

**From:** Kevin Maguire <kmaguire831@gmail.com>  
**Sent:** Saturday, April 12, 2025 12:51 PM  
**To:** City Council; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); Gautho, Julia  
**Cc:** Concerned Citizens of Capitola  
**Subject:** [PDF] Legal Risk Brief: Park Avenue Trail Detour & Reclassification of Class II Bike Lanes  
**Attachments:** KimleyHorn Tech Memorandum\_5\_26\_2022\_Page1-2  
\_Maintain\_existing\_classII\_Bike\_Lanes.pdf; Ride\_ParkAve\_BM\_Hope02.jpg;  
Ride\_ParkAve\_BM\_Hope03\_PassingStroller.jpg; IMG\_0647.jpg

Dear Mayor, and City Council

With more questions than answers, first and foremost we must abide by our laws. CMC 8.72.

At the very least we need to **pause** any decisions to remove the **Class II bike lanes** on Park Avenue and **downgrade that classification**, due to legal and safety reasons as city staff mentioned as a decision to not create a Class IV bike lane due to street sweepers unable to clear leaf litter and keep the bike lane **safe**.

I Bike on Park Avenue almost everyday, as well as many elite cyclists, E-bikes and commuters. My 12 year old son, my wife, and my puppy also enjoy the safety of the best bike lane we have in the city of Capitola, which is 5-9 feet wide in areas.

Below you will see the risks and questions. Also attached is the 5-26-2022 **KimlyHorn Technical Memorandum** explaining we need to **maintain the existing class II bike lanes**.

### **Legal Risk Brief: Park Avenue Trail Detour & Reclassification of Class II Bike Lanes**

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This document outlines legal and regulatory risks associated with rerouting the Rail Trail onto Park Avenue, specifically involving the reclassification of existing Class II bike lanes from a commuter transportation function to a recreational trail detour. These concerns affect funding compliance, policy adherence, and public trust.

#### **1. Conflict with Transportation Designation**

- Park Avenue's Class II bike lanes are potentially part of the Pacific Coast Bike Route (PCBR), a designated state and regional transportation corridor.
- Reclassifying this corridor from commuter to recreational use may undermine its regional connectivity function and violate Caltrans Complete Streets policies.

#### **2. ATP & Caltrans Funding Compliance Risk**

- If Park Avenue infrastructure was funded using ATP or Caltrans programs intended for active transportation commuting, its reclassification may breach grant conditions.
- This could result in grant clawbacks, project ineligibility for future funds, or formal compliance investigations.

#### **3. Violation of Planning and Environmental Requirements**

- Changes to Park Avenue bike infrastructure could conflict with the Metropolitan Transportation Plan (MTP/SCS), Coastal Commission standards, and NEPA/CEQA documentation.
- Loss of commuter infrastructure in favor of a non-corridor recreational trail may reduce mobility equity and accessibility for ADA users.

#### 4. Conflict with Local Law – Measure L

- Capitola Municipal Code 8.72 (Measure L) prohibits trail detours off the rail corridor.
- Repurposing Park Avenue infrastructure for the Rail Trail detour directly violates this ordinance and exposes the city to litigation and public backlash.

#### Conclusion

Reclassifying Park Avenue's Class II bike lanes as part of a recreational detour conflicts with multiple layers of legal, funding, and policy expectations. The City should seek legal review and public process transparency before pursuing such changes, and fully comply with Capitola Municipal Code 8.72.

**Attached the first 2 pages of the 5-26-2022 Technical Memorandum to Kailash Mozumder and Steve Jesberg, City of Capitola**

#### Alternative 1 – Road Diet Striping

Improvements under Alternative 1 consist of striping buffer bike lanes and narrowing the vehicle traffic lanes enhance bicycle accessibility along Park Avenue. The existing Park Avenue roadway cross-section between Monterey and Cabrillo is 30' to 34' wide. **Since this arterial facility needs to maintain Class II bike lanes and one vehicle travel lane in each direction**, there is limited space and opportunities to introduce multiple traffic calming features. However, a road diet striping layout that incorporates green bike markings and buffer bike striping where there is adequate space is feasible. In addition, an electronic speed feedback sign in the westbound direction is proposed at the Washburn intersection

#### 3. Traffic Calming Design Alternatives

Kimley-Horn was tasked to evaluate potential traffic calming alternatives on Park Avenue that would reduce vehicle speeds and improve roadway conditions for bicycle and pedestrian access. Geo-referenced aerial photographs and Santa Cruz County GIS data were used to establish a base map for determining existing topographic features and developing preliminary concepts.

Up to three (3) alternative traffic calming concepts were developed for Park Avenue between Monterey Road and Coronado Street. The layouts of each traffic calming alternative are summarized below and attached in the **Appendix**.

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- Road diet striping from Monterey to Coronado
- Buffered Class II bike lanes and green bike striping at conflict zones
- Speed feedback sign at Washburn

Thank you for your time, and for working to keep Capitola Safe and a great place to bike and commute.

Sincerely,

Kevin Maguire

Capitola Resident - Cliffwood Heights - Founder & Director of Blke Capitola Safety and Advocacy Group.

## TECHNICAL MEMORANDUM

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**To:** Kailash Mozumder and Steve Jesberg, City of Capitola  
**From:** Derek Wu P.E. and Frederik Venter P.E., Kimley-Horn and Associates, Inc.  
**Date:** May 26, 2022

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**Re:** **Park Avenue Traffic Calming – Corridor Alternatives and Recommended Improvements**

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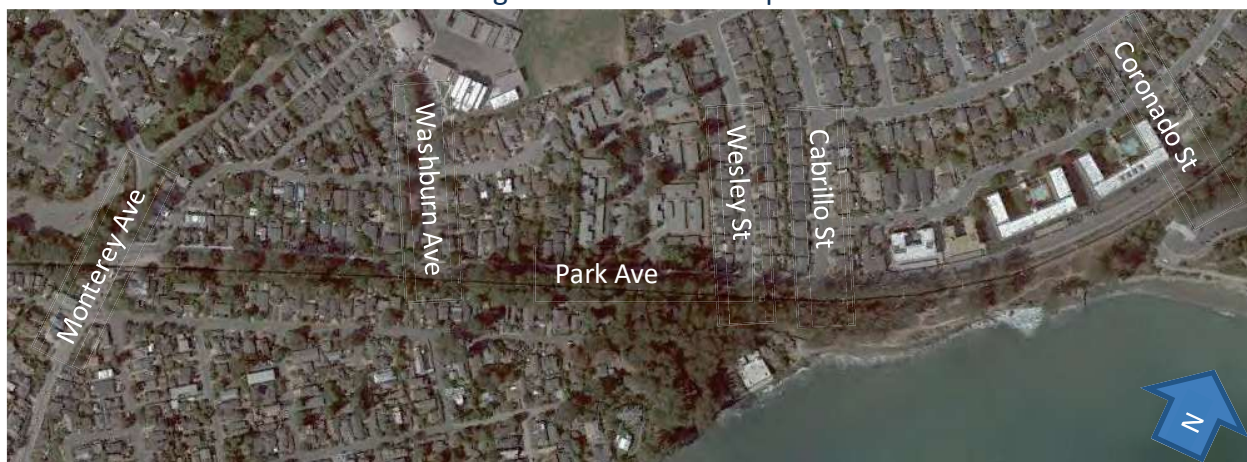
This technical memorandum presents the findings of potential traffic calming impacts to Park Avenue in the City of Capitola. The City of Capitola (City) is planning to construct traffic calming improvements on Park Avenue from Monterey Avenue to Coronado Street to reduce vehicle speeds and improve accessibility for bicyclists and pedestrians along the corridor.

### 1. Existing Conditions

Park Avenue between Monterey Avenue and Coronado Street is an existing east-west two-lane arterial facility with a curb to curb roadway width between approximately 30 to 40 feet. It is an asphalt paved road with one lane in each direction and provides direct access to single-family homes on the north side, the City's downtown village to the south, and freeway access to Highway 1 to the north. Numerous residential driveways and local streets, such as Washburn and Cabrillo, intersect Park Avenue as stop control on the minor approach. This section of Park Avenue is also part of the Pacific Coast bike route that runs from Half Moon Bay to Watsonville.

The Park Avenue roadway cross-section generally consists of 10.5-foot travel lanes, Class II bike lanes, a 5-foot wide sidewalk on the northside, and a variable wide shoulder on the southside. On-street parking is prohibited along Park Avenue except for signed areas on the southside. The posted speed limit is 25 mph, and an existing electronic speed feedback sign is located east of Cabrillo Street in the eastbound direction. An overview map of the study roadway segment is shown below in **Figure 1**.

Figure 1: Overview Map



## **2. Speed Survey Review**

Speed zones are primarily established to protect the public from the unreasonable behavior of reckless, unreliable, or other dangerous drivers. Typically, speed limits are generally established at or near the 85th percentile speed (critical speed), which is defined as the speed at or below which 85 percent of traffic is moving.

In January 2020, the City conducted an Engineering and Traffic Study to determine vehicle speed limits per the California Vehicle Code and using speed survey data. For Park Avenue, the observed 85th percentile speed was 31 mph in the eastbound and westbound direction. The study recommended that a 25 mph speed limit be implemented in concurrence with the MUTCD. The 25 mph speed limit was obtained by a 5 mph reduction of the critical speed of 30 mph due to the existing number of access points, residential district density, and pedestrian and bicycle safety.

In July 2021, an additional speed survey was conducted. The speed survey collected an average daily traffic of 6,294 using tube counters to calculate vehicle speeds traveling along Park Avenue. The observed 85th percentile speed was 33 mph in the eastbound direction and 35 mph in the westbound direction. These observed 85th percentile speeds exceed the 25-mph posted speed limit on Park Avenue. A copy of the 2020 and 2021 speed surveys are attached in the **Appendix**.

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