be modified to initiate construction after August 1, when young are assumed

to have fledged. Alternative habitat will need to be provided if bats are to be excluded from maternity roosts. If this is the case, a species-specific roost with comparable spatial and thermal characteristics shall be constructed and provided. CDFG and species-specific bat experts shall be consulted regarding specific designs if roost removal becomes necessary.

Impact: The existing driveway is located within the main roosting area of the butterfly habitat. When butterflies are roosting at the site, vehicle and pedestrian use of the driveway has the potential to disturb the monarch butterfly habitat due to vibration, changes in air temperature, and air pollutants in engine exhaust. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-21 During facility operation between October 1 and February 28 (or as determined by the monarch biologist) of each year, the driveway shall only be accessed by zero emission vehicles for guest drop-off and deliveries, as outlined in the Mode A/B Site Operation Program discussed above. Between March 1 and September 30, use of the site for guest drop-off and valet service in standard vehicles, in addition to the above, will be acceptable. Vehicles taller than the lowest tree canopies shall be restricted from entering the site.

Impact: Use of blowers may be incompatible with the use of the habitat by butterflies. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-22 Landscape and ground maintenance workers must be informed of conservation issues regarding overwintering monarch habitat through a training seminar conducted by the monarch expert. Use of blowers shall be prohibited between October 1 and February 28.

Impact: Exhaust and low frequency vibrations, inherent to the operation of heavy equipment, as well as activities involved with the trimming/removal of trees on the project site, may disturb and/or dislodge roosting monarchs during the overwintering season. This will increase colony disturbance and butterfly mortality. The severity of this impact will depend on the distance of roosting butterflies from the area where the equipment is being operated. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-24 Site preparation (e.g., tree trimming, tree removal, grading, excavation, and roadbed construction) on the project site shall **not** occur when monarchs are potentially present (October 1 through February 28).

Impact: If insecticides are used on the Rispin Mansion site, butterflies ingesting nectar or dew may ingest toxic residues in the process of feeding. The use of biological

insecticides (including bacteria, viruses, protozoans and nematodes used in the control of undesirable insects) can result in long-term contamination of the habitat. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-25 Use of biological insecticides (including bacteria, viruses, protozoans and nematodes) that are effective in the control of all lepidoptera shall be prohibited throughout the habitat. Chemical insecticides shall not be applied during the overwintering season (October 1 through February 28). Use of chemical insecticide agents during the non-roosting season may be done only if approved by the consulting butterfly expert. Grounds maintenance workers shall be made aware of monarch habitat conservation requirements as they pertain to grounds management (see mitigation R-22 above).

Impact: Outdoor guest/visitor activities during the roosting season may disturb the roost area (e.g., dust, vibration, and night-lighting). [Noise from operation of the Rispin Mansion and associated visitor serving uses is not expected to adversely affect the monarch. Overwintering habitat for this butterfly is often located in noisy locations. The vast majority of butterflies that have been studied to date have been found to be deaf, so noisy locations do not bother them. Indeed, uses similar to those proposed at the Rispin Mansion now occur at motels in Pacific Grove (Butterfly Town, USA) where Monarch overwintering habitat is located among and adjacent to motels that exercise fewer restrictions in their guest and visitor-serving activities than are proposed for the Rispin Mansion (Dick Arnold, Ph.D.).] *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

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

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

Impact: The proposed redevelopment of the Rispin Mansion property may impact the Soquel Creek and associated riparian vegetation through erosion, vegetation removal, and increased stormwater runoff, which in turn could adversely impact steelhead. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation (also see riparian mitigation above).*

Mitigation

- R-27 The removal of any riparian or upland trees on the Rispin site that provide shade to the Soquel Creek shall not be allowed unless immediately replaced. The amount of shading within the creek currently supplied by Rispin property trees shall be established as a base-line, and any actions reducing this percentage shall require management to improve stream shading by a City approved forester/botanist. Such management shall include planting of native riparian tree species along the creek (i.e. big-leaf maple, sycamore, alder, cottonwood, box-elder, willow), to provide shade and aid in cooling of the creek, and to enhance habitat.
- R-28 Protect the eucalyptus grove and patches of redwood trees as valuable sources of shade to the stream, erosion prevention on the steep slope, and as monarch butterfly habitat.
- R-29 Consult with a qualified engineer (as determined by the City) to see if runoff from the library parking lot could be detained to reduce the peak discharge level to the pre-development rate. If feasible (to be decided with contracted engineer), install a buried stormwater detention facility near the driveway that would feed into the existing drainage system.
- R-30 Retrofit the storm drain pipe buried across the Rispin bench with a detention tank that can meter out water at a slower rate, with an overflow in the event that the tank becomes overwhelmed. This shall be done in consultation with a qualified engineer.
- R-31 Stabilize the drainage channel leading from the energy dissipater to the creek (located in the south-central portion of the site). This shall be done in coordination with a qualified engineer.
- R-32 The addition of impermeable surfaces at the Rispin Mansion site shall be accompanied with an effective drainage plan. This drainage plan shall ensure the capture of any increase in runoff on the bench (as much as is feasible), without additional overland movement of water down the steep slope toward the creek (to minimize erosion and sedimentation, and the introduction of pollutants).
- R-33 Improve the existing driveway on the south end of the site to facilitate rain percolation. Re-surface the driveway with porous pavement blocks or comparable material.
- R-34 Extend the drainpipe from the walkway grate leading to the Rispin-Peery Bridge to Soquel Creek.
- R-35 Investigate the hydrologic source of water flowing under the west footing of the Peery Park walk/bicycle bridge and re-route it away from the footing to a stable release point. This shall be done in coordination with a qualified engineer.
- R-36 Remove non-native/invasive species in work areas within the riparian habitat (i.e. drainage improvements) as much as is feasible, and re-plant with appropriate

native riparian species. A qualified botanist shall determine an appropriate native species palette in coordination with the monarch biologist.

- R-37 As much as is feasible, and in coordination with the monarch specialist, remove non-native/invasive species (especially pampas grass) in the vicinity of the Peery Park walk/bicycle bridge.
- R-38 Repair or replace the retaining wall along the eastern edge of the Rispin Mansion. The replacement of this wall will require erosion/sedimentation control techniques recommended by a qualified engineer.
- R-39 Replace the fence above the retaining wall of the Rispin Mansion to exclude people from accessing the creek through created footpaths.
- R-40 Construct a meandering footpath from the Rispin site to Soquel Creek that is less erosive than the existing trail paralleling the storm drain down to the energy dissipater. No trees shall be removed or substantially limbed during construction of this trail. The trail shall be covered with base rock and designed to avoid the concentration of storm runoff. Although this trail will be preferable to the existing one, do not clearly mark the trail or encourage its utilization.
- R-41 Revegetate the existing shortcut path on the west side of the Rispin property (adjacent to the walkway) with native vegetation. Plant native thorny shrubs or undesirable species, such as blackberry or poison oak, adjacent to the walkway to discourage further use of the existing path.
- R-42 To avoid disturbance to steelhead (and other aquatic or semi-aquatic wildlife), nighttime lighting of the riparian habitat and/or Soquel Creek shall not be allowed. On-site lighting required for Mansion grounds shall not be oriented towards the creek.

Cultural Resources

Impact: Project development may result in disturbance of unknown archaeological resources. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

- R-43 In the event that any archaeological or paleontological resources or human remains are discovered during grading or construction anywhere on the site, work shall be ceased within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented in accordance with CEQA Section 15064.5. All identified archaeological sites should be evaluated using the California Register of Historical Resources criteria, established by the State Office of Historic Preservation. Any discoveries shall be reported to the City Planning Director.

R-44 In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

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

Impact: Some architectural features of new construction including roof coverings, paint colors, the glass-enclosed Rispin Pavilion and the adjacent tent structure: 1) may not be visually compatible with the Mansion and would potentially harm the historic relationships within the District (Standard #9, 10); 2) may potentially create a false sense of historical development (Standard #3); and 3) may change the historic character of the property (Standards #1, 2). *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-45 The design of all new structures and materials of construction shall be compatible with and complement the Rispin Mansion's style as designed by

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

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

Impact: Despite the improvements that restoration will promote, the extensive work to be undertaken on the Mansion (and well-house) has the potential to violate the Standards for Rehabilitation #1, 2, 3, 5, 6, 7 and 9. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

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

Aesthetics

Impact: The visual character of the site would be substantially altered as a result of construction, buildout, and occupancy of the project. *This is a potentially significant*

impact that can be reduced to a less-than-significant level with implementation of the following mitigation. [Note: aesthetic mitigation (and related design elements) must not conflict with, and should be done in coordination with, mitigation presented in 4.5 Cultural Resources.]

Mitigation

- R-49 Obtain Architectural and Site Review approval from the City.
- R-50 On-site utilities, including heating and cooling systems located on building roofs, must be located in inconspicuous areas or screened.
- R-51 Building materials must be of a material or color that minimizes visual disruption and glare.
- R-52 Any on-site buildings, signs, fences, walls, and entry gates must be consistent with the character of the Mansion and adjacent land uses.

Impact: Development of the Rispin Mansion project would introduce increased glare and night lighting to the project site and surrounding area compared with existing conditions, which could adversely affect nighttime views in the project area. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation (in addition to mitigation measures R-26 and R-42 in 4.4 Biological Resources).*

Mitigation

- R-53 Lighting must be designed to minimize off-site glare. The type, height, and spacing of lighting shall be approved by the City. Lighting must be directed downward and away from Soquel Creek and residences to the east. Lights must be of minimum intensity necessary for safety lighting. Light standards shall be a maximum of 15 feet high.

Traffic and Circulation

Impact: The project will contribute to existing deficiencies at the Clares Street and Wharf Road intersection during the Saturday MD peak hour conditions. The existing plus Rispin Mansion project condition at this intersection during the Saturday MD peak hour would be a vehicle delay of 77.1 seconds (LOS F). *This is a significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

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

the future and if the intersection LOS degrades to D, signalization shall be installed or other improvements implemented to ensure that the LOS remains at C.

Note: If an exclusive right turn lane on the southbound Wharf Road approach to the intersection is not constructed prior to project occupancy, this impact would be a significant and unavoidable short-term impact.

Impact: The proposed Rispin Mansion project would: 1) increase vehicle (including truck), bicycle and pedestrian use of the area, and 2) increase left turn movements on Wharf Road. These project features present potentially significant safety impacts. *This is a significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

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

R-57 Install a stop sign at the project driveway approach out onto Wharf Road.

R-58 Because vehicular access to the site will be restricted, and because the project parking area is located north of the Wharf Road/Clares Street intersection, appropriate guide signing shall be provided on Wharf Road and Clares Street to direct Rispin Mansion patrons to the parking area.

To address public concern regarding speeds and safety on Wharf Road, the City should explore the following recommended condition of approval.

Recommended Condition of Approval

- As part of the Rispin Mansion project, the applicant shall implement traffic calming measures on Wharf Road, such as sidewalk bulbs or other roadway improvements that have been demonstrated to reduce traffic speeds, subject to review and approval by the City.

Noise

Impact: Exterior noise levels due to existing traffic along Wharf Road and Clares Street at the South End Building, the upper North End Guest Rooms, the well house, and the Rispin Conservatory would exceed the City of Capitola criteria of 60 dBA Ldn or CNEL for “normally acceptable” noise levels for lodging, motels, and hotels. In addition, the exterior noise levels at other new structures may in the future exceed the 60 dBA Ldn or CNEL threshold. *This is a significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-59 All newly constructed buildings must be designed to attenuate noise inside the buildings as required for habitable structures within the 60 dBA Ldn noise

contour. Noise insulation features selected shall be incorporated in the design to ensure that noise levels do not exceed 45 dBA Ldn in habitable rooms. Conventional construction with closed windows and a fresh air supply, or air-conditioning, will normally achieve this goal.

Impact: Rispin Mansion uses, such as weddings and meetings, would result in intermittent, short-term noise increases. This noise may be audible to adjacent residents and may be considered a nuisance. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-60 The applicant must obtain an entertainment permit from the City of Capitola pursuant to Chapter 5.24 of the Municipal Code that shall include the following conditions of approval, at a minimum:

- Hours of operation for weddings and large meetings must be restricted to 8:00 a.m. to 10:00 p.m. (consistent with Chapter 9.12 of the Municipal Code, the Noise Ordinance), although small corporate breakfast meetings may occur as early as 6:30 a.m.
- Hours of operation for amplified outdoor music/use of microphones shall be restricted to 8:00 a.m. to 9:00 p.m.

Impact: Project construction will result in intermittent and short-term noise increases that will impact residents near the site. *This is a significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-61 The City shall require that the construction contractor implement noise control measures (Best Construction Management Practices) during project construction, as outlined below:

- Require use of construction equipment and haul trucks with noise reduction devices, such as mufflers, that are in good condition and operating within manufacturers' specifications.
- Require selection of quieter equipment (e.g., gas or electric equipment rather than diesel-powered equipment), proper maintenance in accordance with manufacturers' specifications, and fitting of noise-generating equipment with mufflers or engine enclosure panels, as appropriate.
- Prohibit vehicles and other gas or diesel-powered equipment from unnecessary warming up, idling, and engine revving when equipment is not in use and encourage good maintenance practices and lubrication procedures to reduce noise.
- Construct temporary plywood barriers around particularly noisy equipment or activities at appropriate heights.

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

Air Quality

Impact: Project construction will result in a short-term, localized decrease in air quality due to dust generated during site preparation, construction, export of soil, and exhaust from construction vehicles. *This is a potentially significant impact that can be reduced to a less-than-significant level by implementing the following mitigation.*

Mitigation

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

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

Public Services

Impact: Adequate emergency access for fire protection to the east side of the Rispin Mansion is not available. Also, the Fire Chief has outlined nine reasons why the Rispin

Mansion site, as it currently exists, constitutes a significant fire hazard threat to the community and safety personnel. *These are significant impacts that can be reduced to a less-than-significant level with implementation of the following mitigation. [Note: public services mitigation (and related design elements) must not conflict with, and should be done in coordination with, mitigation measures to protect monarch butterfly habitat and riparian vegetation in 4.4 Biological Resources, as well as mitigation measure R-46 in 4.5 Cultural Resources.]*

Mitigation

- R-63 To enable the District to respond to fires, medical emergencies, and protect adjacent habitat areas and the community, a smaller and more maneuverable fire apparatus is required. Prior to occupancy, the project applicant shall purchase for the District a quick-attack (Type 4) fire engine that meets the specifications and design factors required by the District.
- R-64 The Mansion shall be equipped with fire and smoke detection system and notification equipment, as per the Uniform Fire Code/Central Fire Protection District Adopted Standard and Amendments.
- R-65 The Mansion shall be equipped with built-in fire suppression equipment such as fire sprinklers, hood and duct fire suppression equipment and related protection devices, as per the current Fire Code adopted by the District.
- R-66 The area around the Mansion is a wooded area with highly combustible eucalyptus trees and dead debris. The area adjacent to the Mansion shall have a defensible fire zone and proper clearances, based on consultation and approval by the District.
- R-67 Wet stand pipes or fire hydrants shall be installed at the north and south ends of the Rispin Mansion building to provide adequate fire flow water to the east side of the building, including the vegetation on the steep slopes between the building and Soquel Creek, based on consultation and approval by the District.
- R-68 The remodel of the Mansion shall be completed with seismic and earthquake protection standards for occupancy use.
- R-69 Fire and paramedic rescue access and egress into and within the site and buildings shall be identified for emergency responses to the Mansion.
- R-70 Emergency services and on-going fire prevention inspections for fire and life safety code compliance shall be required.
- R-71 The current taxation of the Mansion and the proposed RDA expansion properties generate no tax revenue for the fire/paramedic and prevention services currently required for the Mansion. Future development will require an agreed-to revenue mechanism for the services required to protect the new development of the Mansion.
- R-72 All buildings shall comply with all current, applicable codes, standards, and ordinances.

Impact: Given the overall water supply constraints in the area, the project's additional water usage would exceed capacity of the existing water supply. *This is a significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation, including compliance with SCWD's "zero-impact" program (see NOP response letter in Appendix A).*

Mitigation

R-73 The applicant shall apply for water connection approval ("will serve" letter) from the SCWD.

R-74 The number and size of all water meters shall be determined by SCWD.

R-75 The final design shall satisfy all conditions for water conservation required by SCWD at the time of application for service (as detailed in their water efficiency checklist package), including the following:

- Plans for a water efficient landscape and irrigation system that meet SCWD's conservation requirements;
- All interior plumbing fixtures shall be low-flow and all applicant-installed water-using appliances (e.g., dishwashers, clothes washers, etc.) shall have the EPA Energy Star label;
- Inspection by SCWD staff of the completed project for compliance with all conservation requirements prior to commencing water service.

R-76 In compliance with SCWD's "zero-impact" program, the development shall be required to bear the cost of retrofitting existing structures within SCWD's service area with low water use fixtures to achieve a level of water use reduction commensurate with the project's projected water use (hence the "zero impact") as determined by SCWD.

Impact: If not properly designed or maintained, the pump station proposed by the Rispin Mansion project may overflow during peak flow events or power outages, thereby causing contamination of Soquel Creek. *This is a potentially significant impact that can be reduced to a less-than-significant level by using adequate engineering design and with implementation of the following mitigation.*

Mitigation

R-77 The pump station design shall be a duplex-type which is comparable to current public pump station standards. In addition, the pump station design shall comply with current standards and requirements regarding emergency overflow systems including, but not limited to, the following: power outage alarms, auxiliary energy source (natural gas), and worst-case capacity requirements. Operation and maintenance procedures for the pump station shall be established to maintain reliability. The pump station design and operations/maintenance procedures shall be reviewed and approved by the SCCSD.

Impact: There is a potential for the increased wastewater flows to exceed capacity of the existing wastewater lines in the project vicinity or to degrade the system to an unacceptable condition. In addition, future construction in the area may damage the

force main. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

R-78 The applicant shall obtain a “will serve” letter which requires payment of permit fees¹ and a capacity study in order to comply with SCCSD requirements for connecting to the existing wastewater system in the project vicinity. In addition, the applicant shall pay for infrastructure improvements required to accommodate the increased wastewater flows generated by the project.

R-79 The location of the Rispin Mansion force main shall be marked to prevent future damage to the line.

Significant or Potentially Significant Cumulative Impacts That Can Be Mitigated To A Less-Than-Significant Level

Hydrology and Water Quality

Cumulative Impact: Cumulative development in the Soquel Creek watershed could increase sediment loading in the creek. *This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Cumulative Mitigation

C-1 The City of Capitola shall continue its efforts to implement the Soquel Creek Lagoon Enhancement project, and work with the County to ensure that other storm drain and water quality improvements are implemented to reduce cumulative watershed impacts.

Traffic and Circulation

Cumulative Impact: The project will contribute to an existing level of service deficiency on Highway 1 in the vicinity of the project. *This is a significant cumulative impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Cumulative Mitigation

C-4 The Rispin project shall contribute its fair share of construction costs (pro-rata contribution) for the widening of Highway 1 to six lanes between State Park Drive and Larkin Valley Road, using the findings of the PSR completed in 2002.

¹ The current fee schedule requires payment of a fee equivalent to \$12 multiplied by the estimated number of gallons of sewage discharged per day of average daily flow.

Cumulative Impact: Under General Plan conditions, the Wharf Road/Clares Street intersection will operate at an overall LOS D (33.1 seconds of delay per vehicle) during the weekday PM and LOS F (120.3 seconds of delay per vehicle) during the Saturday MD peak hours. Cumulative condition weekday PM and Saturday MD peak hour volumes at this intersection satisfy Caltrans peak hour signal warrants. *This is a significant cumulative impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Cumulative Mitigation

C-5 The Rispin project shall contribute its fair share of construction costs (pro-rata contribution) for the installation of an exclusive right turn lane on the southbound Wharf Road approach to the intersection with Clares Street; the improvement shall be implemented prior to General Plan buildout. This improvement would change the LOS at Clares Street and Wharf Road to LOS C under General Plan buildout conditions during Saturday MD and weekday PM peak hours. After the exclusive right-turn lane is installed, the City shall monitor this intersection in the future and if the intersection LOS degrades to D, signalization shall be installed or other improvements implemented to ensure that the LOS remains at C.

Note: If an exclusive right turn lane on the southbound Wharf Road approach to the intersection is not constructed prior to General Plan buildout, this impact would be a significant and unavoidable cumulative impact.

Cumulative Impact: Under General Plan Buildout conditions, the 41st Avenue/Highway 1 southbound off-ramp intersection will operate at an overall LOS E (89.2 seconds of delay per vehicle) during the Saturday MD peak hour and 41st Avenue/Highway 1 northbound off-ramp intersection will operate at an overall LOS D (40.1 seconds of delay per vehicle) during the Saturday MD peak hour. *This is a significant cumulative impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Cumulative Mitigation

C-6 The Rispin project shall contribute its fair share of construction costs (pro-rata contribution) for the reconstruction of the Highway 1/41st Avenue interchange to include three through lanes on 41st Avenue and an additional exclusive right turn lane on the northbound 41st Avenue approach to the southbound Highway 1 on-ramp; the improvement shall be implemented prior to General Plan buildout. With construction of this improvement, the LOS at the Highway 1 southbound ramp intersection and the Highway 1 northbound ramp intersection would be improved to LOS C under General Plan buildout conditions during the Saturday MD peak hour.

Note: If the interchange is not reconstructed to provide three through lanes on 41st Avenue over Highway 1 and an exclusive right turn lane on the northbound 41st Avenue approach to the southbound Highway 1 ramp prior to General Plan buildout, this impact would be a significant and unavoidable cumulative impact.

Cumulative Impact: Under General Plan Buildout conditions, the 49th Avenue/Capitola Road intersection is projected to operate at LOS D (29.6 seconds of delay per vehicle)

during the Saturday MD peak hour. Weekday PM and Saturday MD peak hour volumes at this intersection satisfy Caltrans peak hour signal warrants under cumulative conditions. *This is a significant cumulative impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Cumulative Mitigation

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

Note: If the intersection is not signalized when intersection volumes and operations warrant, this impact would be a significant and unavoidable cumulative impact.

Public Services

Impact: Given that the SCWD is actively planning for water supply improvements but has not developed specific funded programs, cumulative water demand could exceed available water supply. *This is a potentially significant cumulative impact that can be reduced to a less-than-significant level with implementation of the following mitigation.*

Mitigation

C-10 Until programs are defined, the SCWD will continue to require new development to provide low-flow fixtures and water-conserving landscaping to reduce water consumption levels of urban development and minimize the impacts of new cumulative growth. The project shall incorporate water conservation features in accordance with SCWD requirements.

C-11 The City supports the District's efforts to develop a regional plan and to require low-flow fixtures and water-conserving landscaping of new development. To help mitigate potentially significant cumulative water supply impacts, the City will participate in the integrated plan as requested and assist with implementation of feasible recommendations that may be adopted by the SCWD, which may include various water supply improvements and funding mechanisms, such as fees, on new development.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The Rispin Mansion project would result in the following significant and unavoidable impacts:

- project and cumulative impacts to monarch butterfly overwintering habitat (ESHA);
- project and cumulative impacts on existing deficiencies at the 41st Avenue/Clares Street intersection;
- cumulative impacts on 41st Avenue north of Clares Street and 41st Avenue north of Highway 1;

- cumulative impacts on Capitola Road segments east and west of 46th Avenue; and
- cumulative impacts on Wharf Road north of Clares Street.

In addition, some significant intersection operations impacts would be considered significant and unavoidable short-term impacts if the recommended intersection improvements are not implemented prior to project occupancy (as noted below).

In order to approve the project, the City of Capitola will be required to adopt findings in support of a statement of overriding considerations for each impact identified as significant and unavoidable.

Significant and Unavoidable Project Impacts

Biological Resources

Impact: South of the Rispin Mansion, construction of the South End Building, parking spaces, pathway, cantilevered wall, and security guard quarters/ZEV garage in and below the well-house would constitute non-resource dependent uses within monarch overwintering habitat and may result in loss of and damage to mature trees in the monarch overwintering habitat and one cypress and one redwood tree just south of the site. *This is in violation of the Coastal Act (Section 30240) and therefore constitutes a significant and unavoidable impact. Implementation of the following mitigation, in addition to the Mode A/B Site Operation Program requirements, will not reduce this impact to a less-than-significant level, but will avoid significant ESHA degradation and will allow development in a fashion that is compatible with ESHA.*

Mitigation

R-12 The monarch's overwintering habitat at the Rispin Mansion site shall be permanently managed by an independent monarch biologist, who is hired by the owners/operators of the Rispin Mansion and who will periodically report to the City Council. Please note that the judgment of the monarch specialist overrides the opinions of the applicant, landscape architect, arborist, and work crews that may be involved in the decision making process. At a minimum, the monarch biologist will have the following duties:

- a) advise the owners/operators of the Rispin Mansion when monarch butterflies begin to use the overwintering habitat in the fall so the Mansion can shift to fall/winter operational mode, and similarly, advise the owners/operators when the monarchs have left the Rispin Mansion site in the spring so the Mansion can shift to spring/summer operational mode;
- b) work with the arborist to determine how to best prune the trees at the Rispin Mansion to enhance overwintering habitat values for achieving wind protection, dappled light, roost limbs, etc.;
- c) work with the landscape architect to insure that appropriate plant taxa are used to enhance overwintering habitat values for the monarch, and that the selected plant materials are placed at the most appropriate locations on the site;
- d) monitor and manage the gradual removal of invasive/non-native ivy from the site as it is replaced by alternative, more desirable (native) nectaring sources;

- e) routinely work with the landscaping crew to insure that maintenance practices are compatible with protection and enhancement of the monarch's overwintering habitat;
- f) periodically re-evaluate overwintering habitat conditions for the monarch and provide recommendations for corrective actions and improvements;
- g) prepare a monarch overwintering habitat monitoring and management plan for the Rispin Mansion site, which will identify methods for annual monitoring of the butterfly and its habitat, plus identify specific management practices for all parts of the roost areas; and
- h) advise the owners/operators about methods for raising butterflies in the restored Rispin aviary and propagating the milkweed food plant of monarch larvae in non-roosting portions of the site.
- i) ensure that tree pruning and removal is done in accordance with the Interim Management Plan for Preservation of Rispin Mansion Butterfly Habitat and Screening of Rispin-Peery Bridge Connection (April 2003, Lewis Tree Service).

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

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

- Provide for an on-site consulting arborist during preliminary grading.
- Establishment of a tree preservation zone (TPZ) by installing fencing, with stakes embedded in the ground, no less than 48 inches in height, at the dripline (the perimeter of the foliar canopy) of the tree, or at the critical root radius, as defined by the consulting arborist. This installation will be done prior to any construction activities.
- Within the dripline of existing trees (the TPZ), no storage of construction materials, debris, or excess soil will be allowed. Parking of vehicles or construction equipment in this area is prohibited. Any solvents or liquids shall be properly disposed or recycled.
- Minimize soil compaction on the construction site. Protect the soil surface with a deep layer of mulch (tree chips). The addition of mulch will reduce compaction, retain moisture, and stabilize soil temperature.
- Maintain the natural grade around trees that are not removed. No additional fill or excavation will be permitted within areas of tree root development. If tree roots are unearthed during the construction process, the consulting arborist will be notified immediately. Exposed roots will be covered with moistened burlap until a determination is made by the on site arborist.
- Any areas of proposed trenching will be evaluated with the consulting arborist and the contractor prior to construction. All trenching on this site will be approved by the on-site arborist. Trenching within a tree dripline will be

performed by hand. Tree roots encountered will be avoided or properly pruned under the guidance of the consulting arborist.

- Unauthorized pruning or canopy alterations of any tree on this site will not be allowed. If any tree canopy encroaches on the building site the required pruning will be done on the authority of the consulting arborist and monarch expert and to ISA pruning guidelines and ANSI A300 pruning standards. Education of landscaping and maintenance personnel shall be required prior to commencement of construction.

R-15 The final landscaping and tree replacement/mitigation plan shall include the following components:

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

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

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

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

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

- R-18 The final placement of the cantilevered wall along the Wharf Road site boundary shall be determined through on-site consultation with the monarch butterfly specialist or arborist to minimize damage to acacias that are important to the monarch habitat. The final design of the cantilevered wall shall provide for proper drainage and avoidance of root damage to preserve the trees in the habitat. The design specifications of the wall shall be reviewed and approved by the arborist.
- R-19 Avoid removal of lower eucalyptus or acacia limbs for creation of the pathway, unless recommended by the arborist to address safety concerns, to minimize potential canopy loss within the monarch habitat. Vegetation pruning and clearing shall be minimized and barriers shall be installed along the pathway to keep visitors off of undisturbed areas. The final design of the pathway shall be completed in coordination with the monarch butterfly expert. All acacia pruning and/or removal shall be done in accordance with the Interim Management Plan for Preservation of Rispin Mansion Butterfly Habitat and Screening of Rispin-Peery Bridge Connection (April 3, 2003, Lewis Tree Service).
- R-20 Buildings shall not be placed beneath canopy driplines except as authorized by the monarch butterfly expert. Boardwalks and viewing platforms or patios may be placed beneath driplines if the existing eucalyptus canopy is maintained. Only limited limb removal for view enhancement and safety concerns may occur, but it must be consistent with health of trees and performed under the guidance of the consulting arborist and monarch butterfly specialist.

Impact: Emissions from fireplace chimneys (smoke, heat and carbon dioxide) in the vicinity of roost areas can cause disturbance of roosting monarchs; this may lead to increased flight activity, emigration, mortality and reduced colony stability. *This is in violation of the Coastal Act (Section 30240) and therefore constitutes a significant and unavoidable impact. Implementation of the following mitigation, in addition to the Mode A/B Site Operation Program requirements, will not reduce this impact to a less-than-significant level, but will avoid significant ESHA degradation and will allow development in a fashion that is compatible with ESHA.*

Mitigation

- R-23 Any new buildings south of the Mansion on the project site must be designed and built without wood-burning fireplaces or stoves (gas-burning fireplaces are acceptable). Operation of wood-burning fireplaces in the Mansion and the Rispin Conservatory shall be prohibited if it has the potential to create adverse conditions during the time when monarchs are potentially present in the habitat (October 1 through February 28, or as determined by the monarch biologist). A fireplace plan shall be developed, subject to review by the butterfly expert and approval by the City of Capitola. The fireplace plan shall include at a minimum:
- a description of the locations and design of exhaust system features, and
 - an operational program that specifies the methods (such as warning signs and lockable ignition switches or gas valves) proposed to ensure that fireplaces do not create adverse conditions, including restrictions on operations proposed in the Mode A/B Site Operation Program detailed above, for times when butterflies are potentially present in the Rispin habitat.

Traffic and Circulation

Impact: The Rispin Mansion project will contribute to existing deficiencies at the 41st Avenue/ Clares Street intersection during the weekday PM peak hour and Saturday MD peak hour. The existing plus Rispin Mansion project weekday PM peak hour condition at this intersection is a vehicle delay of 41.7 seconds (LOS D) and the Saturday MD peak hour condition is a vehicle delay of 55.3 seconds (LOS D). *This is a significant and unavoidable impact. The following mitigation measure can reduce the impact, but not to a less-than-significant level.*

Mitigation

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

Significant and Unavoidable Cumulative Impacts

Biological Resources

Cumulative Impact: Cumulative development has the potential to significantly impact the availability and suitability of monarch butterfly overwintering habitats in the region due to general degradation of and disturbance to those habitats. *Implementation of the following mitigation will avoid significant ESHA degradation.*

Cumulative Mitigation

C-2 Cumulative projects shall be properly sited with adequate buffers from monarch butterfly habitats to avoid physical degradation to the habitat. Removal or substantial limbing of significant trees or other permanent changes to monarch butterfly habitats (including changes to the wind protection, shading, amount or accessibility of roost sites and nectar sources) shall be prohibited, except as approved by a qualified butterfly expert.

Traffic and Circulation

Cumulative Impact: The following road segments will operate at unsatisfactory levels of service under General Plan Buildout conditions:

1. 41st Avenue north of Clares Street; and
2. 41st Avenue north of Highway 1.

Implementation of the mitigation measure listed below will reduce cumulative impacts, but it is not certain that impacts will be fully mitigated. *This is a significant and unavoidable cumulative impact.*

Cumulative Mitigation

C-3 A study of the 41st Avenue corridor between Capitola Road and Highway 1 will be conducted to identify feasible improvements, including traffic signal coordination, that would improve corridor traffic operations. The proposed project shall provide a fair share contribution towards the cost for this study.

Cumulative Impact: The Capitola Road segments east and west of 46th Avenue will operate at unsatisfactory levels of service under General Plan Buildout conditions. *This is a significant and unavoidable cumulative impact.*

Cumulative Mitigation

No known mitigation currently available.

Cumulative Impact: Wharf Road north of Clares Street will operate at unsatisfactory levels of service under General Plan Buildout conditions. *This is a significant and unavoidable cumulative impact.*

Cumulative Mitigation

No known mitigation currently available.

Cumulative Impact: The 41st Avenue and Clares Street intersection under General Plan Buildout conditions will operate at an overall LOS E (72.0 seconds of delay per vehicle) during the weekday PM peak hour and LOS F (139.1 seconds of delay per vehicle) during the Saturday MD peak hour. The mitigation measures provided below can partially mitigate this impact. Until a detailed corridor study is performed to identify capacity related improvements that can be implemented, and evaluate alternative signal timing coordination plans, it is not certain whether this cumulative impact can be fully mitigated. *This is a significant and unavoidable cumulative impact.*

Cumulative Mitigation

C-7 The Rispin project shall contribute its fair share of construction costs (pro-rata contribution) for the addition of an exclusive right-turn only lane on the 41st Avenue southbound approach to Clares Street; the improvement shall be implemented prior to General Plan buildout. With construction of this improvement, the LOS would remain at LOS E (61.5 seconds of delay per

vehicle) under General Plan buildout conditions during weekday PM peak hours and LOS F (104.9 seconds of delay per vehicle) during the Saturday MD peak hour.

- C-8 The Rispin project shall contribute its fair share of costs for a detailed study of the 41st Avenue corridor that evaluates the feasibility of alternative roadway improvements and alternative traffic signal coordination plans that would improve corridor traffic operations. *[Note: this is the same as cumulative mitigation C-3.]*