



Save Our Heritage Organisation
Saving San Diego's Past for the Future

Tuesday, October 11, 2016

Hon. Chief Justice Tani Gorre Cantil-Sakauye and Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

Re: Support for Petition for review, Civil No. S237378
Friends of Willow Glen Trestle vs. City of San José
and Request for Depublication

Honorable Chief Justice and Associate Justices,

The *League for Protection and Architectural Heritage Association* cases have made clear that when a historic resource not listed in the California State Register is threatened, the 'fair argument' standard applies to the question of whether the resource meets criteria for listing in the Register and is thus treated as historic for purposes of CEQA review. Expert opinion is sufficient to raise the 'fair argument,' and an EIR process is then triggered, providing consideration of feasible alternatives to the demolition of a historic resource.

Three cases now, including the subject case, have held to the contrary, that the 'fair argument standard' does not apply, which leads to the demolition of historic resources because one development-driven report asserting an opinion of ineligibility for the State Register can override abundant expert testimony that the resource is eligible. The result is demolition because there is no EIR to consider the feasibility of adaptive reuse.

Numerous important historic resources will certainly be lost if this case is not reviewed or depublished. SOHO requests review, grant and transfer, or depublication.

Thank you for your consideration,


Bruce Coons
Executive Director
Save Our Heritage Organisation (SOHO)

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Friends of the Willow Glen Trestle v. City of San Jose, et al.
Case No. S237378

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of San Diego. I am over the age of eighteen years and not a party to this action. My business address is 2476 San Diego Avenue, San Diego, CA 92110.

On October 11, 2016, I served a copy of

Letter in Support of Review or Depublication

 x By emailing a copy to counsel as listed below.

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Attorney for Amicus Curiae

I declare under penalty of perjury that the foregoing is true and correct and is executed on October 11, 2016.


