

April 8, 2014

John Davidson, City of San José  
200 E. Santa Clara St  
San José, CA 95113  
via email: John.Davidson@SanJoseCA.gov

re: Three Creeks Trail Master Plan IS/MND, File No. PP14-012

Dear Mr. Davidson,

Thank you for informing me that the comment period for the Initial Study and Mitigated Negative Declaration (IS/MND) for the Three Creeks Trail Master Plan – Western Alignment, File No. PP14-012, had been extended up through today.

These comments are intended to supplement my March 12th letter.

1. The scope of this IS/MND seems to include the trestle across the Los Gatos Creek (the “Willow Glen Trestle”), which was covered under a prior IS/MND that is currently being challenged in court by the Friends of the Willow Glen Trestle. (The suit was filed February 11 in Santa Clara County Superior Court – Case Number 114CV260439: the supporting materials are incorporated by reference.) If the project “extends approximately 6,660 feet between Lonus Street and Falcon Place cul-de-sac”, as described in the current MND’s section entitled “PROJECT LOCATION & ASSESSORS PARCEL NO.”, that certainly seems to include the trestle.
2. I challenge the assertion in Section V on p. 2 of the MND: “CULTURAL RESOURCES. The project will not have a significant impact on cultural resources, and therefore no mitigation is required.” According to evidence provided by State-listed Historian Marvin Bamburg and others, the trestle across the Los Gatos Creek is historic and therefore its demolition would have a significant environmental impact.
3. In the Initial Study (IS), p. 3, “PROJECT LOCATION”, again the project is described as “between Lonus Street and Falcon Place cul-de-sac”, without explicitly excluding the trestle that was the subject of the prior IS/MND that is being challenged in court.
4. IS, p.3: the Right-of-Way is described as being 54' wide at its narrowest point. What is the status of the ROW roughly 100' south of Coe, where the eastern fence-line jogs inward by a dozen feet or so: is the ROW still at least 54' wide at that point, or will the fencing be moved back into line with the adjacent properties?
5. IS, p.3: here the WG Trestle is discussed: “The environmental impacts of this trail project, including the railroad trestle, were evaluated in the Initial Study/Mitigated Negative Declaration adopted by the City in 2004.<sup>1</sup> A subsequent Engineering Study and environmental document (now underway) support removal of the trestle and development of a new, freespan pedestrian bridge at this location.” My question: when will the public get a

chance to formally give comment on the Engineering Study? As I've discussed with Parks staff, the Engineering Study goes into great technical detail on the state of the trestle and concludes that it is readily repairable, and at a cost significantly less than for the replacement bridge, even when the costs of safety enhancements and decades of maintenance and repair are included. But then it was as if someone told the consultants that they wanted the analysis to support the purchase of a new bridge, and so some pages from a bridge catalog were copied over, a "trade matrix" created, and an Executive Summary added. As documented in my April 16, 2013 email to Matt Cano (see [http://www.wgbackfence.net/trade\\_rebuttal.doc](http://www.wgbackfence.net/trade_rebuttal.doc)), the trade matrix has points padded and shaved to give the desired results, and then the Executive Summary refers primarily to the matrix to justify the conclusion. Yet every time we try to publicly discuss this, we're told it should be, or should have been, discussed at some other time. Since the Engineering Report is being cited here, I want to challenge the faulty trade matrix and Executive Summary's interpretation of the technical analyses of the trestle.

6. Footnote 1 above cited the City of San José, Initial Study/Mitigated Negative Declaration for Los Gatos Creek Trail, Reach 4, Coe Avenue to Auzerais Avenue, May 2004. That too included the Willow Glen Trestle, but in those plans the trestle was to be preserved and adapted for trail use. That IS/MND, which was not publicly circulated adequately, references a very short "short-form" historic evaluation that concluded that the trestle was not famous or prehistoric. As the trestle was not to be demolished, this faulty finding was of no consequence at the time, but it should not be cited or relied upon now under vastly different circumstances, especially in light of the recently discovered historic information.
7. IS, bottom of p.3: "Future design of all road crossings will occur with oversight by the City of San José Department of Transportation." That segments the analysis and defers what should properly be part of this IS, especially since some of the crossings may be problematic. For example, how is the trail supposed to cross Minnesota? If there is a pedestrian-activated traffic signal, then there may be traffic impacts to Minnesota; if there is no signal, then there will be safety concerns as trail users attempt to cross that busy street. This requires analysis.
8. Will the trail have "curb-cuts" at the street crossings? I would imagine that they would be required by the Americans with Disabilities Act (ADA), but they don't appear to have been mentioned in the IS or MND. I urge that the curb-cuts be aligned with the trail, rather than being "offset" as has been done in some recent projects (e.g., the Los Gatos Creek Trail crossing of Auzerais). While the intent of those offsets may have been good (e.g., to cause cyclists to slow down before entering the cross-street), the results have been poor (as cyclists have to weave and swerve to get to the ramps and become unstable as a result; additionally, the cyclists have reduced visibility of the cross-traffic as they are no longer aligned perpendicular to the traffic).
9. IS, p.4, top: trail is to be "a 12-foot wide Class I paved trail, with a 2-foot and a 5-foot wide hard-packed gravel shoulder". I am glad to see the callout for shoulders: some trails lack these, and an abrupt trail-edge drop-off can throw a cyclist or twist the ankle of a jogger.

10. IS, p.4: “Access to the proposed trail”: there is also access at the intersection of Hervey Lane and Falcon Place. Also, isn’t there supposed to be an access at the southern end of the existing trail segment, connecting Falcon Place to the intersection of Padres Drive and Creek Drive?
11. IS, p.4: “Residents may enter the trail property from their homes via new or existing gates...” I am glad to see this accommodation, and hope that it can be used for other trails in the City as well.
12. IS, p.5: I’m glad to see retro-reflective striping is called out. These trails are used for commuting as well as for recreation, and sometimes (e.g., late fall evenings) it may get dark. Bicycle headlights are not all that bright and the reflective striping really helps.
13. IS, Figure 2: The map does not show the trail crossing the trestle over the Los Gatos Creek, nor does it extend up to Lonus St., whereas in Fig. 3 it does. This inconsistency means that at least one of these maps is wrong and needs to be revised.
14. IS, Fig. 4: The trail is to cross Willow and Bird at a signalized intersection. This intersection was “improved” some decades ago to include “no-stop” right-turn ramps. Given that city planning has changed over the years (Bird is no longer planned to become a major arterial boulevard, and “traffic calming” now promotes “stop on red” turns), would this be an opportunity for the trail plans to become an impetus to the City to update this intersection to improve pedestrian and trail-user safety? If the no-stop turns are removed, it would make it possible to cross all the lanes of traffic at signalized crossings.
15. IS, Fig. 5: Will the sidewalk on the eastern side of Bird from Willow southward to the trail be improved? Will it be widened and marked to indicate that bicycling is allowed? Will there be signage at the exit of the adjacent Walgreens parking lot alerting drivers to the trail-users on the sidewalk?
16. IS, Fig. 5: “Hervey Lane” is misspelled.
17. IS, Fig.5: at the far right end of the graphic, the plan does indicate an access point – with a “fruit crate gateway element” – to the adjacent neighborhood near Padres and Creek Drives.
18. IS, p.14, Environmental Evaluation “Determination”: if the project proposes the demolition of a qualified historic structure – the Willow Glen Trestle, the impact on “Cultural Resources” cannot be mitigated to a less-than-significant effect, and thus a thorough evaluation of alternatives with a full Environmental Impact Report (EIR) is required.
19. IS, p.29, “Cultural Resources”: “One built environment resource, a railroad trestle of a standard pattern, is located near Lonus Street.<sup>4</sup> However, no known National Register of Historic Places or California Register of Historic Resources listed, determined eligible, or pending properties were identified in or adjacent to the APE as a result of the records search, literature review, and/or field survey.” The footnote 4 says “Improvements to the railroad trestle across Los Gatos Creek were evaluated in the Initial Study/Mitigated Negative

Declaration for the Los Gatos Creek Trail- Reach 4 (2004).” Again, this is a reference to a decade-old short-form evaluation, and does not acknowledge the more recent findings that were provided for the Trestle IS/MND. The information in the IS is therefore incorrect and should be augmented with current information.

20. IS, p.30, Line 5(a): for the question, “Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?”, the “Potentially Significant Issues” box should be checked if the demolition of the historic Willow Glen Trestle is contemplated.

21. IS, p.46: Again, there is also trail access at Hervey at Falcon Place, and there should be an access point at the southern end of Falcon to connect to Padres and Creek Drives (as shown in Fig. 5).

In summary, aside from the document inconsistencies and some questions and concerns related to traffic impacts and the movement of trail users, a primary concern remains with the Willow Glen Trestle – is a historic structure that should be appreciated, preserved, and incorporated into the trail system. An EIR, as is now being sought in court, is required for any project that proposes its demolition. This IS/MND is inadequate if the trestle demolition is part of the project, since an EIR is triggered due to the significant environmental impacts.

I look forward to reading the City’s responses to each of my enumerated concerns.

I’m glad that the City is proceeding with plans for creating the Three Creeks Trail: it will become a much appreciated addition to the community and to the City as a whole.

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cc:

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