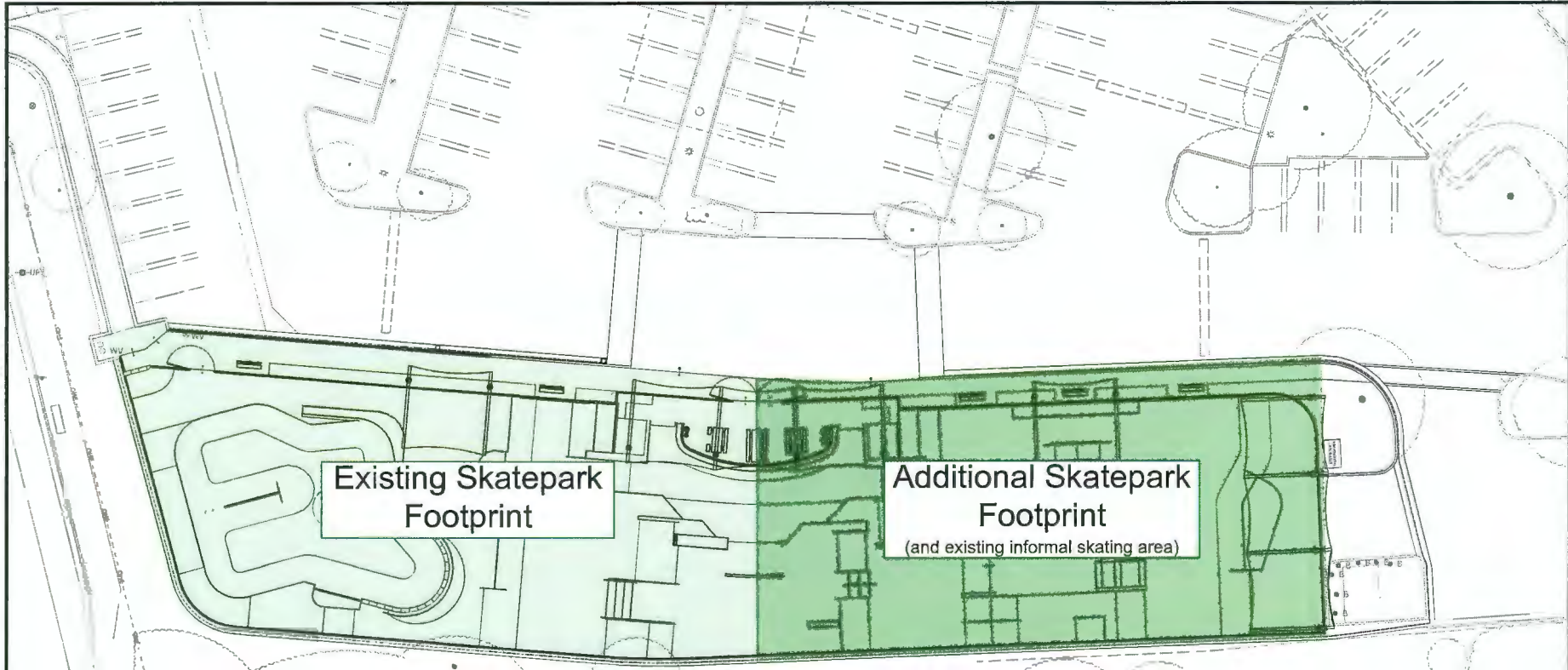


# Borchard Community Park Skatepark Replacement Project Site Plan



Existing Skatepark  
Footprint

Additional Skatepark  
Footprint  
(and existing informal skating area)

No.	ISSUE / REVISION	DATE	DRAWN BY	REVIEWED BY

# Color Rendering of New Borchard Community Park Skatepark Facility





# MEMORANDUM

Date: August 29, 2024  
To: Conejo Recreation and Park District  
Subj: Borchard Skatepark Replacement Project  
Categorical Exemption Justification Memo

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This assessment was drafted by Envicom Corporation (Envicom) for use by the Conejo Recreation and Park District (CRPD) as the lead agency located in the City of Thousand Oaks (City). This assessment evaluates whether the proposal for Borchard Skatepark Replacement Project (project) qualifies for a Categorical Exemption under the California Environmental Quality Act (CEQA).

## *Exemptions Criteria*

CEQA defines categorical exemptions for various types of projects the Secretary of the Resources Agency of the State of California has determined do not have a significant effect on the environment, and therefore are not subject to further environmental review under the State CEQA Guidelines. As evaluated in this document, CEQA's Class 1 exemption was found to pertain to the project:

- o **Class 1 – Existing Facilities Exemption** (CEQA Guidelines Section 15301), exempts repair or minor alteration of existing structures involving negligible expansion of existing use.

In addition to meeting the definitions above, projects seeking Categorical Exemptions must comply with specified exceptions criteria, provided in Section 15300.2 of the State CEQA Guidelines, as paraphrased below.

## *Exceptions Criteria*

Projects may not qualify for a Categorical Exemption, if one or more of the following apply:

- (a) Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located.<sup>1</sup>

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<sup>1</sup> A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.



- (b) The project and successive projects of the same type in the same place will result in cumulative impacts.
- (c) There are unusual circumstances creating the reasonable possibility of significant effects.
- (d) The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway.
- (e) The project is located on a site that the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government code section 65962.5, as being affected by hazardous wastes or clean-up problems.
- (f) The project may cause a substantial adverse change in the significance of an historical resource.

The justification and findings that the project is exempt from CEQA, pursuant to the Class 1 Categorical Exemption, are provided below in the following format: I. Project Description, II. Evaluation of Exemption Criteria, III. Consideration of Exemptions, and IV. Conclusion.

## **I. PROJECT DESCRIPTION**

The Borchard Skatepark, located at 190 North Reino Road in Newbury Park, is an existing 10,000 square-foot (sf) skatepark located at the 29-acre Borchard Community Park designated as Public, Quasi-Public, and Institutional Lands and Facilities (P-L). The project would allow demolition of the existing skatepark facility and adjacent 27 parking spaces to construct a new 20,000 sf skatepark facility including four 50 feet tall light poles with LED lights, 14.4 foot-tall shade structures, designated covered picnic area, bench spectator seating, fencing, and a security system. The project would also provide new landscaping. Parking for the project is already provided by the Borchard Community park.

## **II. EVALUATION OF EXEMPTION CRITERIA**

The following subsections provide discussion and analysis of the project's consistency with the criteria listed in Section 15301 of the State CEQA Guidelines for a project to be eligible for a Categorical Exemption under Class 1, respectively.

**Class 1 – Existing Facilities**, consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use...The key consideration is whether the project involves negligible or no expansion of use. As an example, under Subsection (e)(2) the Guidelines allows additions to existing structures provided that the addition will not result in an increase of more than 10,000 sf if:

- (A) The project is in an area where all public services and facilities are available to all for maximum development permissible in the General Plan and
- (B) The area in which the project is located is not environmentally sensitive.

Discussion: Taken as a whole, the project is an expansion of an existing public facility, namely the Borchard Skatepark. The proposed expansion would increase the size of the existing skatepark by 10,000, which is specifically allowed pursuant to CEQA Guidelines Section 15301 (e)(2) referenced above. The project would make improvements at the skatepark, and the facility would maintain its existing and intended function. The remaining project components, such as adding lights, shaded structures, picnic area, spectator benches, and landscaping are components which support the Borchard Community Park use and purpose, as intended in the exemption. All of the project improvements would occur within the boundaries of the existing, developed and urbanized site. Borchard Community Park is currently served by public services and facilities and the proposed expansion of the skatepark would not require new public services or facilities to be constructed or expanded in order to serve the project. Further the proposed skatepark expansion would occur in the same location of the existing skatepark. The expanded footprint of the project occurs within the paved parking lot, a portion of which currently serves as an overflow skate/recreation and material storage area adjacent to the existing park lot. It is important to note that about half of the footprint of the expansion area into the existing asphalt parking lot is already used by formal recreation classes as well as by drop-in skating use and overflow area during peak skatepark use times. No environmentally sensitive habitat occurs within the footprint or would be disturbed by the project. Based on these findings, the proposed project improvements would qualify as except from CEQA under the Class 1 Existing Facilities exemption.

### III. CONSIDERATION OF EXCEPTIONS

Section 15300.2 of the CEQA Statutes and Guidelines provides a list of exceptions for consideration of a project as categorically exempt. These are listed and discussed below:

**(a) Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

For the use of the Class 1 exemption, exemption criteria (a) does not apply.

**(b) Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

As discussed above, the project site is a minor improvement project to existing facilities adding minor new construction. The project itself would have no significant impacts (as evaluated in this memorandum), and as such, it would not add to cumulative impacts. Therefore, no cumulative impacts would occur.

**(c) Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The project site is a minor improvement project within portions of the existing Borchard Community Park that is intended to improve the quality of the use, but would not increase the intensity of the use or create new significant effects. Since the project site is located within the developed Borchard Community Park, there would be no significant biological resources or significant areas of impact. Beyond the issues addressed, there are no known unusual circumstances on or around the project site, that would warrant environmental analysis, as such, the project would not be in conflict with this exception.

**(d) Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

Not applicable. Based on Caltrans California State Highways Map, U.S. Route 101 is listed as eligible for designation and is located approximately one-mile north of the project site; however, the project is not visible from U.S. Route 101 and is not designated as a Scenic Highway.<sup>2</sup> In addition, the project area has no resources, and therefore would not damage mature, scenic trees, historic buildings, or scenic rock outcroppings. As such, the project would not be in conflict with this exception.

**(e) Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project is not located within an active site which is included in any list compiled pursuant to Section 65962.5 of the Government Code, commonly referred to as the Cortese List, as shown below:

- The California Department of Toxic Substances Control EnviroStor Hazardous Waste and Substances Site List;<sup>3</sup>
- The State Water Resources Control Board GeoTracker;<sup>4</sup>
- Solid waste disposal sites identified by State Water Resources Control Board with waste constituents above hazardous waste levels outside the waste management unit;<sup>5</sup>
- The State Water Resources Control Board list of Cease-and-Desist Orders and Cleanup and Abatement Orders;<sup>6</sup> and

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<sup>2</sup> Caltrans, California State Scenic Highway System Map, Accessed on August 27, 2024 at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

<sup>3</sup> Department of Toxic Substance Control, EnviroStor, Accessed on August 27, 2024 at: [https://www.envirostor.dtsc.ca.gov/public/map/?global\\_id=38330005](https://www.envirostor.dtsc.ca.gov/public/map/?global_id=38330005)

<sup>4</sup> State Water Resources Control Board, GeoTracker, Accessed on August 27, 2024 at: [https://geotracker.waterboards.ca.gov/map/?global\\_id=T0607302824](https://geotracker.waterboards.ca.gov/map/?global_id=T0607302824)

<sup>5</sup> CalEPA, List of Solid Waste Disposal with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit, Accessed on August 27, 2024 at: <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf>

<sup>6</sup> CalEPA, List of “Active” CDO and CAO from Water Board, Excel Available at: <https://calepa.ca.gov/SiteCleanup/CorteseList/>

- Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified the California Department of Toxic Substances Control.<sup>7</sup>

Therefore, the project is not identified as a hazardous waste site, or in the vicinity of a hazardous waste site, and would not be in conflict with this exception.

**(f) Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project would demolish the existing Borchard Skatepark which was constructed in 2002 to construct an expanded skatepark. Therefore, the project would not cause a substantial adverse change of a historical resources and would not be in conflict with this exception.

#### **IV. CONCLUSION**

Based on the above information and attached documentation, this analysis shows that development of the proposed Borchard Skatepark Replacement Project would be consistent with the criteria for a Class 1 Categorical Exemptions under CEQA Guidelines Section 15301, and thus exempt from further CEQA analysis.

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<sup>7</sup> CalEPA, Cortese List: Section 65962.5(a), List of Hazardous Waste Facilities Subject to Corrective Action Pursuant to Section 25187.5 of the Health and Safety Code, Identified by DTSC, Accessed on August 27, 2024 at: <https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/>