

Transcript of the Quarterly Meeting of the State Historical Resources Commission
at the Presidio of San Francisco, at The Golden Gate Club, Ventana Room
135 Fisher Loop, San Francisco, California
April 18, 2016, 9:00 a.m.

Item XI.A.2, Willow Glen Trestle over Los Gatos Creek, in San Jose, Santa Clara County, at Local Level of Significance

Transcribed by Larry Ames, 9/26/16.

(Time-marks, speaker's names, and added words are indicated by [brackets]; omitted stutters and unconnected clauses are indicated with tildes ~~~; inadvertently repeated words are simply omitted.

References to page-numbers in the presentation graphic are given [in red].)

The audio recording is from the OHP website, http://ohp.parks.ca.gov/?page_id=21754
(A copy of the .MP3 file is at www.WGTrestle.org/SHRC_MM_201604_24.mp3)
and the graphics presented by the proponents are at www.WGTrestle.org/Sftalk.pdf .

[the topic starts at approximate time mark 1:18:40]

[Chair]

Okay, Staff, do you want to move on to the next one? Your choice.

[Staff report]

Willow Glen Trestle is a 210 foot open deck pile supported trestle approximately 25 feet tall at its highest point.

Spanning Los Gatos Creek in the neighborhood at Willow Glen, San José.

Constructed by Western Pacific Railroad at 1922, the trestle was intended to carry Western Pacific trains to a growing industrial district of San Jose without undue disruption of the existing Willow Glen Community.

The trestle is eligible under Criterion A for its association with the industrial development of San José. Until the arrival of Western Pacific Railroad, San Jose and its surrounding agricultural communities had only one choice for railroad access to their community: Southern Pacific, whose near monopoly on freight traffic allowed them to dictate higher rates to shippers.

By encouraging Western Pacific to enter the San Jose area, the two railroads were placed in competition, and Western Pacific gained access to a major regional shipper of agricultural produce. There were obstacles to Western Pacific's entry into the area, including concerns of neighbors and communities along the proposed alignment and resistance by Southern Pacific railroad who felt it was in their interest to maintain their transportation monopoly.

Completion of the trestle allowed access to a large industrial district, resulting in creation of a distinct branch of Western Pacific's operation in the San Jose area: the Willow Glen branch.

This branch included multiple commercial spurs serving approximately 20 to 30 shippers, passing tracks, two interlockings where Western Pacific tracks cross Southern Pacific right of way.

The property retains most aspects of integrity, with some loss of integrity, design, materials, and feeling due to removal of rails and tie-plates, and addition to this deck safety rail, but the property retains sufficient overall historic integrity to remain eligible under Criterion A, with all timber elements of the super structure still existent.

The nomination is prepared by a third party. The property owner, the city of San José, opposes the nomination.

The nomination has received 36 letters of support, including a finding by the city of San Jose Preservation Commission that the property was eligible for a local listing, and eight letters opposing listing, including multiple letters and document received from the city of San Jose which includes a historic assessment from a project EIR that determines that trestle was not eligible for listing in the National Register.

Staff supports the nomination as written and recommends that the State Historical Resources Commission determine that the Willow Glen Trestle is eligible for listing of the National Register under Criterion A at the local level as significant, with a period of significance of 1922 to 1965.

Staff recommends the State Historic Preservation Officer approve the nomination for forwarding to the National Park Service for a listing in the National Register of Historic Places. That completes my report.

That concludes my report.

[1:21:40]

[Chair]

Thank you.

So, I'm not going to repeat everything, but I'm just going to emphasis again that each side has 20 minutes.

I have 11 cards in support – that's going to be tremendous time management for that side, so you could, ~~~, so each side has 20 minutes so you're going to need to allocate [it] yourselves, then each side will again have 5 minutes, okay, and I do want to remind you guys that, that's really not about to come up on this one, but it's we're only looking at the National Register Criteria, not any social or economic matters related to the nomination or nomination property, so we'll start with the proponents: again 20 minutes you please allocate yourself, state your name when you begin to speak.

[Susan Brand-Hawley:]

[Thank SHPO and council] for the Department, it's a pleasure to speak before you. I'm Susan Brandt Hawley of the Brandt-Hawley Law Group and here on behalf of the Friends of the Willow Glen Trestle. I will leave the specifics of the nomination to those who know the most about it; I just wanted to mention that, as often happens before this commission, the impetus for opposition to the nomination is the City's desire for demolition, and that is not relevant to what is before you so we are not going to address the EIR process, the CEQA issues, or the City's plans for demolition, because we know, as the Chair has mentioned, that the only issues before you are the qualifications for Nomination.

And I also became aware just today that there is a contention that this commission's action is in fact a CEQA action, its identification of historic status, and this occasionally comes around every number of

years, as a question, but, in fact, there is no CEQA problem with this Commission considering the eligibility of the Willow Glen Trestle.

Thank you.

And Larry Ames, head of the Friends, will speak now.

[1:24:00]

Thank you.

I'm Larry Ames. [1] We are third party nomination –the Friends of the Willow Glen Trestle.

We're not really historians – [2] I am an aerospace engineer – but we all live in the area there, and they're all interested in preserving some of our local history.

We want this to be a “place-making” feature for our neighborhood.

[3] San Jose is more than just a sea of Suburbia: [4] it does have some older neighborhoods, with a variety of different houses, residential neighborhoods, commercial streets. We helped over 30 years ago to save the house on the right [Buffington House] by helping getting it declared a City Landmark.

[5] We have been working on a variety of creeks and trails in the area here, too – creek trails – along the Los Gatos Creek, the Guadalupe, the Coyote, and then also the 3 Creeks Trail.

This trestle is at the intersection of ~~~ the trail on the 3 Creeks trail where it crosses the Los Gatos Creek – it's at the red star there.

To just show the level of community support, I want to very quickly show the green star there where we did [6] a community based project where we did an Urban Stream Restoration project, where we turned [7] barren ground, [8] through a lot of community involvement, [9] into a large open park – a 10-acre park and restored habitat. And, in the process [10], we changed state laws, energized the entire community and made the whole area aware of the Creeks.

And I think this project here is doing the same thing: making the neighborhoods now aware of their history, their agricultural past, and the importance of saving things. ([11] I'm also got me some more work to do, so those are my credentials.)

So, anyhow, talking about the railroad itself:

[12] When we moved to San José in 1979, it was still an agricultural area: there were truckloads of tomatoes that were going off to the canneries. And the trestle there, in the picture of a 30 years ago, and it looks like it does now.

But the City recognized that the area was changing, the railroads were going to go away because canneries were leaving and so in 2000 they came up with the GreenPrint for recognizing it as a Trail right of way.

[13] We in the community had to remind the City of that when they first considered selling off the land for a residential development. Through a decade-long process, half the right-of-way is now in city ownership. (We still need to get the other half bought!)

[14] We in the community helped the City get some funding: We gave presentations to different groups. I gave presentations to State Senator Jim Beall, and part of the presentation featured the historic connections here, because the trail connects the History Museum at Kelley Park, over the historic trestle, to the housing area where the cannery was, where they still have remnants of the cannery – the water tower, for example: the historic connections.

[15] And then three years ago, the City rather abruptly decided to change plans, and so, we in the community worked to raise public awareness of this thing: [16] we wrote guest editorials in the newspaper, and we got three major editorials in the main paper of San José in support of this trestle. [17] We gave tours to the public: a lot of public interest in this, so the public came out to see this thing. This trestle is accessible, but it is kind of hidden, so giving the tours helped a hundred people become aware of where this place is. [18] We gave presentations before neighborhood community meetings.

[19] An interesting thing: the Historic Landmarks Commission has a photo contest, so I entered a picture of it two years ago, came in a finalist. [20] The following year, three of the seven finalists were pictures of it: the public had become aware of it – it's got their attention, and they're interested in preserving this piece of history now! [21] It got to be such a big issue that it became the lead story in the year-end review!

Now, despite all these efforts, the City was going ahead with their plans to demolish it, so we had to sue the City to have them do an Environmental Impact Report. [22] That's not the topic here, but it does say that the trestle is strong, it does need to be repaired, it does not impede the stream, and it doesn't hurt anything.

[23] Then we also brought it before the City's Historic Landmarks Commission; had a standing-room-only meeting there. Very strong support, and the Commission unanimously recommended that it be granted City Historic Landmark status. [24] But then the Council decided to override it, and declared that it was not historic. And then, the following month, [25] the Mayor gives me a presentation award saying that it is historic – I'm not quite sure what to think!

[26] But, anyhow, the trestle is still there, it's still standing, it's in limbo and everything is just sitting there this past year, and so, with your recognition, we might be able to save this thing. [27] We're hoping it will be a connection between the Silicon Valley of today and our agricultural past – the Valley of Heart's Delight.

Thank you.

Next, I want to invite Seth Bergstein to talk. [29]

[1:28:55]

Good afternoon, members of the Commission, and State Historic Preservation Officer. My name is Seth Bergstein, I'm Principal and Owner of PAST Consultants, a certified architectural historian for the State of California.

I want to try to lay out how we derived some of the association here for this because it's really quite interesting.

If we take ourselves, and I'm going to talk more than show a lot of images here, if we take ourselves to around just before World War I, [the] City of San José is in a very interesting position. The 4th Street railroad alignment, which Southern Pacific Railroad occupied, was causing a major traffic nightmare throughout town. A lot of editorials in the newspapers, a lot of concerns. The city of San Jose was also quite concerned the Southern Pacific had a freight monopoly.

Essentially all freight traffic was controlled by the Southern Pacific Railroad at this time.

The City of San José saw a fairly disadvantageous position at this time, and they decided not to grant Southern Pacific its next franchise to run the railroad through the city, which expired in 1918. What this enabled them to do is to delay this decision and then sort of create leverage so that the Southern Pacific would have some sort of competition and they could hopefully get the 4th St. alignment moved.

So what did they do?

Well, in 1913 they came in and they invited members of the Western Pacific Railroad, which actually was developed out of the Denver Rio Grande, you see right here in this image here, and essentially what the Western Pacific was trying to do with this time was to make a decision on whether they were going to take charge of some of the freight in the area.

A leader of that movement was T.S. Montgomery, who was actually a board member of the Western Pacific Railroad and also, as San Jose residents know, one of the leading financiers of the region there. There are several large existent building attributed to Montgomery including the Twovy Building and the Montgomery Hotel. He essentially was, for lack of a better term, a railroad baron, only for the Western Pacific Railroad rather than the Big Four.

Montgomery was fairly smart: he already control all of the land around Willow Glen by owning one realty company – the Standard Realty Company.

They had all exclusive rights to the property around the Western Pacific alignment.

So what Montgomery and the board decided to do upon their invitation, was to say they take the challenge. They would build a branch line, from Niles, which is of course near Fremont, and in to San Jose and take the City of San Jose up on this offer.

This occurs in the early 1920s, and the trestle is completed at the Gateway to the cannery rich region of west San José.

Now, in order for them to do that, what they had to do with essentially construct a very very large – I'm a go back to here [29] for a minute – when you can see a very large hook-like shaped that is circling around Oakland comes and comes into San Jose in the west. This is to avoid the Southern Pacific tracks at the time.

There was other wrangling going on, in that the city was trying to get both railroads to share a union station. Montgomery and the board with actually quite smart, knowing that would reduce their ability to create revenue on the line, and they decided not to do that, but they continued to be the sort of pawn that the city of San Jose was playing to try to get Southern Pacific to break this monopoly.

So at this time, there is there's an interesting thing going on and that is local farmers – farmers and growers in a very fruit rich region of San Jose – had only one option: Southern Pacific Railroad for competition. And they also could not access Southern Pacific's cars unless they had a large enough volume of product.

What the Western Pacific did was essentially serve the little guy.

They came in with something called the “Less-than Car Load” or an LCL which would enable a farmer or a small grower to be able to take advantage of actually getting their fruit shipped and not have to go through the Southern Pacific. This is one way that that Western Pacific was able to break into a market that was, remember, very monopolized at the time.

So the railroad wars continue, and we're approaching World War I.

Okay, now the war delays any kind of franchise of being determined because the government takes over railroads for the war effort.

When World War One ends and the railroads are returned to their respective boards of directors, the city of San Jose decide not to grant Southern Pacific a franchise.

Instead, they granted it to the Western Pacific for the sole purpose of getting competition into the region.

This now fosters the decision for Western Pacific to construct the line; they do so and what you're seeing right [33] now before you is a map of essentially what it would look like post 1922 and after the Willow Glen trestle is constructed.

So essentially, what this does is this brings in a lot of competition for the city of San José; it fosters development – if you look at our image right here [30], we have Willow Glen circled in a roughly off white pattern, we have the Willow Glen Trestle in pink; all the industry is to the right of that, which is actually northeast on the map, which was essentially constructed as spur tracks to serve industry, and by 1958, although the packing district is changing in San Jose at the time from all the suburbanization, there is still essentially a lot of traffic going on here, and what's interesting is every single train has to cross that trestle to get there – there is no other way to do it. So essentially this is the gateway to a rapidly expanded amount of industry.

Now when you look at the stats, you can look at shipping totals, things like that, it's very difficult to determine exactly where and how things were shipped based on very rough stats from various railroad resources.

However, it was clear, based on just something as simple as apricots and prunes, which are the mainstays of the San Jose the economy this time, Western Pacific – the year they broke in – quadruple the shipping of that product drive through in the essentially the first year.

By the third year there, they'd gone almost eight-fold.

And, what was more important, was that in local newspapers, we're reading editorials at this time that say that the small shipper is being served – there is greater competition.

Okay, now that there's the other association for development here is the fact that Willow Glen remains residential, and there's reasons why this happened.

Willow Glen was going over issues about incorporation over fears of the Western Pacific alignment coming into town and this is going on in editorials in the newspapers at this time if one reads them.

That first incorporation vote in 1917 did not happen, and largely because Montgomery was quoted in the paper saying he will absolutely make certain that no industrial construction will occur in Willow Glen. And what then happens beyond this is that, when we get into the 1920s, the Southern Pacific is still trying to figure out how they're going to fit in and how they're going to grant a franchise.

San Jose continues their negotiations, and they finally get, at the end of the story, Southern Pacific to move their alignment off of 4th Street, relieve this traffic congestion, and essentially doing this by inviting the Western Pacific into the town. And then the sort of the other development, and this is evident throughout Willow Glen today, and you'll certainly see this in your in your National Register packet, there are photographs of existent resources. If you if you look at block and lot map, and there's also copies of the nomination, and you check them out you will see Montgomery Standard Realty Company flanking all this alignment. And then when you drive these neighborhoods you see wonderful existent 1920s - 1930s residential neighborhood that remain exactly as they were constructed. So this

evidence of residence is quite there in Willow Glen; and for folks that live there, Willow Glen still retains this kind of leafy collective residential character.

I just want to show you on this map here [30] – it's difficult to read, but there's a list of about 40 clients for the Western Pacific. The other interesting connection is that is that T.S. Montgomery also owned and controlled, through his own connection to the food industry, about 80 percent of product before he builds this railroad. So he's a smart man, he knows how to do it. He knows how to play politics and he knows how to get things done, and he does keep his promise to keep Willow Glen residential, and I'm going to close on that so we could have others talk.

You'll see that arrow at the Willow Glen circle: that is the only industrial spur line in Willow Glen – it was a lumber yard. There was no other industry in Willow Glen. So despite Willow Glen's fears – and to close the story – at the very end Willow Glen does incorporate for a very brief time, and why do they do this? – because now they can keep the Southern Pacific out later when they try to get their franchise.

Thank you. I want to turn this over some supporters of the trestle.

[1:38:00]

[Chair]

This is a reminder of the time you got four and a half minutes.

[Scott Lane]

(yeah. you want to line up behind me.) [35]

My name is Scott lane. I grew up in Willow Glen. Very much an amazing structure that's here; to me a lot of what happened in the Silicon Valley actually started here: you know, Less-than-carloads, innovation; making this a very modular bridge. And it still seems to keep the character to this day, so I think it was the start of amazing things in Silicon Valley. But it kept the amazing residential character of the 1920s and 1930s.

[1:38:40]

[Martha Heinrichs]

Good afternoon, commissioners, I'm Martha Heinrichs, a long-time resident of Willow Glen. As a family historian, and genealogist, I realize that it is through historic preservation that our resources are recognized, appreciated, and protected, so that future generations may benefit from them.

It is only then, when we tell the stories of our ancestors, as they relate to a particular historic event, and the preserved historic site, that we can really see the true picture of what made us all what we are today. This 94-year-old Willow Glen Trestle is still standing tall and strong, an important representation of our local history, during that era when Santa Clara County was known as the Valley of Hearts Delight. Thank you for your consideration.

[1:39:50]

[Heather Lerner]

Thank you for hearing us today. I'm Heather Lerner, also from Willow Glen neighborhood.

You know, these bridges have such a lore for so many of us that can't be replaced by a bridge in a box – it's just metal manufacturing. Of course so many of our relatives, our grandparents who worked in the cannery, we know some people may not care about that, but for us, it's a direct link to that.

I can actually got to ride my bike across this trestle yesterday. I probably wasn't supposed to do that, but I did it anyway, so we're big fans of rails to trails.

I want to direct your attention to a website called bridge hunter.com, and it actually shows the lore of all these bridges, and which ones are still available, and which ones are you know, pending doom, and which ones we've lost. So please check out bridgehunter.com. Don't take my word for it to check it out to know about that lore of bridges.

Thank you.

[1:40:30]

[Gayle Frank]

Good afternoon. I'm Gayle Frank, and I'm on the board at Preservation Action Council of San Jose, and we strongly support this nomination of Willow Glen Trestle; and as Larry mentioned, it's been a popular subject for our historic photo contest in San Jose and last year 3 of the winners – the topic was the Trestle.

Thank you.

[1:41:00]

[Laura Levin]

Good afternoon my name is Laura Levin, community member. I wrote one of the letters of support for listing the Willow Glen Trestle in the National Register of Historic Places. The trestle is an authentic link to Santa Clara County's agricultural heritage, as the Valley of Hearts Delight.

Thank you for your attention.

[1:41:25]

[Deborah Arant]

My name is Deborah Arant and I'm a resident of San Jose. I just came to say that we strongly support the preservation of the trestle, and that it will make a wonderful contribution to show, in living history, what our values to be.

Thank you.

[1:41:50]

[Larry Ames]

Thank you for considering this thing. We want to keep this as a feature for our neighborhood, as a welcoming icon to our neighborhood.

[Chair]

Still 41 seconds – anyone else? You guys have done an amazing job, logistically speaking. ~~~ Okay.

[1:42:15]

[Severn Edmonds]

Severn Edmonds, a native of San José; home is right up against the trestle. For years, I have admired and saw the value of it; saw it in action, and even rode trains across it – thanks to some good crews who let me do that. And I can only wonder what significance that had in the area that I just really embrace feel very passionate about; and I'm being emotional about it, but I can't help but impart that to you.

Thank you, Mr. Burg, for receiving and Staff for receiving the letters that I sent you with different

organizations – they're also very much in accord with seeing the value of this very structure and what it represents.

Thank you very much.

[1:43:00]

[Chair]

Thank you, so we will now hear from the opponents. Again, 20 minutes. I do have five letters, or five cards of the individuals that would like to speak. So should probably go and start.

[1:43:15]

[Martina Davis]

Thank you, Mr. Chair; Staff, Commissioners,
My name is Martina Davis and I am serving as Historic Preservation Officer for the City of San José. I'm here as a representative of the City today.

The City of San Jose is a certified local government. We are committed to the preservation of historic properties and structures.

[can't hear well; adjust mic]

Thank you. We the city are a certified local government and San José is committed to the preservation of local historic structures. The City has an inventory over of over 3800 historic structures including 13 historic districts and over 200 individual designated City landmarks. The City has evaluated the trestle for historic significance numerous times over the past decade or so, and each time find that this property is not a historic resource. The city is opposed to this nomination.

As part of our various efforts in evaluating the trestle in 2004, we actually sent a referral to the state Office of Historic Preservation, pursuant to section 1 & 6 of the National Historic Preservation Act. At that time SHPO determine that the structure is not a historic resources and did not qualify for the National Register.

The pending nomination reports of the trestle significant on the local level: the City has spoken on the local significance. After considering public testimony, much of what you heard today, the opinion of expert staff and expert consultants, as well as the landmarks commission recommendation, the city council denied the historic landmark nomination for the trestle, so the trestle is not Local Historic Landmark.

As part of our diligence in evaluating the trestle, we sought the advice and expertise of Mr. Steven Mikesell, who's a noted expert in the evaluation of bridges and trestles.

Mr. Mikesell has more than 30 years of experience in the historic preservation field. He was for 10 years the Deputy State Historic Preservation Officer and has worked at CalTrans and with several environmental consulting firms.

He's also experienced at evaluating Historic bridges in railroad properties.

He's the author of the book of the book, Historic Highway Bridges of California, published in 1990, and has just completed a book on the Stairwell Railway, published this year.

He's also recently completed a National Register Nomination for the I Street Bridge in Sacramento, and it's completing a nomination for Rail-Town 1897 for State Parks.

Due to Mr. Mikesell's extensive expertise, the City chose him to assist us with our valuation.

So again, I want to reiterate that is a Certified Local Government, San Jose is opposed to this nomination. We do not agree that the trestle is significant on the Local Level. And with that I'm going to turn it over to Mr. Mikesell to elaborate on the analysis.

Thank you.

[1:46:00]

[Steve Mikesell]

Good afternoon, Commissioner,

Thank you, Martina,

just two quick points because I'm assuming that you did get in your package a copy of the report that I wrote, going on two years ago now.

1st point was, as shown in the report you have a copy of, I did it evaluate this under National Register Criterion A for its association with Western Pacific and the development of the fruit-packing industry in San José. And I acknowledge that the fruit packing industry obviously was very important to San José, and having a second line come in is a valuable addition. I just found that it was kind of a stretch to go from this rather modest trestle to making a case for significant associations with the fruit-packing industry. It's not the way that bridges are typically evaluated under Criterion A.

All bridges serve a useful function: they get a railroad or highway from one side of a river to the other side. Having said that, significance is usually something more than that. While I was evaluating that, just so happened that at the same time I was evaluating the significance for this trestle I will reevaluate significance for the I Street Bridge in Sacramento, which is a 1911 movable span that carries the trunk line of the Southern Pacific from Oakland to Chicago, and carries it over the Sacramento River, which is a major crossing. And as such, the bridge is really quite significant under Criteria C, but under A because it carries the trunk line over a major crossing that it's the oldest example of – that is the kind of example of that that's a Kind Criterion A is – that's how you establish Criteria A significance for bridges. Frankly, I couldn't make that leap from this one modest trestle to significance under Criteria A.

Point number one. Number 2: This is just to say – shouldn't need to be said, but I'll say it anyway. No one ever asked me to say this is eligible or not eligible. The City decided, or what really was compelled to do, an extra study of this bridge when it was ordered to prepare an EIR for the trails project.

And the judge didn't say that it needed to be found to be eligible for the National Register, local listing, he just said it said that it needed to be studied in greater detail, which I did. And I said the city, you know, called me to do that because I have quite a bit of experience in dealing with bridges and railroad properties.

So I did my due diligence, and no one at the city ever asked me to say it wasn't eligible – I wouldn't have taken the job if they had. I did my due diligence. I found it was not a significant resource under the National Register or the California Register or even the City of San José Landmarks.

Thank you very much.

[1:49:30]

[Pierluigi Oliverio]

Good afternoon, I'm Pierluigi Oliverio, Council member for the city of San José, actually this geographic region of the city for 10 years, resident for 46 years.

For the common majority the residents, they don't even know the structure exist.

It sits behind Mr. T's Liquor Locker, which is a liquor store, and it's really not known – only through the lawsuit that this become an issue as you saw who the clippings in there and most of the residents, I would say, are sort of overwhelmed by why would anyone want to stop the trail from being connected, which is been the case for two years.

In your package you have EIR which is city spent nearly 1/2 million dollars on, for part of that is historical. This you have Steve here. I really hope the board will ask any questions at the historical expert in the room.

As noted, our Landmarks Commission, which has no historical certain historians on the commission, voted to make it historic. Our expert was in the audience and not a single question for the expert, who's obviously credentialed in many ways.

Also on your packet you have a letter for Mayor, and it that he reiterates much as what Martina said that the city is already done a great job at the historic preservation, whether being neighborhoods or structures, we have a process. As the local agency, we know the local connections best from the residence of growing up in the City.

The council has received input on this numerous times. And numerous times it is acted to move forward.

We've done that, as a mention by the comments that we contacted your agency, and your agency said it's not historic. So then we went on to the next level and did the very expensive historical report and there again not historic.

Local government grapples with structures that are often found to be nostalgic, but are not historic. And there needs to be a process where there's consistency, otherwise anyone who is not credentialed can call any structures historic and then creating this problem then for local government with litigation, losing money, et cetera, but again the report is very clear: it's not historic.

We agree with the analysis that the Office of Historic Preservation originally gave us, and with the report, the feasibility of rehabbing the trestle is very not positive, and in regards to the actual permitting agencies that was issue with a permit they don't want the structure in the waterway because it's an abomination of the environment, of taking 95 creosote soaked telephone poles and putting them in the waterway because that conflicts with a habitat that can happen there, so in any event, this is the affirmation from the from the historical report the city council.
Thank you for your time. I think we have some other speakers.

[1:52:25]

[Taisia McMahan]

Hello, I am Taisia McMahan, and I'm President of the Friends of the Three Creeks Trail, an organization committed to the connection and completion of the trail.

The trestle up for consideration today is a significant threat to the trail completion. And you have a group of very passionate, very active people who I have worked with, supporting the trestle in its historic designation, but it is not representative of the actual population of San Jose and a majority of the people want to be able to use this trail, to walk across it, to get to their jobs, get to the train station. And, although I appreciate their enthusiasm, enthusiasm does not equate to historic, affection does not equate to historic.
Thank you for your time.

[1:53:15]

[Bruce Tichinin]

Mr. Chairman, Commissioner, Good afternoon, my name is Bruce Tichinin. I'm legal counsel for Friends of the 3 Creeks Trail, Inc., a California nonprofit, dedicated to the establishing the Three Creeks Trail. In our March 23rd letter to this commission from Ms. McMahon who just spoke tells you about the important of the trail.

I'm here today to make 2 points.

First of all, this proposal to list the trestle presents you, this commission, with perhaps first with a sad choice, perhaps for the first time, perhaps historically, to choose between which of two relics of the past you will preserve and which you will allow to be destroyed.

Now you're all on this commission because of your demonstrated passion for preserving significant relics of the past for the enjoyment future generation.

The first relic is the trestle – it is man-made and lifeless.

The second relic is the officially threatened California Central Coast Steelhead and the Chinook salmon. They are natural and alive. To me it's an easy choice.

My colleague, legal colleague, Ms. Brandt-Hawley, said that you have no CEQA problem in considering listing of the trestle. I agree completely with that phrasing: there really is no legal problem from CEQA, there is however a legal requirement under CEQA. Because this project may have a significant effect on the environment, and it's documented in the San José EIR on the Pedestrian Bridge proposal, the long term adverse impacts of removing the trees that shade the waters and preventing the dispersal of large wood downstream we will have those two long-term adverse impacts on threatened species of fish. And therefore you are required under CEQA to prepare an environmental impact report unless you just flat out disapprove of this historic listing.

I'd be happy to answer. Any questions. Thank you very much.

[1:56:00]

[Chair]

Think you, so that was the last speaker card that I have, you still have 7 minutes left, if one of the speakers who'd already spoke would like to add any additional comments, if not then move to close it.

[Pierluigi Oliverio]

I'd like to defer to professional planning staff, or our Historic expert but in lieu of them getting up, I'm just going to continue on that.

Yeah, I'm going to read from the letter. In addition the city evaluated the feasibility rebuild the trestle and concluded that there was not a viable option. If you were to physically examine the trestle, you would see that most of the structure is charred and fire burnt. In San José, like much like much of the State of California, we have a homeless encampments, and the homeless often cook where they sleep and that is directly underneath this trestle, and this trestle has caught on fire numerous times, and our fire department has documented coming out to extinguisher the fire, whether it was accidental or arson.

So there's a variety of things that you tackle here. I know you're supposed to have a narrow focus on historic, but there are other things there, and I I'm certainly available for any questions, but I certainly want to make the commission available to anything on historic or anyone else from the city.
Pierluigi Oliverio. Thank you.

[1:57:25]

[Yves Zsutty]

Yves Zsutty, City of San José: I manage the trail program for the City of San Jose. San José has one of the largest urban trail networks in the country and we have a very ambitious goal of inter connecting those trails.

As people have mentioned the Three Creeks Trail, trail connectivity, this project is important because it impacts that issue.

We develop the project that was clear span the creek and resolve the environmental issue and produced the bridge crossing that can be used 365 days a year.

The trestle structure has been subject to fire numerous times. I've walked this structure multiple times, and two years ago I decide I'd never walk it again, because of the fire damage to the structure and the general deterioration.

When we purchased the land, the railroad corridor, it included the trestle, but it also included a mile of property. That land has been cleared and cleaned to the Dept. of Toxic Substances Control requirements, there were no conditions about that, we were happy to clean up that environment, and we've worked with the community over multiple years to prepare a Master Plan for this trail, for that connection that leads to downtown San José. And that we recall the history in that corridor, we're putting water tank structures that educate children in the community of a water tank pressure to support this rail line.

We have interpretive stations about the iris gardens that were farmed adjacent to the corridor, and we have canning labels and history about the entire corridor and its surroundings.

The trestle is, again, a wonderful nostalgic, structure for people to recall, but I'll tell you personally and not as a city staff, when I grew up in Willow Glen, my parents live in Willow Glen since 1961, and when we have dinner with them, they say, where is that trestle? No one, from their perspective, even knew where it is.

That concludes my comments.

[Chair]

(Please fill out a speaker card.)

[Taisia McMahon]

I see people looking at that picture [35]. That is not the trestle that we're talking about today. That is not an accurate photograph of the trestle. Just so you know.

[Chair]

Anybody else from the opponents? Three and a half minutes? If not, we'll close. Okay. Twala, if you'll reset the clock so again. It's now 5 minutes for the proponents as a rebuttal.

[2:00:05]

[Larry Ames] [35]

That is the trestle on the left. On the right is a little bridge, showing how we could do the railing. Trestle's on the left.

So, I'd like to thank again, and say that we'd like to keep the real thing rather than some plaques and diagrams, and I'd like to introduce Wayne Donaldson.

[2:00:30]

[Wayne Donaldson]

My name is Milford Wayne Donelson. Chair Brandes, Members of the State Historical Resources Commission, Secretary Polanco, in your position today as SHPO, and Council Lynch, I'd like to remind everybody, for maybe 5 seconds here or so: 11 years ago, the Commission met in this very room, to listen to over 400 people. Chairs all the way to the wall and standing room only, to two large districts being nominated, and it was all about community, and that's what I want to address today: community.

The 1966 National Historic Preservation Act, which created your commission, is celebrating its 50th year. The purpose of the act says "the historical and cultural foundation of the Nation should be preserved as a living part of our community, life, and development, in order to give us a sense of orientation to the American People." – that is the purpose of the act.

But I'd also like to remind you all that this is under Criteria "A", which is associated with industrial and economic development of the San Jose community, not "C".

And as all of you know, these linear resources, whether they be bridges or railroads or old highways or airports or transmission lines or water resources or trails, are always difficult because they change over time. We know they change over time.

But more importantly, the San Jose Preservation Commission voted unanimously – there was one person that was absent – and I listened to the audio tape of the Commission. In Commission there, Marilyn Messina, "said I think it's wonderful, to see a group of people, and so passionate and dedicated about preserving something. Something unique and special in your area and the history, and it's very gratifying to see that."

But more important, the chair, Ramiro Torres, said, "even if it only lasts 50 years" – he's referring to a report in the EIR – "I should think that should not be up to us at this point, our generation, to make that determination that it should be torn down. I have a 2 1/2 year old, and maybe then 50 years now, his generation can say "yes" to rebuilding the structure, or if it's too old, may be replaced. But at this point, if we're going to last another 50 years, let's keep it."

So I think it's important, when we're looking at these, is that there's a need for every generation and every community to discover these "pieces of lost gold", as William has always said, is that in the beginning of the National Historic Preservation Act, we had a lot of Placer gold, where you could just pick up gold off the ground, but now we have to look for these special things, like these mid-Century Modern and how we keep these going.

So, when we're looking at Willow Glen, I think it will give us again another sense of this orientation to community to establish not just what was at that time western San José, but to all of the members of San José.

Also, I think it's important that we can all benefit from saving these structures – there's an economic value that's still there, there's a kind to tell the history that relates to other points.

In closing, I'd just like to say a few items:

if you want to talk about the 2004 letter, I'm available to do that because, in all due respect, the City council member's totally confused on that letter that I wrote in 2004.

the steelhead have been living a long time, over 100 years in that stream, and in fact the EIR says to leave the bridge alone,

and I recommend that the city of San Jose take care of the homeless.

So, in closing, I highly recommend that we follow the staff's excellent report and that you direct the State Historic Preservation Officer to forward this nomination on to the Keeper for listing in the National Register of Historic Places.

Thank you.

[applause]

[2:05:15]

[Chair]

Thank you, so just Twala, if you will reset o'clock so 5 minutes. Now for the opponents' rebuttal.

[2:05:30]

[Steve Mikesell]

Well, I didn't realize, when I came here today, that it'd be dueling ex-SHPOs, and Deputy SHPOs, on the same issue.

I don't think either one of us is from San José.

I guess what my rebuttal ~~ I have nothing but the highest praise for Wayne Donaldson, and I all the people who are this staff, and some people from San Jose.

I guess I would only ask you to consider the difference between sentiment and history.

~~~ The difference between applying "nostalgia" and applying the National Register criteria – I'm sort of old school, I guess: I go back to the first job I had when I got out of grad school was on the National Register Staff, as these guys are here. And I spent a lot of time trying to learn how you did apply the criteria for listing in the National Register. I continue to believe that it's important that you do that, ~~~ that there needs to be thoughtful evaluation, thoughtful analysis, of what separates one example of a resource type from the others. And I have spent a career doing exactly that. And almost all of that career evaluating bridges. And I'm going to repeat an early thought which is that bridges are inherently interesting and useful resources, but, the logical extension of that is that you list every bridge. But if you're not prepared to list every bridge, and I don't think you should, because that makes a mockery of the whole sense of significance, -- if you are going to apply some method for separating the wheat from the chaff, the important from the unimportant, I suggest that what you should be applying is the National Register Criteria for evaluation, which is your basic charge as being a member of this commission. I continue to believe that if you do rigorously apply those criteria for evaluation you wouldn't list this bridge.

[2:08:10]

[Bruce Tichinin:]

Chairman, members of the commission, again, Bruce Tichinin, Council, Friends of Three Creeks Trail. The gentleman who spoke before the last one, sorry I didn't get the name, if I understood him correctly, the EIR said to leave the bridge alone, meaning the trestle alone? Assuming that I got that much right, I would like to point out that, number one, I read that EIR and found no such statement in it, and number two, such a statement would have been completely at odds with the finding of the environmental impact report that the trestle constitutes a long-term adverse impact on the steelhead and salmon and number three, for the gentleman to prove that the EIR said that would be for him to do what I did and append an exhibit to his statement an excerpt from the EIR that makes that statement. Thank you.

[2:09:30]

[Pierluigi Oliverio]

Thank you again for your time and attention.

The big [issue] again for local governments or any government is trying to figure out which structures truly are a historic. And if we do things by nostalgia and we don't follow process, then that's problematic. So why would we then have historians? Why would we have historical reports?

I think we need to treat things equally and have a process. And in this case we went through a process. We had a very knowledgeable historian produce a report and then the elected body [approved in the EIR]. There was no challenge to the report. Through the EIR/CEQA process any individual can challenge the report, but they didn't because it's solid, and it was exact[?] and I my guess is it wasn't challenged because there's no money to make off of it because it claiming [garbled] but the candid that you know we've done the EIR, we've done the historic, so again. Thank you for your time, and claiming this item to be historic may just leave it there until it crumbles or burns down because permit-issuing agencies may never issue a permit [in the] waterway.

Thank you.

2:10:40]

[Chair]

Good. Thank you.

Like to thank you all for your time management, well done.

So now it's closed from the Public. We will turn it over to the commission.

[off-mic question]

Okay, ~~~ is this a CEQA issue?

[2:11:10]

[Legal Staff]

Thank you, Chair Brandes and members of the commission.

Shortly after the meeting started Mr. Tichinin, who is the council for the Friends of the Trail, handed me a letter and essentially, as a stated in his testimony, his letter is that this commission cannot act on making a determination that this bridge is historic without complying with CEQA.

And there's no cases on this at all, and the definition of a project under CEQA is "an activity by a public agency or private activity which must receive some discretionary approval by government entity which has the potential for a direct physical change or reasonably foreseeable indirect physical change to the environment."

As you know, this commission reviews whether or not a property meets the National Register Criteria for approval, and it's my – I mean there's no case law to rely on, but it's my opinion that that ~~~ this is commission's determination does not result in a direct physical change in the environment. You can determine that property eligible, or not eligible, or whatever you wish, but that's not going to be the cause for the change in the environment.

As you know, you can still approve something for the National Register and it could still, you know, at the end of the day be demolished, or you could say something is not historic in it could be saved. I mean your decision is what I'm saying is not equal to a direct or indirect physical change on the environment. Thank you.

[2:12:50]

[Chair]

Thank you. Now, before it's turned over to the Commissioners, one remember commissions as well as we're only here to look at the applicable criteria and not, you know the social economic determination or other factors.

So there any Commissioners that would like to start some discussions.

[2:13:15]

[off-mic]

[Commissioner (Alberto Bertoli)]

Sorry that mic didn't work.

Is there any chance to get a short reading of Criteria "A", so we can make it public?

[Chair]

A short summary of Criteria "A". William, would you like to do?

[2:13:45]

[William Burg]

"Properties can be eligible for the National Register if they are associated with events that have made a significant contribution to the broad patterns of our history."

[2:14:15]

[Commissioner (Elizabeth Edwards Harris)]

Thank you for all the testimony.

I was particularly interested in the additional historic evidence that was provided under Criterion "A" during public comment. And I'm very impressed with the local community's ability to continue to add to the historic report.

I also think that the nomination should pass under Criterion "A". If it was under Criterion "C", I think that ~~~ many of these argument for addressing the viability of the resource under "C", and it wasn't – it was listed under "A".

I think it's been evidenced. I think it's in further evidenced by the public comment.

Also, the two factors that really stood out for me was the additional input of the economic history, and the additional connection between the bridge and the residential [community], which is important

factor under criterion “A”. ~~~ I also want it to recognize the comment that Wayne Donaldson made at the very beginning which is to discuss the importance of historic resources being defined within the community.

And I do not feel that what was presented today was “nostalgia”. I think there was a lot of credible evidence here to show that this is, in fact, a piece of history.

And I will remind the Commissioners that what they do with the bridge is up to the local jurisdiction, how they integrate the bridge and work with the environment – I know we’re all very concerned about that – is up to the local community.

But in terms of whether or not this nomination was credible under Criterion “A – I believe that it was.

[2:16:45]

[mic problems]

~~~ [garbled, testing mics] Hello!

[2:17:15]

[Commissioner (Adrian Praetzellis)]

Well, you know I’m merely an archaeologist here, so I show that I don’t really count, but I have some understanding of the National Register Criteria. And just to be perfectly honest, when you have someone of Steve Mikesell’s eminence telling you the criteria “A” doesn’t apply, that goes a long way for me, and I wonder if, you could bring him back up? Is it okay to bring Steve back up?

~~~

Okay, well you know the whole business here is whether the resource meets significance under Criterion “A”. And I wondered, you know ~~~, the Staff nomination makes a strong case, or makes a case.

I don’t like to put you on the spot but I’ve just put you on the spot: could you tell us why don’t you actually think ~~~ that really works. You kind of have addressed that in your previous remarks, but maybe kind [of summarize it]

[2:18:30]

[Steve Mikesell]

Well, the report’s a couple years old, but that’s fine. I mean, I did write it and I remember pretty well. The [significance? of Criteria A] is finding the relationship between this modest trestle and the ~~~ development of the fruit packing industry in San José. That if you were looking for some resource that would commemorate it, I think I would be looking for a fruit packing shed somewhere in San Jose, or I think I would be looking for a depot or some freight shed that was used by the Western Pacific that actually is directly and significantly associated with the development that we’re talking about. ~~~

I found and continue to believe that the relationship between this trestle and fruit packing industry in San Jose is pretty tangential, pretty weak, it’s a reach for me to make that connection.

[2:20:00]

[Commissioner (Elizabeth Edwards Harris)]

I think that the presentation of the proponents, especially – I’m sorry, I can’t remember your name – Seth Bergstein and the initial gentleman who spoke [Larry Ames], did make very strong arguments exactly for this connection. And I also – I am an architectural historian and I’ve studied a number of bridges and connections, and I do think that that connects the story also having to do with the

residential part is very important, especially when you're opening up a bridge and creating connectivity. [We] see a lot of these arguments for very significant bridges, but this is one that happens at a smaller scale and at a local level.

But I seem to think that today's public presentation really added to the story.

And finally, the evaluation of cultural landscapes is relatively relatively new in terms of historic preservation, and this as a piece of a larger landscape has a lot of significance, and we are not dealing with the demolition, but to be able to have that piece as part of this local landscape history, I think, is a valuable reason to have it placed on the National Register. Under Criteria "A".

[2:21:55]

[Chair]

Marshall did you want to go?

[off mic]

Rick, any comments?

[2:21:20]

[Commissioner (Rick Moss)]

Well, it trying to decide on the broad significance of Criteria Level and significance and we have some Criteria A and I know the argument was made that ... [sigh]

It's hard to determine whether this trestle really impacted the history of the fruit packing in your vegetables or whatever around the San Jose area. Which may have some truth and validity to it, but I was thinking well, for the trestle to have been built and to generate the kinds of business decisions around the development of the railroad industry itself and around San José, so this some kind of social impact that was important and one of the reasons why the, you know, the trestle is built was to stimulate commerce and competition. So that says "yes" in generally speaking, it did have an impact in the social impact that significant, and I'm also thinking well as this little trestle, is it not historically significant but still eligible? I don't know if that makes any sense at all, but I was thinking then that it's either that or it is historically significant and eligible.

Right now, if I were to rule on this, I would say it is definitely eligible for listing on the register and leave it at that. Without taking into account all the other mitigating factors in the arguments that were presented and well by both sides. It's difficult but if I were to cast a vote now would be for yes. I think it is eligible for listing.

[2:24:20]

[Chair]

So a couple comments.

These are the ones that are really interesting to me because, you know, as I do represent the public, I don't have an architectural history or a discipline like the rest of them.

But what make this even more difficult,

[mic cuts out]

[you can hear] every other word?

When I started, I had Wayne as the SHPO and I had Steve as the Executive Director to the SHPO – Deputy SHPO. So, to me, this is like two professors you know, building your education in this knowledge

and so, going through, of course, yes, we go through and read you know the information given to us at the beginning and you know try to formulate where you would make a decision.

And, honestly, I went back and forth. And I really you know listen to the comment about you know the nostalgia and then also to Steve's comments about you know. I'm not sure if you caught it, but he write, he's the author of Historic Bridges of the State, and I have a question about why wasn't it in there? But, for the context of that book, and maybe you'll correct me if I'm wrong, but the context of that was at the State level. So this is probably not significant on the State level, but Criterion A is a local level. And me, I definitely went back and forth, and I definitely believe it is a significant to the local level, and that's definitely the way I'm going to vote – without revealing how I'm going to vote.

But, anyhow, this is interesting, and if there aren't any other Commissioner's comments, we're probably ready for a motion.

Who's got a microphone that works?

[2:26:50]

[Commissioner (Alberto Bertoli)]

A few words ~~~ Yeah, yeah. A few words of my opinion on this issue.

There are several things.

Number one: I was not born here, I was born abroad. Therefore, for me to have nostalgia, for an object like a bridge, I can not say that. I don't live there either, so I didn't hear about the bridge until today.

But I do remember, and I still practice in, my profession.

The idea or the concept that it took me to this entity here, and I keep reading the title of our work, our commission, Office of Historic Preservation for the state of California.

So now as I think about the bridge, the object, and I start to see all sorts of connections.

Timber construction was very important at the turn of the century. When you happen to be in a state where timber is plentiful, in particular at the beginning of the 20th century.

And from that point of you have a significant in a very very very low means, if you compared to the other parts of the world and moment everybody else was doing concrete bridges, right? But here, in a very small modest community they decided to use the materials that is local. Timber is here in California. And timber construction that we can throughout, everywhere.

So, from that point of view, sitting on this commission, I feel that it is extremely important that we can protect those few pieces that are hidden here and there.

They are hidden everywhere, and we should try to keep him up in the eyes of everyone and in the future for admiration and observation, the status of the names of the next generation of the children in the school and in the schools of architecture so I could take sure the students.

To find structural systems in architecture is always a struggle. It is a marriage between the two within the architecture expiration of the building and the structure that allows us to do all remote in this nature? When we look at this object, the subject of discussion, the connection between the structural system, which is really fascinating, and the final product, it has a visual enhancement, a visual presence, that they become, to certain degree, very unique.

And, from that point of view, I think it wholly qualifies what I would effort to try to preserve it as much as we can.

So, I will suggest to my colleague commissioner is to give “si” vote to the idea of preserving the subject.  
Thank you.

[2:30:20]

[Chair]

Do you want to make that into a motion?

[Commissioner Bertoli]

Yes, I would like to make a motion to accept and approve the nomination as it has been written.

[Chair]

a second?

[Commissioner Harris]

I’ll second. Beth Harris.

[Chair]

I’ll call for a roll vote.

Alberto? Aye

Adrian? Adrian – Aye

Beth? Aye

Marshall? Aye

Rick? Aye

And Bryan Aye as well.

The motion carries unanimously.

[applause]

Before moving forward, we just spent quite a bit of time speaking in favor and against. Any additional comments? [inaudible] Thank you.

[End of topic at time=2:31:45]