



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



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JAN 12 2016

CITY OF CAPITOLA

January 5, 2016

Richard Grunow
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Subject: Monterey Park SkatePark
SCH#: 2015062067

Dear Richard Grunow:

- 1-1 The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on January 4, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

LETTER 1

SCH# 2015062067
Project Title Monterey Park SkatePark
Lead Agency Capitola, City of

Type EIR Draft EIR

Description The project consists of construction of an approximate 6,000 sf skate park, designed to serve beginner to intermediate riders generally in the 5-14 year old age range. The proposed skateboard facility consists of a concrete bowl-shaped center with ramps and jump features. The facility will be enclosed by a black chain-linked fence. The park would be open to the public during daylight hours only as no lighting is proposed.

Lead Agency Contact

Name Richard Grunow
Agency City of Capitola
Phone (831) 475-7300 **Fax**
email
Address 420 Capitola Avenue
City Capitola **State** CA **Zip** 95010

Project Location

County Santa Cruz
City Capitola
Region
Lat / Long
Cross Streets Monterey Avenue between Kennedy Drive and Bay Avenue
Parcel No. 036-151-02
Township **Range** **Section** **Base**

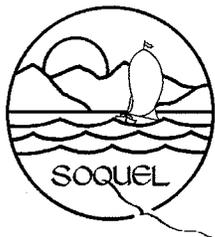
Proximity to:

Highways Hwy 1
Airports
Railways
Waterways Monterey Bay
Schools
Land Use Neighborhood Park / PF-P / P/OS

Project Issues Aesthetic/Visual; Drainage/Absorption; Noise; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 3; Department of Fish and Wildlife, Marine Region; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Air Resources Board; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission

Date Received 11/18/2015 **Start of Review** 11/18/2015 **End of Review** 01/04/2016



SOQUEL UNION ELEMENTARY SCHOOL DISTRICT

January 5, 2016

Mr. Richard Grunow
City of Capitola
420 Capitola Avenue
Capitola, Ca 95010

**District
Administration**
620 Monterey Avenue
Capitola, CA 95010

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*Assistant Superintendent
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(831) 464-5637
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Board of Trustees
Judy McGooden
Tory Del Favero
Amanda Jackson Miller
Phil Rodriguez
Sandra Wallace

Dear Richard,

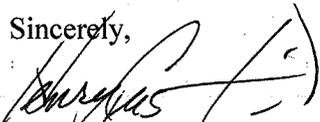
On December 16, 2015, at our regular school Board Meeting the President of the Teachers Association, Mr. Ashley Edgar, expressed his and his colleagues concerns, regarding the proposed skate park adjacent to New Brighton Middle School. Mr. Edgar is a member of the PE staff that utilizes the area where the skate board park is being considered. I recently met with the PE staff and the school Principal Mr. Craig Broadhurst on January 4th. The following comments are concerns regarding the draft of the EIR.

Here are the concerns that were stated at our meeting.

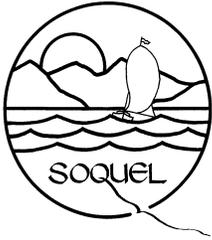
- 2A-1 • Major concerns regarding supervision and safety for students when young adults are using the skate board park during regular school hours.
- Safety concerns regarding non-students on campus utilizing restrooms.
 - Major concerns regarding the disruption of school activities when young adults are utilizing the skate board park during school hours.
 - Major concerns regarding the potential noise level that will be generated by skaters during regular school hours.
 - Presently hundreds of students utilize the proposed skate park area and surrounding areas daily. Supervision and safety may become a very challenging issue.
 - Potential major disruptions regarding student's safety and the parking lot adjacent to the proposed skateboard park, this parking lot is highly congested during the end of the day release time for the middle school students.
- 2A-2 • The development of the proposed skate park would eliminate a future regulation soccer field for the City of Capitola and the district.
- PE Staff support a skate park but, the present proposed location for this skate park is opposed by every member of the PE department.
 - PE Department staff requested that the City of Capitola defer this project for at least one year after the completion of the McGregor Skate Park. The PE Department staff does not support a second skateboard park in close proximity of each other.

Mr. Grunow, I'm hoping that you will incorporate the information that I have provided you and these concerns will be included and addressed at the next stage regarding the proposal to build a skate park.

Sincerely,



Henry J Castaniada
Superintendent



SOQUEL UNION ELEMENTARY SCHOOL DISTRICT

January 7, 2016

Mr. Richard Grunow
City of Capitola
420 Capitola Avenue
Capitola, Ca 95010

**District
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620 Monterey Avenue
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Board of Trustees
Judy McGooden
Tory Del Favero
Amanda Jackson Miller
Phil Rodriguez
Sandra Wallace

Dear Richard,

On December 16, 2015, at our regular school Soquel Union Elementary School District (SUESD) Board Meeting, we heard multiple comments that concerned the City Of Capitola's draft Environmental Impact Report (EIR) for the proposed Monterey Avenue Skate Park during an agenized discussion item on this subject. These comments were expressed by our neighbors, board members, staff and other interested parties.

We would like a written response for each of these concerns to be recorded in the final EIR.

Here are the concerns that were stated at our meeting that were not mentioned earlier in the letter from our Superintendent Henry Castaniada on the same subject:

- 2B-1 • Police and supervision of the Skate Park during the operating hours was not addressed in the EIR.
- 2B-2 • The tree removal to make room for the Skate Park would reduce much needed shade for students and the public who use Monterey Park and would reduce green space.
- 2B-3 • Safety concerns were expressed by the lack of supervision of the park in the EIR.
 - Major concerns with lack of toilet facilities not addressed in the EIR and the impact to the SUESD District office and New Brighton Middle School (NBMS) for use of their facilities.
- 2B-4 • Major concerns for the scope and testing of sound impact of the Skate Park that was actually done in the EIR and the lack of an actual sound test not conducted at physical locations on the NBMS campus.
 - A concern that a sound mitigating fence should be erected between the Skate Park and the NBMS campus.
 - Major concerns regarding the potential noise level that will be generated by skaters during regular school hours and the distraction effect on the students on our NBMS campus.

Again we would like a written response for each of these concerns to be recorded in the final EIR and we thank you for your attention in this matter.

Sincerely,

Harley Robertson
Assistant Superintendent, Business Services.

From: Protecting Our Public Parks [<mailto:POPP@greatoptions.net>]
Sent: Monday, December 07, 2015 5:22 PM
To: Grunow, Rich (rgrunow@ci.capitola.ca.us)
Subject: Draft EIR for the proposed 6,750sf Skatepark at Monterey Park

Dear Mr. Grunow,

This weekend POPP supporters discussed the Draft EIR for the subject project and I have summarized their preliminary findings in this email. Can you please look over these preliminary findings and let me know if there are any misinterpretations of the Draft EIR from your perspective. If POPP has missed anything noteworthy, please let me know. Thank you.

Sincerely,
 Richard Lippi
 POPP Program Director

BELOW IS A CURSORY LOOK INSIDE THE Draft EIR

The printed copy of the complete Draft EIR is approximately 125 double-sided pages of technical, and semi-technical, information. A few pages are written in layman's language although the report creates as many questions as it answers. The following is a POPP interpretation of the Draft EIR.

1. **Page 5-7 of the [main Draft EIR](#) lists "Significant Project Impacts"---1) Permanent Increase in Noise [of 5-7 dBA], 2) Exposure to Soil Contamination, and 3) Disturbance of Nesting Birds.**
- 3A-1 2. **In re: the "Permanent Increase in Noise:** The Draft EIR states that sound barriers are necessary to mitigate the impact of noise from the skatepark, but it isn't clear if the permanent increase of noise of 5-7 dBA is AFTER the installation of noise barriers, or BEFORE the installation of noise barriers. Also, the report offers suggested materials for the sound barriers, but it isn't clear if the optional 1/4" Plexiglas material is applied COMPLETELY around the skatepark or just at the north and south ends like the proposed concrete block or 1" wood fencing. We also notice that sound samples were taken adjacent to residences with dogs (barking could raise the dBA readings abnormally), but NO sound tests were conducted at the Soquel Union School District Offices or at New Brighton Middle School (NBMS).
- 3A-2 3. **In re: the Exposure to Soil Contamination:** The report speaks to a slightly higher concentration of arsenic than the surrounding, native soil. The contaminated soils will have to be hauled off site. It is unclear if this hauling of excavated materials eliminates the mounds of dirt that were to be built up on the south side of the walking paths. If that mounds are eliminated, that's good news for the nearest neighbors.
- 3A-3 4. **In re: the Disturbance to Nesting Birds:** "Construction activities or tree removal, if the City determines removal of tress are necessary for public safety, ...shall take place within an 8-10 week period of construction AFTER August so as not to disturb nesting birds. ARE THEY SERIOUS? The neighbors don't want ANY trees removed and what about the habitat that exists for creatures other than birds? In the Draft EIR report it talks

about removing up to 8 mature trees north of the proposed skatepark facility (the eucalyptus grove and redwood trees).

5. In other areas of the Draft EIR the following mitigations or changes in the proposed plans will be required:

- 3A-4 • Because of the contaminants coming off of the skateboards and other surfaces, **the contaminated water runoff from inside the skatepark must pass through a bioswale** and not just be piped to the nearest storm water system under ground. Where is the bioswale going to be built and what will it look like?
- 3A-5 • **The fencing around the skatepark has been changed to "iron fencing" but there are NO details of what type, shape, or color the iron fence will be.** Shouldn't this be spelled out? Surely the 400 foot long iron fencing will have an impact on the site. We assume it will be 6 feet high.

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Pls feel free to phone or text me at 831 818-4650 9am to 9pm.

Pls visit us at www.Greatoptions.net/POPP

P.O.P.P. is Protecting Our Public Parks



January 5, 2016

Community Development Department
Attn: Mr. Richard Grunow
420 Capitola Avenue
Capitola, CA 95010

RECEIVED

JAN 06 2016

Reference: Draft EIR for the Proposed 6,000sf Skate Park at Monterey Avenue Park
Subject: Traffic & Parking Impacts

CITY OF CAPITOLA

Dear Mr. Grunow,

Pursuant to the POPP email sent 7/17/15 on the subject of traffic & parking under the Initial Study, we would like to point out omissions in the current Draft EIR on this subject.

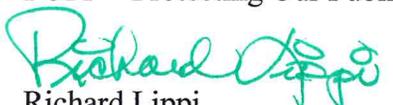
In general, the Draft EIR concludes that vehicle traffic and parking will not be impacted due to the existence of a skatepark at Monterey Ave Park. And the noise from arriving/departing skateboarders will not be any louder than vehicle traffic on the road. These are erroneous conclusions. Here's why...

The Draft EIR did NOT address the following concerns or scenarios:

- 3B-1 1. Skaters under the age of 10 (that should be changed to 12) are required to be supervised by a parent or guardian. Where are the added cars going to park?
2. The existing parking lot and street parking are completely occupied, along with the spaces at the Soquel Elementary School District offices, whenever organized baseball or soccer games occur. This needs to be considered.
3. The parking at Monterey Park will be doubly challenging when-or-if parking is removed from the south side of Monterey Ave. This needs to be planned for.
- 3B-2 4. In a January 25, 2015, email from The Martorella's to the City Council, they stated, "***For many people, the experience with skateboards is when they roll down the sidewalks. The sidewalk is much rougher than the skatepark...***" The Draft EIR has dismissed this noise source as being no louder than passing cars. What's missing are the characteristic differences between small, hard, skateboard wheels scooting over every crack in the sidewalk and rubber tires whooshing quickly down the street. The differences are enormous and so is the perception of which source constitutes a nuisance and which of the sources is part of our natural surroundings. The sound of multiple skateboarders running down neighborhood sidewalks is a daunting prospect.

We respectfully request that the Final EIR include all of the concerns outlined above.

Sincerely,
POPP---Protecting Our Public Parks


Richard Lippi
Founder & Program Director



P.O.P.P. is Protecting Our Public Parks

Community Development Department
Attn: Mr. Richard Grunow
420 Capitola Avenue
Capitola, CA 95010

RECEIVED

JAN 06 2016

CITY OF CAPITOLA



January 6, 2016

Reference: Draft EIR for the Proposed 6,000sf Skate Park at Monterey Avenue Park
Subject: **Objection to the Draft EIR Alternatives and Possible Tree Removal**

Dear Mr. Grunow,

OUR VISION is to see widespread appreciation, protection and appropriate treatment of our public parks and open spaces for the benefit and enjoyment of all visitors while maintaining peaceful habitats and peaceful relations amongst the neighbors in noise-sensitive areas.

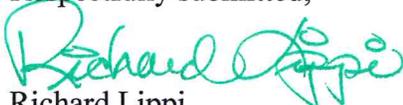
The referenced project is contrary to the vision that POPP supporters have for public parks and we therefore oppose the project and reject certain aspects of the November 2015 Draft EIR as enumerated below:

3C-11. **The Alternative Offsite Location IS McGregor Park!** McGregor skatepark is nearing completion and it is a much better and safer design for young, beginner skaters. There, skateboard noises and boisterous activities will be masked by the vehicle traffic on Highway 1 and McGregor Drive. Visibility from McGregor Drive is excellent and there is also visibility from Highway 1. The presence of a Dog Park makes McGregor a safer location. Just because McGregor skatepark does not resemble the shape and form of the proposed skatepark is no reason to eliminate it as an alternative. **Build out McGregor Park and reject the proposed skatepark at Monterey Ave Park.**

2. **The NO PROJECT ALTERNATIVE seems like the best alternative.** This highly controversial project is taking way too much time and energy away from matters that are more pressing like infrastructure maintenance, repair and improvements. **Reject this project and move on to important issues.**

3C-2³. Possible Tree Removal: **Removal of any of the eucalyptus trees would be contrary to the directive given by the City Council on January 26, 2012, in which a motion was made, in part, to "save the trees".** The eucalyptus grove measures 80 feet wide x 100 feet long x 115 feet tall. How can the consultant of the Draft EIR state that "The trees to the north of the project site are not visually distinctive or prominent from public view points or from a wide area within the neighborhood"? The eucalyptus grove is huge!--and it is visually distinctive. **Replacing removed tress at a rate of 2:1 is a ridiculous notion.** How can two (2) new trees provide the habitat and shade that a once 115-foot tall eucalyptus provided? That's insanity to think that way.

Respectfully submitted,



Richard Lippi
Founder & Program Director



From: POPP is ProtectingOurPublicParks [<mailto:POPP@greatoptions.net>]
Sent: Wednesday, January 06, 2016 12:35 PM
To: Grunow, Rich (rgrunow@ci.capitola.ca.us)
Cc: Safty, Ryan (rsafty@ci.capitola.ca.us)
Subject: Draft EIR for the proposed 6,000sf skatepark at Monterey Ave Park---Initial Study Checklist
 Items not addressed

Dear Mr. Grunow,

POPP is adamantly opposed to the proposed 6,750sf skatepark at Monterey Park. POPP's July 20, 2015, email to you regarding the EIS for the subject skatepark, we asked that certain items be addressed in the Draft EIR. Below listed are items from our July 20th email that we feel were NOT addressed, or not adequately addressed in the Draft EIR dated November 2015.

3D-1 *Item 8. c) of the Initial Study: **Emit hazardous emissions... ..or waste... ..within 1/4 mile of an existing or proposed school. Checked as: No Impact.***

We believe **this is a Potentially Significant Issue:**

New Brighton Middle School is less than 10 feet away and there needs to be a study of the contaminants emitted via the disintegration of skateboards at the skatepark. **This was NOT addressed in the Draft EIR.**

*Item 14. b), c) and d) of the Initial Study: **Would the project result in substantial adverse physical impacts... ..that would impact the performance objectives for any of the public services:***

3D-2 1. *b) **Police protection?: Checked as Less Than Significant Impact** Since the adjacent neighbors will be scrutinizing every rule, regulation and act at the skatepark this will require a lot of police intervention so you should **put this down as a Potentially Significant Issue.** The neighbors will never accept any rowdiness, rudeness, profanity, fighting or disregard for any of the Rules and Regulations posted at the skatepark. Neighbors will probably be asking for real-time video cameras at the skatepark so activities can be monitored 24/7.*

The Draft EIR passed this off as being less than significant. Just look at the Poindexter Skatepark example at <http://www.greatoptions.net/POPP/ojai-poindexter/index.html> in Moorpark, CA to see how much police and public works interaction can be required at a public skatepark.

3D-3 2. *c) **Schools?** Checked as No Impact. Until the noise study is complete, or there is feedback from the Soquel Union School District on this item, I believe **this should be considered a Potentially Significant Issue** as noise, and the line-of-sight view of nine (9) classrooms will present issues of distraction from the schoolwork, not to mention impacting the approximately 50-500 students a day that may use Monterey Park during their PE classes.*

The Draft EIR did NOT include any sound readings at the New Brighton Middle School classrooms nor the Soquel Elementary School District offices

which will obviously be negatively impacted by noise. The echo factor off of buildings was NOT addressed.

Be advised that unauthorized skateboarding around the Performing Arts Center can be heard at Monterey Park, therefore, it is reasonable to assume that the reverse is possible and "mechanical" sounds from the skatepark will bounce off of the New Brighton Middle School buildings and ricochet throughout the school campus. **The consultants did NOT test for the echo factor.**

- 3D-4 3. d) **Parks?** Checked as No Impact. This skatepark will be the only permanent, non-movable structure at Monterey Park. This will severely affect the versatility of Monterey Park and the way people circulate in the Park. I believe this is a Potentially Significant Issue.
The Draft EIR did NOT address the incongruity of placing a skatepark within the open, green landscape of Monterey Ave Park.

Item 16. e) of the Initial Study: Result in inadequate emergency access? Checked as: No Impact.

- 3D-5 1. The parking lot at Monterey Park is approximately 280 feet away from the proposed skatepark entrance. The decomposed granite (DG) path leading to the skatepark is currently NOT an all-weather surface. If emergency vehicles try accessing the skatepark via the path or the grass they will get stuck in the mud as many vehicles have since 2010. Getting a gurney and equipment to the skatepark is chancy at best. I believe **this is a Potentially Significant Issue Unless Mitigation occurs.**
The Draft EIR did not address getting adequate emergency access to the subject skatepark.

For all of the above concerns we consider the Draft EIR of November 2015 to be inadequate in its execution. We ask that the Final EIR reflect all of our concerns listed above, or that the project be cancelled in its entirety as it would be a gross misuse and misappropriation of public property threatening the quality of life for others.

Sincerely,
POPP--Protecting Our Public Parks
Richard Lippi
Founder & Program Director

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Pls visit us at www.greatoptions.net/POPP

P.O.P.P. is Protecting Our Public Parks



RECEIVED

JAN 08 2016

CITY OF CAPITOLA

January 8, 2016

Community Development Department
 Attn: Mr. Richard Grunow
 420 Capitola Avenue
 Capitola, CA 95010

Reference: Draft EIR for Proposed 6,750sf Skate Park at Monterey Avenue Park

Subject: NOISE Concerns in Opposition to the Referenced Project

Dear Mr. Grunow,

OUR VISION is to see widespread appreciation, protection and appropriate treatment of our public parks and open spaces for the benefit and enjoyment of all visitors while maintaining peaceful habitats and peaceful relations amongst the neighbors in noise-sensitive areas.

There are many individuals who live and/or work adjacent to Monterey Park who are very concerned about the prospect of a 2nd skatepark being built in Capitola at Monterey Park. The proposed 6,750sf skatepark has essentially the same features and layout as the 9,000sf skatepark that was rejected on January 26, 2012, by the City Council, and all of the concerns that were expressed in 2012 will become reality if the latest proposal for a 6,750sf skatepark is allowed. Our organization is here to help represent the neighbors who are negatively impacted by this issue.

NOISE is a critical issue. Below are listed some of the NOISE concerns that we feel were NOT addressed, or not adequately addressed, in the November 2015 Draft EIR for the referenced project. Please take these concerns into consideration when developing the Final Environmental Impact Report for the proposed project.

- 3E-1 1. Skateboarding noise on the streets and sidewalks of Capitola has been under-analyzed. Ref, Appendix C, page 19, paragraph one: "the noise generated [by] skatepark users riding skateboards to the skatepark is much less than the noise produced by vehicle traffic along roadways." Skateboarding noise on sidewalks and streets is NOT comparable to the sounds of vehicular traffic if the skateboard wheels are 55mm or less and are hard like many "trick" skateboards. Here's why...
- a. The pitch of trick skateboard-generated noise is higher than that of rolling rubber tires and one can hear trick skateboarders coming from a farther distance away vs. vehicular traffic.
 - b. Vehicles travel at a faster rate over a relatively even surface so the impact time is shorter as opposed to the slower rate of a trick skateboarder traveling over asphalt or cracks in a sidewalk every 4 feet.



- c. Vehicles make more of a whooshing sound like the gentle sound of waves washing up on a beach vs. the hard, mechanical sound of trick skateboards clicking, clacking down sidewalks.
- d. See Item 2 below for more information on this subject. Note: The information below was originally submitted in a POPP letter dated July 24, 2015, after studying the Initial Study for the referenced project.

2. **The subject of skateboard wheels vs. noise levels needs to be discussed.** We have yet to hear discussion of the effect that skateboard wheel design has on the noise output of the sport. From our research, skate wheels come in various diameters and hardness (durometer measurements or “duros”). Many skateboards used at skateparks use small diameter (maybe 50-55 mm) wheels with a durometer measurement of 96a to 101a. Long board skaters usually use wheels that are 60mm or larger and softer wheels in the 73a to 87a range. Long boards are used mainly for transportation and are very quiet rides. Short boards with smaller, hard wheels used for “tricks” are very noisy when used on rough pavements and when crossing the cracks in sidewalks.

A re-analysis should be conducted relative to the impact of arriving and departing skateboarders using Monterey Park on their skateboards with small diameter, hard wheels. Those boards would be VERY noisy on the streets and on the sidewalks causing unnecessary noise disturbance to neighbors, the students in classrooms and the office workers at the School District office.

- 3E-2 3. **Noise is a subjective issue and has been oversimplified by use of the dBA scale in the Draft EIR.**

- a. Where is the “perception meter” in the Draft EIR report? Nowhere. It doesn’t exist. In order to get an idea of the true environmental impact of noise from a skatepark, the neighbors must be given an opportunity to sample skateboard noises from the proposed site area, then respond to a survey regarding their perception of the noise---volume, character, intermittency, time of day, practicality of the noise, etc.
- b. **As an example of factors to be considered, please see the attached NOISE STANDARDS AND REGULATIONS from the City of Ojai in Ventura County.**
 - i. Section 5-11.03 (b) lists nine (9) factors which may be considered in determining whether a violation (of the noise ordinance) exists;
 - ii. Section 5-11.04 (a) (1) lists the Exterior noise standards for Residential Zones, Time Period from 7:00 a.m. to 10:00 p.m. has a maximum noise level of 55 dB, and
 - iii. Section 5-11.04 (a) (2) lists the duration and dB levels that are acceptable in a residential neighborhood.

- 3E-3 4. **Noise from Monterey Park bounces off of houses, fences and the school buildings creating multiple noise disturbances from single sources. The Draft EIR did not investigate this phenomenon. This phenomenon needs to be investigated.** On Sunday, January 3rd, the apparent sounds of skateboarding could

be heard at Monterey Park---coming from the direction of New Brighton Middle School. Upon investigation, it turned out that the **noise was being generated by skateboarders “tricking” on the east side and the south side of the Performing Arts Center (PAC). The PAC is over 700 feet away from Monterey Park and separated by many buildings!** Using this real life example, one can assume that skateboarding noise from Monterey Park could bounce off of the Gymnasium wall (and other buildings) and echo into the classrooms of New Brighton Middle School during school hours creating an unnecessary distraction for most of the students. Also, sounds bouncing off of the portable classrooms opposite the District Office can certainly echo into the District Office causing constant distractions for the personnel. One should keep in mind that the Soquel Elementary School District (SUESD) is responsible for some 1,900 students, plus faculty and staff, so any distractions in the SUESD that take away from their efficiency in prosecuting their jobs affects EVERYONE in the system. **The echo factor needs to be addressed.**

- 3E-4
5. **The Draft EIR appears lacking in the method(s) used to record “representative” sound levels at Monterey Park during the June, 2015 period. Here’s why...**
- a. No sound tests were conducted at the SUESD offices or at New Brighton Middle School despite a specific request from SUESD that sound studies be conducted.
 - b. Three (3) sound recording instruments were placed along the fence lines at Monterey Park. All three (3) of the recorders were placed adjacent to homes with dogs. Dogs bark and emit high levels of noise. Private tests by POPP in December 2015 when the park was unoccupied showed an ambient noise level of 44 dB that jumped to 84 dB when a dog was barking 20 feet away. **So barking dogs would artificially raise the average dBA readings at Monterey Park and should be ignored.**
 - c. A street sweeper has a filling station located at the entrance to Monterey Park. The street sweeper operates at a loud, high-pitched mode when traveling at 25mph to refill. This could explain the peaks in dBA readings during the week, but it is unrealistic to assign these peak instances of 75-87 decibels as representative of Monterey Park activity. The street sweeper only emits the loud noises for 20-30 seconds coming and going to the water fill station. **We believe that this activity has artificially raised the average dBA readings at Monterey Park and should be ignored.**
- 3E-5
6. The results of the **consultants’ noise studies** at Sunnyvale Skatepark and Jose Avenue Skatepark (Jose Avenue is really a Skate Spot as it is only 4,000sf) **are approximately 10 dB lower** than those researched by the Skate Park Association of the United States at Santa Monica Skatepark (18,000sf). The SPAUSA used the “C” scale and response at *fast*. (see attached). This is a significant variance as the Permanent Increase in Noise is 5-7dBA. Add 5 or 10 more decibels to this figure and we have a SIGNIFICANT IMPACT even with the mitigating measures. **We believe it would be in the best interest of the neighbors whose quality of life is threatened by the proposed skatepark to re-analyze the expected noise output of the skatepark.**

3E-6

There needs to be some more discussion about the perception of what noises (or sounds) constitute a nuisance or a distraction. There are many characteristics of noise/sounds that each individual perceives in their own way. Below are some real life examples of everyday sounds that would have varied impacts on the neighbors within a noise-sensitive neighborhood like the Monterey Park area.

1. Garbage day in the Monterey Park area falls on Wednesday mornings. This is an extremely noisy operation. But, for the most part, this potentially disturbing occurrence is accepted by most people and most individuals can sleep through the experience. Here's why...
 - a. We know what day the activity is going to happen---every Wednesday;
 - b. We know what time the truck is coming---between the hours of 6:00AM and 6:30AM (in the immediate Monterey Park area);
 - c. We know that it takes about 1 minute for a pickup at each house and IF WE ARE AWAKE AT ALL we can hear the truck coming about 5 houses away, so doing the math, we can expect to hear noises for about 10 minutes;
 - d. We know that the noisy truck is performing a service by taking our garbage away. We are happy that our garbage is being taken away for us;
 - e. We are upset when the trash or recycle truck DOESN'T come; and
 - f. We can plan our lives around this occurrence because it's predictable.

In contrast: One could make the argument that trick skateboarding noise is much quieter than garbage trucks picking up garbage, so skateboard noise is not an issue. But there's a big difference between the two activities that makes trick skateboard noise (for non-skateboarders) disturbing and unacceptable and garbage truck noise acceptable. Here's why...

- a. We don't know what day the activity is going to happen---but it could be EVERY DAY. That's 313 times more a year than a garbage truck;
 - b. We don't know what time of day the skateboarding noise is coming;
 - c. We don't know how long the noise is going to continue;
 - d. We don't know how many trick skateboarders will be in our area;
 - e. We know that this activity is not performing a service for us;
 - f. We are generally happy when the trick skateboarders go away and the noise stops;
 - g. We cannot plan our lives around this activity because there's NO schedule.
2. Let's look at some other examples of noise-producing activities in our normal lives and try to imagine how we would feel being within earshot of these noise-producers.
 - a. A neighbor is mowing his front lawn with a gas lawnmower on a Saturday morning around 11AM. The mower is running at a high throttle setting, constant speed, with a standard muffler. This noise is way more intense than that of a skateboarder doing tricks off the curb or nearby driveway cut, so why would the lawn mowing activity be less offensive than the tricking skateboarder?
 - i. We know our neighbor;
 - ii. We know that our neighbor has a need/responsibility to mow the lawn because lawns grow;

- iii. We know about how long the mowing will last---10-20 minutes;
- iv. The mower is running at a constant speed. There are no highs and lows in pitch or intensity;
- v. We are happy that our neighbor is caring for their front lawn as it makes the neighborhood a nicer place;

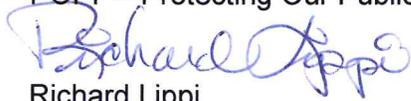
In contrast: What is our perception about the skateboarder doing tricks?

- i. We don't know the skateboarder;
 - ii. There's no need/responsibility to do skateboard tricks as skateboarding is an activity of choice;
 - iii. We don't know how long the tricks will last;
 - iv. There are extreme highs and lows in pitch and intensity;
 - v. We are happy when the noise stops.
- b. One last example of how sounds, even when they are reduced, can be more annoying than louder sounds from the same source:
A landscape maintenance worker is using a gas leaf blower at your neighbor's property. This is your neighbor's regular bi-weekly service and it always happens on Fridays around 10AM to noon. The whole service of clearing leaves lasts about 15 minutes. But there are two (2) different workers that could show up. Which of the following scenarios would be the most irritating for neighbors?
- i. Worker #1 runs the gas leaf blower at a high idle and a constant speed.
 - ii. Worker # 2 runs the gas leaf blower at variable speeds thinking that there would be less noise if the blower ran at slower speeds intermittently. This technique is sometimes called "throttling".

So which scenario would be the most disturbing? Most people would say Worker # 2 is most disturbing because of the erratic, intermittent noise variations caused by throttling even though, on average, Worker #2 would be producing less noise. This erratic, intermittent noise is a lot like the noise that is produced by trick skateboarders. Trick skateboarding sounds are not smooth, steady sounds like that of a longboard rider with large, softer wheels.

The subject of NOISE and NOISE PERCEPTION is an important aspect of the environmental impact of the proposed skatepark. We ask that this subject matter be re-analyzed and thoroughly discussed with the individuals whose quality of life would be threatened by the introduction of a permanent, immovable, multi-featured skatepark at Monterey Park and get their input on this proposal. Thank you for reviewing these concerns. Please feel free to contact me if you have any questions.

Sincerely,
POPP---Protecting Our Public Parks



Richard Lippi
Founder & Program Director

5-11.01

OJAI, CA

CHAPTER 11

NOISE STANDARDS AND REGULATIONS

Sections:

5-11.01	Purpose.
5-11.02	Definitions.
5-11.03	General noise regulations.
5-11.04	Noise standards and limits.
5-11.05	Special noise sources.
5-11.06	Loud parties and assemblages—Enforcement costs and response fees.
5-11.07	Exemptions.
5-11.08	Sound level measurement.
5-11.09	Enforcement.

Sec. 5-11.01. Purpose.

The purpose of this chapter is to maintain a quiet and comfortable living environment and to protect residents from unhealthful levels of noise through the control of unnecessary, annoying and excessive sound. (§ 1, Ord. 731, eff. August 27, 1998)

Sec. 5-11.02. Definitions.

“Ambient noise” is the normal or existing level of environmental noise at a given location. It is the composite of all noise from sources near and far, excluding the alleged intrusive noise source.

“A-weighted sound level” means the sound level as measured on a sound level meter using the “A” weighting network. The level so read is designated in units of db(A).

“Decibel (db)” is a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base of ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

“Impulsive noise” means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level (such as might be produced by the impact of a pile driver) typically with one second or less duration.

“Leaf blower” is any mechanical device used, designed or operated to produce a current of air by fuel, electricity or other means to push, propel, or blow cuttings, refuse or debris.

“Noise level limit” means the maximum noise level acceptable under this article for the stated period of time.

“Sound amplifying equipment” means any machine or device used for amplification of the human voice, music or other sound regardless of location, including such things as radios, stereos and compact disc players.

“Sound level meter” means an instrument used to measure sound levels which meets the standards of the American National Standards Institute.

(§ 1, Ord. 731, eff. August 27, 1998)

Sec. 5-11.03. General noise regulations.

(a) It is unlawful for any person to make or permit to be made any noise which disturbs the peace and quiet of any neighborhood or which causes physical discomfort to any reasonable person of normal sensitivity

5-11.03

in the area. Except as otherwise provided herein, no permit may be issued for any activity that may violate this section.

(b) The factors which may be considered in determining whether a violation exists include, but are not limited to, the following:

- (1) The sound level of the objectionable noise; = dB
- (2) The sound level of the ambient noise;
- (3) The proximity of the noise to residential sleeping facilities;
- (4) The nature and zoning of the area within which the noise emanates;
- (5) The number of persons affected by the noise sources;
- (6) The time of day or night the noise occurs;
- (7) The duration of the noise and its tonal, informational or musical content;
- (8) Whether the noise is continuous, recurrent or intermittent;
- (9) Whether the noise is produced by a commercial or non-commercial activity.

(§ 1, Ord. 731, eff. August 27, 1998)

Sec. 5-11.04. Noise standards and limits.

(a) *Exterior noise standards.*

(1) The following exterior noise standards apply to residential and commercial/industrial zones within the City:

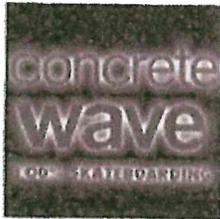
	Time Period	Noise Level
Residential Zone (includes Village Mixed Use)	7:00 a.m. to 10:00 p.m.	55 db
	10:00 p.m. to 7:00 a.m.	45 db
Commercial/ Industrial Zone	7:00 a.m. to 10:00 p.m.	65 db
	10:00 p.m. to 7:00 a.m.	55 db

(2) It is unlawful for any person at any location within the City to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, when the foregoing causes the noise level, when measured on any other residential or commercial/industrial property, to exceed the following noise levels measured in decibels on a cumulative basis per hour:

Zones	Noise Standard		15 Minutes Duration/ Hour		Five Minutes Duration/ Hour		One Minute Duration/ Hour	
	Day	Night	Day	Night	Day	Night	Day	Night
Residential (includes Village Mixed Use)	55 db	45 db	60 db	50 db	65 db	55 db	70 db	60 db
Commercial/ Industrial	65 db	55 db	70 db	60 db	75 db	65 db	80 db	70 db

PRINTED 04.30.15

Click on a banner and let them know we appreciate their support.



Noise and Skateparks

The #1 request we get is for noise studies but noise complaints are rare after the skatepark is built. In fact I have only heard of one city that had a noise problem and that was Brea CA. They built their park at the base of a hill and the noise traveled upward to the homes on the top of the hill.

To test the different surfaces we used a digital sound level meter.

Weighting set at **C** and response at **fast**.

And took readings:

Ambient reading approx. 100 feet from the park

At the park entrance

Inside the park at the ramps, mini ramp or bowl.

Noise levels were measured in decibels and we recorded the lowest and highest readings.

The lowest reading would be when no one was riding the ramp in front of the meter. For some parks it could be lower than the ambient reading. The Santa Monica skatepark is below ground so when you are "in" the park there is little if any traffic noise.

*Phenolic Fiber Laminate - a recommended man-made surface

* a busy street is approx. 80dB

Concrete in-ground park

Test park Santa Monica Skatepark approx 18,000 sq feet

50 participants in the park at time of test

Location	dB Low Reading	dB High Reading
Ambient noise	64	72
30 feet from entrance	65	70
at the entrance	66	74
inside park	63	76
at the bowl	64	78
flatland slide near entrance		80

*This is an old school maneuver where the rider skids sideways on his/her board making sound similar to fingernails on a blackboard.

Wood Frame Mini Ramp

skatelite over 2 3/4 inch layers of plywood Test Park SPA mini ramp 12 riders but only 1 person riding at a time

Ambient noise	75	78
---------------	----	----

60dB TO 80dB =
100X INTENSITY

REF: ITEM #6
4-78

wittwer / parkin

January 8, 2016

VIA EMAIL AND U.S. MAIL

Mr. Richard Grunow
 Community Development Director
 City of Capitola
 420 Capitola Ave
 Capitola, CA 95010
 Email: rgrunow@ci.capitola.ca.us

Re: Comments on Draft Environmental Impact Report for the Monterey Avenue Skate Park

Dear Mr. Grunow:

This law firm submits these comments on the above referenced Draft Environmental Impact Report (DEIR) on behalf of Friends of Monterey Park.

For the reasons stated below, the DEIR is fatally flawed. The DEIR must be corrected and then recirculated for public review before the City can proceed with consideration of this Project.

- 4-1 1) The DEIR fails to address the impact on public services. The DEIR assumes that the Initial Study's assessment that there is no impact on services is correct. However, the City consulted with MacAdam Protection Strategies to conduct a review of issues concerning public safety and criminal activity associated with this project. This consultation brings up a myriad of issues that the City fails to discuss fully in the DEIR. Nevertheless, at minimum it shows that there could possibly be an increased need for law enforcement associated with the new facility, particularly since the facility appears to have poor design to prevent criminal activity. Even if the facility will not increase the need for law enforcement resources, the DEIR reviews the project as if many of the recommended strategies are not incorporated into the proposed plan. For instance, the study recommends possible removal of trees, installing water fountains, adding signage, changing elements of the plan and adding lighting for security. The DEIR mentions briefly
- 4-2 possible removal of trees and security lighting, but also pretends that these amenities will not be added to the project as discussed further below. The DEIR must be revised to more thoroughly discuss the impact associated with the plan, including, but not limited to, the removal of trees and aesthetics associated with fencing for noise attenuation.

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 Re: Monterey Avenue Skate Park DEIR
 January 8, 2016
 Page 2

- 4-3 2) Please address the aesthetic impacts of using a Acoutifence or plexiglass fence for noise impacts.
- 4-4 3) On page 2-1, the DEIR states that the skate park will not be open in the evening since no lighting is proposed. However, the DEIR then hedges its bets by stating on page 4.1-4 that while no lighting is proposed for the project, "If lighting were added as a condition of project approval, it would be for security purposes and would be aimed downward with low pressure sodium bulbs or equivalent to prevent light trespass." The DEIR cannot have it both ways. The DEIR fails to address the effect of such lighting on the surrounding area residents, and whether such lighting would enable unlawful use of the skate park after hours. Presumably the lighting would be adequate enough for someone to use the skate park whether it is open or not. And, what measures will be used to ensure that users will not simply go over the perimeter fence after hours to use the park?
- 4-5 4) The DEIR fails to address the conflicts of the skate park with other park users. The location of the skate park is adjacent to the outfield of the softball diamond. A number of organized leagues use the park. Youth soccer teams also use the park for practice. Will there be hazards associated with fly balls? What conflicts will occur with other recreational users? What conflicts will occur with other practices that occur at the park?
- 4-6 5) The skate park may be used while New Brighton Middle School is in session. The impacts to the school are understated. It is assumed that during school there will not be use of the skate park. However, it is not unimaginable that truants, students at other schools (both public and private) with a different schedule and others might use the park during school hours. (Even the DEIR admits that the skate park would be open at 8:00 a.m. *See* page 3-3.) The DEIR must be revised to address these possibilities.
- 4-7 6) The Soquel Union Elementary School District provided comments on the Notice of Preparation as follows:

The biggest omission in the subject environmental impact study is no plan for restroom facilities of any kind. Currently there is a need to add restroom facilities in the existing Monterey Park configuration even before the discussion of a new SkatePark. The School District office, located adjacent to the Monterey Park and within a few feet of the proposed SkatePark has frequent bathroom facility requests when events are held at the Monterey Park facility or from the occasional Monterey Park user. Adding an additional impact of approximately 25 users without restroom facilities would lead people needing those facilities directly to the School District office and/or the New Brighton Middle School. The School District Office and Middle School restroom facilities are already

Mr. Richard Grunow
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impacted and will not be available for individuals who are using the SkatePark. **The School District considers the omission of the restroom facilities in the Monterey SkatePark plans a serious issue...**

(Emphasis in original). The DEIR fails to ever address or acknowledge this issue and the impact on services. The DEIR must be revised to address this issue.

4-8 7) The DEIR at page 3-2 sets forth two sets of project objectives, one for the applicant and one for the City. The City's objectives do not say much of anything about the objectives of building a skate park. For instance, one objective is to implement City policies and development standards, and to mitigate environmental impacts. These are required in any event. The City's objectives are used also to discount alternatives. By narrowing the objectives so severely, the DEIR limits the consideration of other feasible alternatives. On page 5-8, the DEIR states that alternatives were limited to publicly owned facilities. However, this is a proposal by a private applicant and the City was not going to develop a skate park at Monterey Park until it was approached by the applicant.

8) Please confirm whether the applicant approached the City about building a skate park at Monterey Park.

9) Did the City have plans to build a skate park at Monterey Park prior to being approached by the applicant?

10) With the construction of a larger skate park at the McGregor Park site not far from Monterey Park, why does the City believe that another public skate park is necessary?

4-9 11) The DEIR at page 3-3 states, in conjunction with a discussion of amplified music and musical instruments, that "park rules and management practices would ultimately be established by the City Council. No special or organized events would be permitted at the facility without separate approval of a Temporary Events Permit by the City Council." There are two problems with this statement. First, the DEIR defers consideration of park rules and management practices until a later date without analyzing possible rules to deal with conflicts and environmental impacts. Second, the DEIR fails to analyze the impacts associated with possible events. Events typically involve the use of loudspeakers and large crowds. Crowd noise and attendant parking issues are not addressed at all in the DEIR. Either the City must ban these events in their entirety, or address the possible impacts of these events.

4-11 12) The DEIR at page 3-7 lists policies with which the project is ostensibly compliant. However, the DEIR's assertion regarding policy OSC-8.9 is incorrect. The DEIR states that the

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project is compliant with this policy which prohibits “post-project peak stormwater runoff discharge rates from exceeding the estimated pre-project rate.” However, on page 4.2-6 of the DEIR is its stated that “The proposed project will result in a net increase in runoff, but would not exceed capacity of existing and planned storm drain facilities... .” Thus, by implication, the runoff will exceed the pre-project rate. Please explain the discrepancy.

- 4-12 13) The DEIR at page 3-7 repeatedly states that Best Management Practices and stormwater management will be incorporated into the drainage plan or project design and will “be consistent with State and City requirements.” However, given the constraints on the site, the DEIR does not explain how all of this will be accommodated onsite. For instance, on pages 4.2-6 and 4.2-7, the DEIR states that the project will be required to include a bioswale or other feature to treat runoff. Please explain in detail.
- 4-13 14) The DEIR on page 4.1-4 states that “Although the current project proposal does not call for removal of any trees, it is possible that the Planning Commission or City Council could require removal of up to eight mature trees located between the proposed skate park and Monterey Avenue to improve visibility for public safety purposes.” On page 4.1-7, the DEIR states that “The project has been designed to avoid these trees, and if approved, the project will be conditioned to avoid impacts to trees and their root systems during grading.” Again, the DEIR cannot have it both ways. The DEIR must address the impacts of the project assuming removal of these trees since the DEIR considers this a possibility. Like the impacts associated with lighting as discussed above comment number 3, the DEIR’s shifting description of the project and its components violates CEQA. “[A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 199. Thus, the DEIR must be revised and be consistent in its portrayal of the project description so the true impacts of the project can be assessed.
- 4-14 15) The DEIR at page 4.1-5 states that if trees are removed they would have to be replaced at a 2:1 ratio. However, with development of the skate park, and the reasons for tree removal (e.g., security), the DEIR fails to state where additional trees could be planted onsite. Please explain where the trees could be planted that would not hinder security for the skate park, and where they could be planted to not interfere with the use of the field for softball and soccer.
- 4-15 16) Construction of the skate park is estimated to take up to 10 weeks. This is a long period of time to subject students, a sensitive noise receptor, to construction noise. The DEIR fallaciously concludes that construction will not impact students in any way. However, it is given that heavy equipment will be disruptive to students. Noise has a severe impact on learning. Has the City considered scheduling the construction when school is not in session?

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4-16 17) The DEIR does not discuss air quality impacts because it assumes, based on the initial study, that there are none. However, the generation of dust will affect the adjacent school. Because the DEIR considers these impacts to be insignificant, there are no mitigations. However, any grading or digging that generates dust, and diesel exhaust adjacent to a school, will have significant impacts. Therefore, the City must consider mitigations for diesel exhaust and dust, such as the common practice of spraying water for dust suppression during grading and digging.

4-17 18) The DEIR commits grave error in determining that the project need not address the cumulative impacts to the Park Avenue/Kennedy Drive intersection. The DEIR at page 4.4-8 to 4.4-9 concludes that while the level of service at this intersection is at LOS E, that the cumulative impacts do not have to be addressed because it increases traffic volumes “by less than one-half of one percent,” and that the 2013 General Plan EIR already addressed cumulative impacts. The problem is that the DEIR states that the General Plan EIR “indicates that installation of a roundabout or traffic signal at the Kennedy/Parks intersection would improve operations to an acceptable level. There are no current plans for improvement at this intersection.” Thus, a mitigation was identified, but is not being planned. Which means that the intersection will remain at an unacceptable level of service and the project will contribute to that unacceptable level of service.

“‘Cumulative impacts’ refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” 14 Cal. Code Regs. §15355. “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” 14 Cal. Code Regs. §15355(b). “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” 14 Cal. Code Regs. §15355(b). “The full environmental impact of a proposed [] action cannot be gauged in a vacuum.” *Whitman v. Board of Supervisors* (1979) 88 Cal. App. 3d 397, 408-09; *Akers v. Resor* (W.D.Tenn. 1978) 443 F.Supp. 1355. “An agency may not . . . [treat] a project as an isolated ‘single shot’ venture in the face of persuasive evidence that it is but one of several substantially similar operations, each of which will have the same polluting effect in the same area.” *Whitman v. Board of Supervisors, supra*, 88 Cal. App. 3d at 408-09 (quoting *Natural Resources Defense Council v. Callaway* (2d Cir. 1975) 524 F.2d 79.) Ignoring prospective cumulative effects “could be to risk ecological disaster.” *Id.*

The significance of an activity depends upon the setting. (Guidelines § 15064, subd. (b)). The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any

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additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.

Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 718.

In *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, the court held:

No one project may appear to cause a significant amount of adverse effects. However, without a mechanism for addressing the cumulative effects of individual projects, there could never be any awareness of or control over the speed and manner of downtown development. Without such control, piecemeal development would inevitably cause havoc in virtually every aspect of the urban environment.

Id. at 76-77. Thus, the DEIR misses the mark on multiple fronts.

First, as noted above, the impact has been identified and yet no mitigation is proposed. The City could require a fair share contribution towards the roundabout to mitigate the cumulative impacts, but ignored this as an option. Second, the DEIR assumes that because the impact is small, that the impact is non-existent. But, as shown above, the courts have clearly held that individual project impacts may be small, but cumulatively significant in conjunction with other projects. It is indisputable that the Kennedy/Park intersection is severely impacted. Third, the fact that the intersection is already severely impacted means that any additional traffic added to this intersection is severe in light of the already existing problem.

4-18 19) Given that skate park at McGregor Park will soon be completed, the DEIR must consider traffic associated with travel between the two parks. This is likely given that users may want to switch their destination based on a number of factors, including the number of users currently at a particular site, or the purported difference in skill level at each of the sites. The DEIR is wholly inadequate because it simply concludes that “The McGregor Park that is under construction is within one mile of the project site, and the two projects would not result in a new cumulative significant traffic impact.” (DEIR, p. 5-5).

20) Did the 2013 General Plan EIR consider the construction of the skate park at McGregor Park?

4-19 21) There are private sites that can be considered for a skate park. The McGregor site will provide a public option. The applicant wishes to build a skate park and can build such a park on private land.

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22) An example of a private site would be the Capitola Mall. There are large areas of parking that are underutilized. An amenity such as a skate park may actually rejuvenate business in the mall which is suffering from a loss of tenants and traffic.

4-20 23) Attached hereto are comments from a noise expert retained by this law firm to peer review the noise study. We also request specific responses to these comments as they are incorporated fully into this letter.

Finally, pursuant to Public Resources Code Section 21167(f), I am requesting that the City forward a Notice of Determination to this office if and when the Project is finally approved. That section provides:

If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

Thank you for your consideration of these comments. We look forward to your responses to our comments.

Very truly yours,
WITTWER PARKIN LLP


William P. Parkin

Encl.

cc: Client



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January 8, 2016
Project No. 47-094

William Parkin, Esq.
Wittwer & Parkin, LLC
147 South River Street
Suite 221
Santa Cruz, CA 95060

Subject: Peer Review of the Noise and Vibration Assessment for the Monterey Avenue Skatepark Project, Capitola

Dear Mr. Parkin:

This report presents the results of a peer review of the noise and vibration assessment for the planned Monterey Avenue Skatepark in Capitola prepared by Illingworth & Rodkin, Inc., Job No. 15-095, September 2, 2015.

We concur with most of the analysis, however, there were some omissions that are important for the reader and the proposed mitigation measures should be extended.

- 4-21 Comment: Page 9; The report discusses the noise standards contained in Table SN-1 of the General Plan, but the report does not provide a copy of the table for reference. It would be helpful to include the Table SN-1 in the report so that the reader can easily view what the various noise standards are.
- 4-22 Informational Comment: The measured noise level of 57 dBA L_{eq} @ 75 ft. from the edge of the Sunnyvale park is equivalent to 55 dBA L_{eq} @ 93 ft. (the distance from the south end of the Monterey Avenue park to the Orchid Avenue residential property line. The 50 dBA L_{eq} contour is then calculated to be 165 ft. from the park perimeter. Therefore, any noise sensitive receptor location within 165 ft. of the park will be noise impacted, i.e., the ambient + 5 dB criterion of the CEQA policy will be exceeded.
- 4-23 Comment: Page 18, 4th paragraph; an evaluation for the Junipero Court residences should be included.

- 2 -

Comment: Page 18, 5th paragraph; The Orchid Avenue residences were omitted from the evaluation and should be included in the sentence with the Soquel Union Elementary School District Offices, i.e., 53 dBA CNEL, since both receptors are approximately equidistant from the respective ends of the park.

- 4-24 Comment: Page 19, 2nd paragraph; The surface weight requirement of 3 lbs/sq. ft. for the noise barrier could be reduced to 2.5 lbs./sq. ft. as the frequency content of skateboard noise is higher than most environmental noise and the lower surface weight would facilitate the construction of a wood acoustical fence using 1” thick redwood fence boards over each side of ½” exterior grade plywood, a common wood acoustical fence design. Otherwise, a much thicker (costlier) plywood core or a masonry barrier may be required.
- 4-25 Comment: Page 34; The U-shaped barriers at each end of the park do not extend far enough along the west and east sides of the park. The barrier configuration shown works only if the predominant skating areas are very close to the ends of the park as indicated by the purple stars on the graphic. However, this is likely not always the case. Skateboarders will be moving all over the park. Thus, the Orchid Avenue residences and to the school classroom buildings will be exposed to skaters in the middle of the park.
- 4-26 General Comment: A design plan of the skatepark should be included in the report.

Recommendations

- 4-27 Figure 1 on the following page provides our suggested barrier extensions to adequately shield the residences and school when skateboarders use the center of the park. The barriers are effective for skating noise that occurs within 165 ft. of the receptor locations (50 dBA L_{eq}) and includes additional barrier segments along both sides to account for some minor sound reflections off of the barriers on the opposing sides of the park.

The barrier along the east side of the park shall extend for a distance of 105 ft. from the south end to shield Orchid Avenue residences.

The barrier along the west side of the park shall extend for a distance of 120 ft. from the north end of the park to shield New Brighton Middle School classrooms.



FIGURE 1 – Recommended Noise Control Barriers

- 4 -

The implementation of the above recommended barriers will reduce skateboarding noise to 50 dBA L_{eq} or lower on the park side of the residential property lines and at the school building setbacks.

- 4-28 In addition, a detailed inspection of the Orchid Avenue residential rear yard property line fences should be performed to confirm that they are acoustically-effective, i.e., air-tight and that they indeed provide 5 dB of noise reduction.
- 4-29 Comment: Page 10; The last bullet point under the General Plan policies states, "Describe a post-project monitoring program that could be used to evaluate the effectiveness of the proposed mitigation measures.".

A post-project mitigation monitoring program was not provided in the noise study. The monitoring program should be included.

This report presents the results of a peer review of the noise and vibration assessment for the planned Monterey Avenue Skatepark in Capitola prepared by Illingworth & Rodin, Inc. If you have any questions or would like additional information, please contact me.

Sincerely,

EDWARD L. PACK ASSOC., INC.

A handwritten signature in blue ink, reading "Jeffrey K. Pack", is written over a horizontal line.

Jeffrey K. Pack
President

January 3, 2016

To: Richard Grunow, Community Development Director

From: Gilbert & Helen Bentley, Capitola Residents

Subject: EIR for the proposed skate park in Monterey Park

- 5-1 Please be advised that we are opposed to the proposed plan to place a skate park in the middle of Monterey Park. The present park is a beautiful, quiet open space which is enjoyed by the community. The plan to complete the skate park on McGregor is the plan that should be completed first. We don't need two skate parks within ½ mile of each other, in a town the size of Capitola.
- 5-2 The EIR plan doesn't include any extensive study of noise pollution, the effects on nature setting for wild creatures or the problems it will create with the New Brighton Middle school and more importantly the effect it would create for the Special Needs classroom which is directly adjacent to the proposed site. Those children's play area is directly adjacent to the proposed site and would cause a serious disruption to organized outdoor playtime. It also does not take into account the number of skateboarders who would be skateboarding on Monterey Street to and from the park as well as between the two parks, a formidable dangerous situation.
- 5-3 The liability problems created on the City of Capitola are not being considered either. The lack of any supervision creating the potential problems of drug usage and sales, alcohol use, the lack of lavatories available all need to be discussed. Skateboarders are going to be urinating and worse, defecating along the fence line by private homes. Who is going to pay for the increased police presence required to stave off these problems, or the fire departments calls to respond to injuries?
- 5-4 The EIR states that the city can remove the trees at the north end of the proposed project if they wish, without approval of the community. Those trees are part of the ambiance of the park and their removal should not even be considered.
- 5-5 We are seniors who spend time in the park walking, almost daily, because it is the last open park space in our area. Having this noisy disruptive skate park would curtail many people from having that space available.

It's time the City Council considered the feelings of seniors, the people who pay taxes and DO vote as well as the needs of the children who do not pay taxes or do NOT vote. I'd like to think that we matter too.

The school district would be much better off spending money on art, music and sports needs of our children, rather than unnecessary duplication of skate parks in a community of this size.

Sincerely,

Gilbert and Helen Bentley