

**City of San Jose's
Draft Environmental Impact Report for
The Three Creeks Trail Pedestrian Bridge Project**

To: City of San Jose, Planning Department
Attn: Harry Freitas, Director
John Davidson, Senior Planner

CSJ Proj. No: PP13-085

Subj: My Public Comments

RE: PP13-085 ~ Public Draft of the EIR for the Three Creeks Trail Pedestrian Bridge

After review of the Public Draft of the EIR for this project I am providing written comments during the Public Review Period that ends March 13th, 2015.

My overall comments regarding the Draft EIR:

1. The tone of the documents subjectively discusses and described the Willow Glen Trestle negatively and the resulting analysis reflects biased opinions, not quantifiable data and facts.
2. Does NOT adequately address the issues raised in the July 2014 Superior Court Ruling.
3. Does NOT address my original assertion that this is 'the ONLY remaining 1920's RR Wood Trestle Bridge in San Jose and Willow along this Historic Rail line'
4. Based on the above items, the Draft EIR should be Rejected and they should start over and rewrite the entire document.

The following citations support my assessment of the Draft EIR. These citations discuss very important issues that are not addressed in the Draft EIR.

In December 2013, I submitted a letter to CSJ's Planning Department regarding the Three Creeks Bridge's IS/MND documents during the Public Review Period, in which I raised several issues that are not addressed in the IS/MND. These included two significant findings that were not adequately evaluated – 'Scenic Vistas' & 'Historic Features'. I further discuss that recent documents were discovered since the preparation of the 2004 MND that brings into question the City's determination that the 3 Creeks Trestle Bridge is not an historic feature. My letter states:

"The '3-Creeks RR Trestle Bridge' is the Only Remaining Original 1920's Railroad's Wood Trestle Bridge along this Historic Rail Line. The '*Valley of Hearts Delight*', as

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Silicon Valley was historically known as, was a major source of fruit for the entire region. This historic RR line connected the Orchard in south San Jose to the old Del Monte Cannery of Willow Glen

Since 2013, the Court case was settled on Jul 28th 2014 between the Friends of the Willow Glen Trestle and the City of San Jose which prompted the preparation of this EIR. In the court Ruling, several important issues are discussed.

p. 3, starting in line 3, states ...

"The prior 2004 MND for a trail system that proposed incorporating the existing trestle is the City's main evidence for its conclusion that the Trestle is not a historical resource. **The evidence from 2004 is, at best, sparse and conclusory.** The 2004 Trail MND the City relied on did not propose any "substantial adverse change" to the Trestle ... There was no analysis of the potential impacts of the Trestle's demolition or consideration of alternatives to demolition in that document as demolition was not proposed."

p. 11, starting in line 16, states:

"Willow Glen archive **material "discovered in 2008" may make the Trestle "eligible for listing in the State Historic Register under Categories 1, broad patterns of local or regional history,** and also possibly under Category 3, embodies the distinctive characteristics of a type of construction"

p. 12, starting in line 15, states:

"The Dec. 16th 2013 letter from licensed landscape architect Susan Landry quoted above, was submitted during the public comment period and **can also be considered "expert opinion supported by facts"** as she is presumably relying on her specialized training as an architect in stating that the Trestle is historic and is the only remaining 1920's wood trestle on this rail line closely linked to Willow Glen's history."

p. 13, starting in line 5, states:

"Most importantly, **nowhere in the record does the City challenge the assertion that Willow Glen archives were found in approximately 2008** and given to one of its public libraries nor does it challenge anyone's credentials"

p. 13, starting in line 23, states:

"None of their [City of San Jose] credentials or the key fact they base their opinions on (the discovery of archive materials after 2004) was specifically challenged or evaluated anywhere in the record."

In addition to my overall Comments, I have the following Specific Comments:

Chapter 1 – Project Description

A. Provide a Plan View & Elevation of the Existing Trestle Bridge:

1. Figure 2-1, Bridge Plan shows only the Proposed Bridge in Plan View and Elevation. There is NO reference to the location of the existing Trestle Bridge, the 'Bents' or the extent of its Embankments. The Retro Fit Project Appendix is the only place there are elevations of the Bents, but they are not located on any map.
2. The main discussions that supports taking out the existing Trestle Bridge sites numerous problems with the Bents and Poles in the existing channel and that taking them out is better for the environment. If this is the case, then a topographic map with the locations & elevations of the Bents is necessary to properly assessment the impacts if the Ex. Trestle is removed.
3. The size of poles, the number of 'Bents', their location, quantity and orientation has to be shown on an Existing Site Plan with reference to the Elevations in the Retro Fit Appendix of the document.
4. Figure 2-1's Elevation identifies the Ordinary High Water Line, but it is not identified on the Plan View. Without this information, the impacts of the removal of the existing bridge and the installation of the new bridge on the creek channel cannot be properly evaluated.

Chapter 3 – Environmental Setting, Impacts & Mitigation

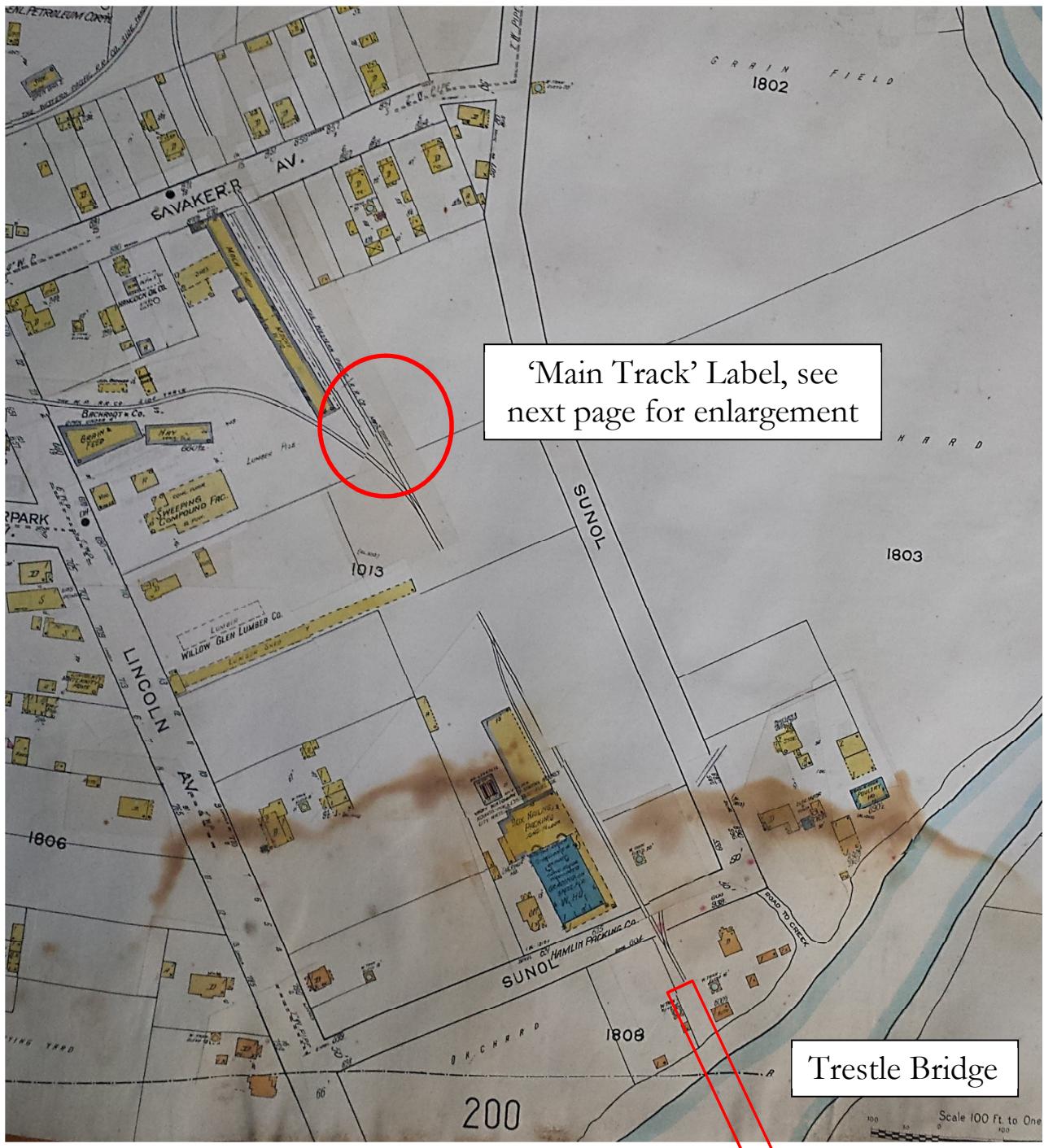
A. The Evaluation of Aesthetics is subjective & the Facts don't support the Conclusion:

1. Item 3.1.3 Environmental Impacts – states that Los Gatos Creek is preserved in a relatively natural state with a dense corridor of riparian vegetation and generally considered to be a Scenic Amenity. Some community members consider the "Trestle Bridge to be of Visual Interest that evokes the early period in Willow Glen's Development, ties in with the historic architecture elsewhere in the community and is a visual reminder of the early railroad history in the area."
2. The Report does not dispute the fact that the Railroad is important. In fact, the entire Report supports the above opinions, stating throughout, the significance of the Railroad to the development of this Region and that Willow Glen became a City specifically because of the Railroad and San Jose's proposed location for the tracks. Where is the assessment of what the loss of the Trestle Bridge will mean to Willow Glen? It has been stated that this is one of only a few remaining 1920's wooden trestle Bridges in the San Jose area. Its loss in that context has not been evaluated.

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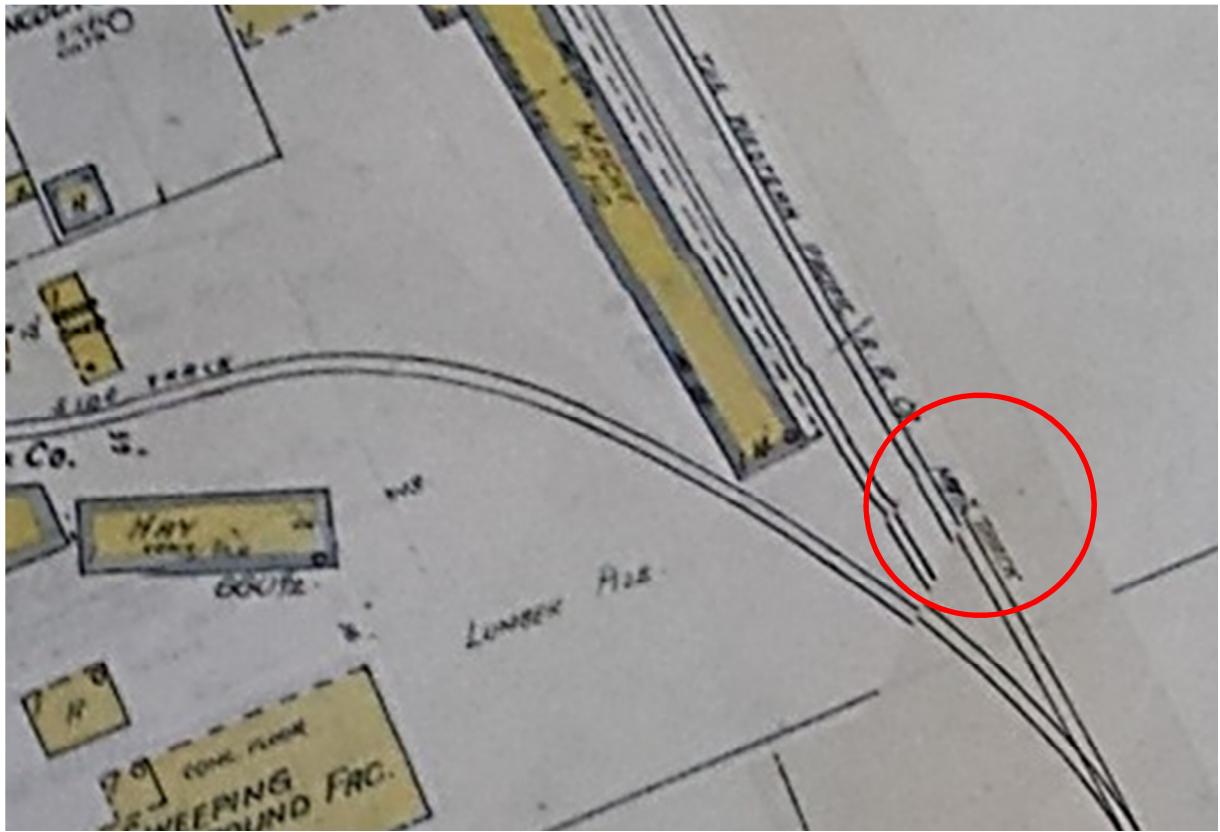
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3. The Report also states that this Bridge is part of a 'Secondary' Line. This is not correct. According to the 1932 Sanborn Fire Insurance Maps in San Jose's MLK Library label this section of the RR as a 'Main Track'. Sanborn Maps did not show all the RR Information because they were for Insurance purposes. Refer to the following Map:



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(It took less than ½ hour to find this Map. Why isn't this referenced in the Report?)

3. The 3 Creeks Trail Master Plan, which originally included this Bridge, emphasizes Railroad Operations and uses this theme throughout the entire length of the trail. **The Trail signage even includes a graphic of a Train Engine.** Page 3-3, par 1 of the report describes the new elements included with the new bridge, such as 'two large emblems' representing WPRR & UPRR and interpretive panels suspended mid deck". This means that, the overall project acknowledges that the Railroads were extremely important in the development of Willow Glen and that this information needs to be shared with the community and the users of the 3 Creek Trail Corridor and Los Gatos Creek Trail.



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4. If the History of the Railroads in Willow Glen and its contribution to the 'Valley of Hearts Delight', as this valley has been called, is so important that the entire Trail will be highlighting this history, then the Trestle Bridge needs to be considered a 'major contributor' to this history. Why take out the only remaining element from this historic period in time, only to then add signage and interpretive elements that describe this period in time, with nothing to show for it.
5. Page 3-3, par. 3 in the report states that "the proposed project would represent a visual change from the existing Trestle; however this difference would not constitute a substantially adverse visual impact". But page 3-5, par.1 states "the new bridge would alter the visual character of the Ex. Bridge from that of an Old Trestle Structure, an example of early railroad architecture, to that of a more Modern clean-line structure" and that 'the new bridge would be a more prominent structure.' Whys is 'Modern' better? This is a subjective opinion and based on the fact that the overall project will be highlighting the history of the Railroad, a 'Modern' look is not compatible with the goals for the project.
6. The assessment on page 3-3, par 3 states a subjective opinion – "the new bridge would have aesthetically pleasing form and architectural finishes" i.e. therefore is does not constitute a substantially adverse visual impact. Aesthetics is subjective. The new 'clear span bridge' is a generic, off-the-shelf design that is used all over the country. This does not reflect the history of Willow Glen and it does not create a 'Sense of Place' along the Trail Corridor.
7. The Evaluation Criteria – does the proposed project "Substantially degrade the existing visual character or quality of the site and its surroundings" describes that the new bridge will be more visual to the people on Coe and Lonus Streets, as if that's a good thing. Why? It is stated that this is a 'natural riparian corridor'. As such, shouldn't the trees be the dominant element?

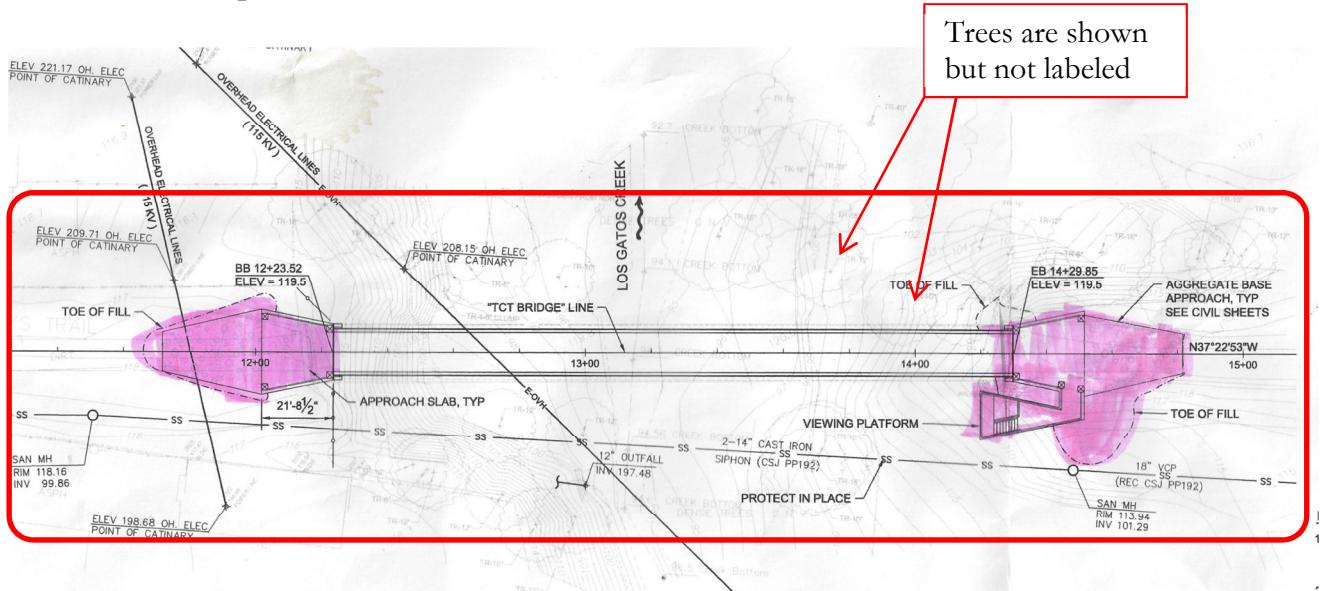
B. The Biological Surveys Not Adequately Mapped & Impacts Not Clearly Identified:

1. No Map is provided depicting the locations of existing trees, the limits of work and the locations of the replacement plant materials. Without this information an adequate assessment is not possible.
2. Page 3-13, item 3.3.1.1 states that a biological survey was conducted and it references Fig. 3.3-1 which shows only three general vegetation communities. The descriptions of these communities give extensive detail of the plants genus and species, which means they were surveyed, but the quantity of trees to be removed is not identified or located on an Ex. Conditions Map. Without this information an adequate assessment is not possible.
3. Fig. 3.3-1, Vegetation Communities Map does not delineate the limit of work, but page 3-20, item 3.3.3 stated that the proposed project will result in the temporary disturbance of

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approximately 0.25 acres (10,890 sf) of mixed Riparian Forest. This is not quantified. Without the map, how was this determined?



4. The report further states that the “temporary impacts are not considered significant because the site will be restored to the pre-project conditions”. Because the pre-project Ex. Conditions are not adequately identified, this conclusion is not supported by facts. How many trees and shrubs are being removed or impacted? Normally in an EIR the plant material replacement ratio is identified based on the size and type of existing plants to be removed and a list of replacements plants genus and species is provided. This is not in the report. Without this information an adequate assessment is not possible.

C. Creosoted Timbers & Ecological Toxicity levels well below levels Toxic to Fish

1. Page 3-18, Item 3.3.1.5 Ecological Toxicity states that the Ex. Trestle Bridge contains creosoted timbers. Additional information is included in Appendix D.
2. Creosote is a wood preservative that has been used for over 150 years to preserve wooden structures. Up to 90% of the chemical formulation of creosote are PAH's, polycyclic aromatic hydrocarbons, which can be toxic to plants and animals in large quantities and can accumulate in the aquatic Biota. These are serious problems that need to be addressed thought the country.
3. Page 3-19, Migration in Terrestrial Environments states that studies of creosote migration in terrestrial environments has focused on railroad cross ties. Par. 2, last sentence stated that “PAH loss rates from creosote treated wood declines exponentially with time”
4. Appendix D, page 6 – Project Specific Considerations states ‘The Pileings comprising the 3 Creeks Bridge are, for the most part, not new (the bridge was built in 1921) and are likely well past the point where meaningful quantities of creosote constituents (PAHs) are

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leaching into the environment – either to the creek or to its terrestrial, riparian margins.”

And further states ‘Our current knowledge of the behavior of creosote and its constituents in older creosote treated wooden structures suggests that leaving the pilings of the 3 Creeks Bridge in place will not pose a risk to the terrestrial or aquatic receptors’

5. With the above said, the argument that removing the creosote pilings would be better for the environment is not supported by the facts identified in Appendix D.

D. The Trestle Bridge meets the Eligibility Criteria for Historic Features:

1. Page 3-28 – item 3.4.1.2, National Register of Historic Places Eligibility Criteria, Item A and C are to be applied to the evaluation of the Trestle Bridge. Item A – [Objects] that are associates with events that have made a significant contribution to the broad pattern of our history. Item C - [Objects] that embody the distinctive characteristics of a type, period or method of construction.
2. Appendix F, page 15 discusses the development of Willow Glen. It states that this area was “incorporated as a City in 1927, in a large part because of the disagreement with the City of San Jose about where the SPRR should build its north-south alignment.”, San Jose sought to force SPRR to move the line, which would bifurcate Willow Glen.
3. The Willow Glen Trestle Bridge, although not part of this original north-south line, it is the only structure left from that time period.

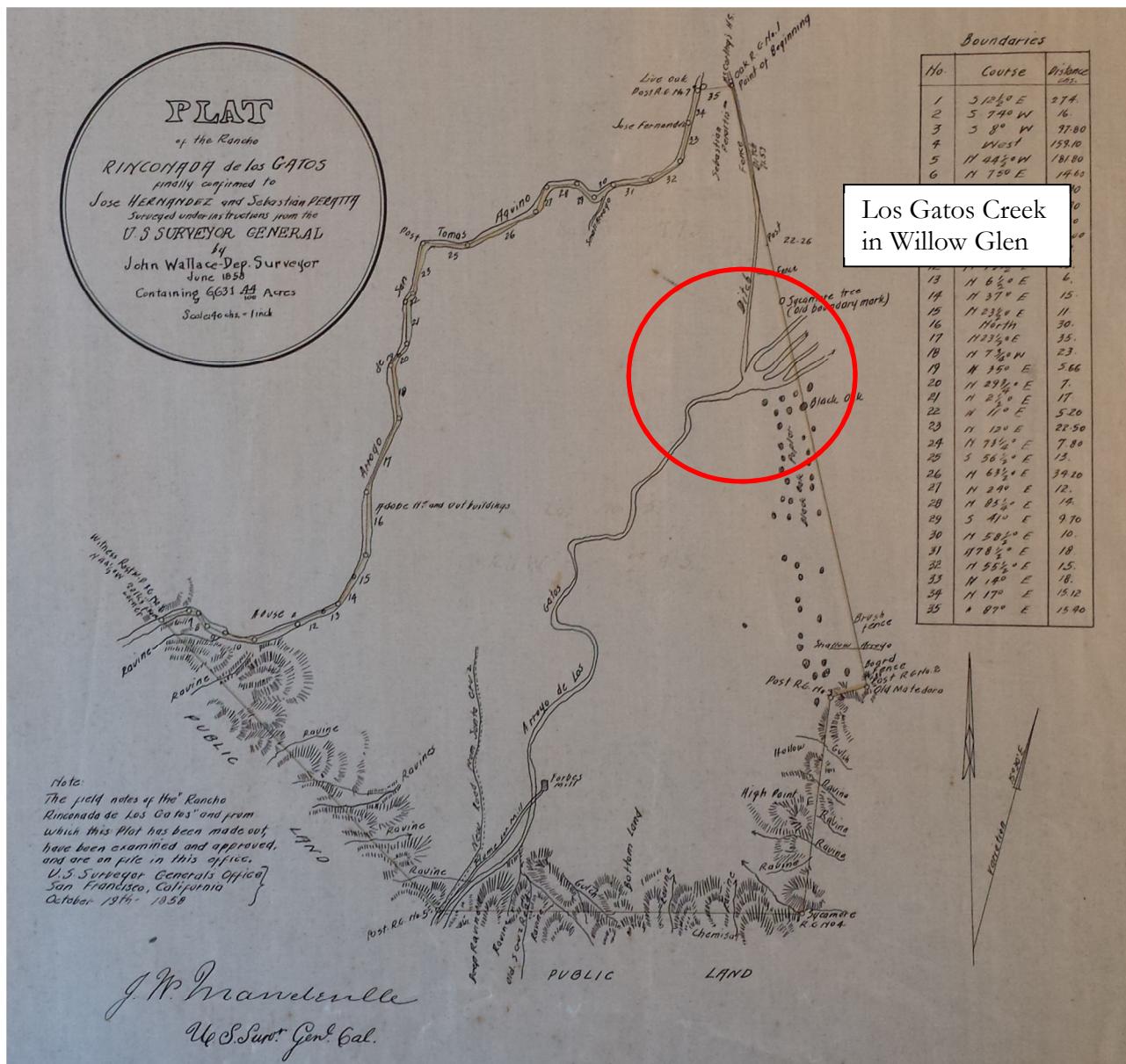
Additional Information related to the Project History of Los Gatos Creek

1. Page 3-15, Item 3.3.1.2 - Wetlands and Other Waters stated that “the creek has been modified for over 70 years; beginning in the 1960’s, when the creek was diverted into a concrete gulch through Los Gatos”. This is only partially correct.
2. Willow Glen means ‘Willow Swamp’ which describes the historic conditions of the area. Downstream from the main channel of Los Gatos Creek, this area was historically swampy because the creek became braided, spreading throughout the area. Sometime in the mid-1850’s Los Gatos Creek jumped its banks in the Los Gatos Area, before Campbell, which diverted it northerly, away from Willow Glen. This resulted in Willow Glen ‘drying up’. One of the local legends is that the creek had help jumping its banks by some of the owners of the ‘swamp’ lands in the Willow Glen area, thus drying up their land, allowing houses to be built on their property.
3. Los Gatos Creek’s historic alignment is now Dry Creek Road, the bottom of the original creek is now the paved roadway and the homes are at the old top of bank. Historic 250 year old Sycamore trees are still present along Dry Creek Road. This historic alignment traversed

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from Los Gatos to the western edge of Willow Glen, where it then became braided, with several channels directing the creek towards Guadalupe River.



In Summary:

Based on the above items, the Draft EIR should be Rejected and they should start over and rewrite the entire document. The tone of the documents subjectively discusses and described the Willow Glen Trestle negatively and the resulting analysis reflects biased opinions, not quantifiable data and facts. Does NOT adequately address the issues raised in the July 2014

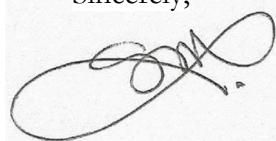
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Superior Court Ruling. Does NOT address my original assertion that this is ‘the ONLY remaining 1920’s RR Wood Trestle Bridge in San Jose and Willow along this Historic Rail line’.

This letter and my comments are to be included in the Public Record for City of San Jose’s Draft Environmental Impact Report for The Three Creeks Trail Pedestrian Bridge Project.

Sincerely,



Susan M. Landry, Environmental Architect

Designing Spaces Between the Natural & Built Environmenttm