

California State Historical Resources Commission
Spring 2017 quarterly meeting, Pasadena CA
May 10, 2017

transcript by L. Ames, 5/14/17

Stutters and duplicated words are omitted; clarifications [in brackets].

Red numbers are **hr:min:sec** time-marks or **[chart numbers]**.

Charts are online at www.WGTrestle.org/WGT_PasadenaTalk.pdf

Video is online at:

<http://cal-span.org/unipage/index.php?site=cal-span&owner=CSHRC&date=2017-05-10>

Commissioners present:

Alberto Bertoli* – architecture

Janet Hansen – Deputy Manager History of LA

Luis Hoyos – professor of architecture CalPoly

Adrian Praetzellis* – archeology

Rick Moss* –ethnic history

Marshall McKay* – folk lore [chair]

Bryan Brandes* – the public

Adam Sriro – archeology

* also present at the April 18, 2016 hearing in San Francisco

Agenda Item X-B1: the Willow Glen Trestle

time mark: **2:12:30**

[Chair McKay]

I guess we'll move on to the trestle.

[staff summary]

[William Burg]

This properties being nominated to the California Register Historical Resources

The Willow Glen Trestle, located in the city of San José, Santa Clara County.

The Willow Glen Trestle is a 210 foot, open deck, pile-supported trestle, approximately 25 feet tall at its highest point, spanning the Los Gatos Creek in the neighborhood of Willow Glen, San José.

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

The trestle is eligible under Criterion One 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 the community: Southern Pacific, whose near monopoly of freight traffic allowed them to dictate high 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 to the area, including concerns of neighbors in communities along the proposed alignment and resistance by Southern Pacific Railroad, who thought it was in their interest to maintain their transportation monopoly.

Completion of the trestle allowed access to allow a large industrial district resulting in creation of a district branch at Western Pacific operations in the San Jose area – the Willow Glen branch.

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

The period of significance for the property is 1922 - 1965 from creation of the trestle until the decline of a canning industry locally.

The property retains most aspect of integrity with some loss of integrity of design, materials and feeling due to removal of the rail and tie plates, and the addition of a deck safety rail, but the property retains sufficient overall historical integrity to remain eligible for the California Register under Criterion one with all of timber element super structure still extant.

The property is nominated by a third party, and has received 24 letters of support.

The property owner, the City of San Jose, opposes the nomination, and has provided a written response to the California Register nomination.

In addition the City Manager of San Jose asked for a rescheduling of the hearing for meeting closer to San José.

Because the nomination is ready for review, and there is no provision in code request rescheduling of hearing the request is denied by SHPO.

Per current California public resources code 5024.1 f 3: "if a local government objects to a nomination, the commission shall give full and careful consideration to the objection before acting up on the nomination. Where an objection has been raised, the commission shall adopt findings to support its determination concerning the nomination. At a minimum, the findings to identify the historical or cultural significance of the resource, and, if applicable, the overriding significance of the resource that is resulted in the resource being listed in California register over the objections of the local government."

The property was originally nominated to the National Register of Historic places and was reviewed by the State Historical Resources Commission in 2016.

The property owner, the city of San José, opposed that nomination. That nomination received 33 letters of support, including a finding by the city of San Jose Preservation Commission that the property is eligible for local listing, and nine letters opposing listing, including multiple letters from the city of San José.

In addition, an excerpt from the Environmental Impact Report Historical Analysis by consultant and a comment letter from the California Office Historic Preservation were submitted.

The State Historical Resources Commission voted to support the nomination, and the State Historical Preservation Officer signed the nomination.

It was returned by the Keeper of the National Register, whose decision was based on insufficient evidence for Criterion "A" significance being provided in the nomination.

The nomination was withdrawn and subsequently rewritten and revised by the applicant for California Register listing.

The city of San Jose's analysis concluded The State Register has typically listed trestles and other types of bridges based on Criteria at 1 and 3 and claimed that listing at trestle under Criterion one alone would be precedent setting because this trestle does not meet Criterion 3.

Their analysis also claim the trestle does not meet Criteria one because it is not associated with events that have made a significant contribution, broad patterns of local history or the cultural heritage of California or the United States.

In response to the issue of precedent, there is no requirement that trestles or any other type of property meet multiple California register Criteria in order to be eligible to listing in the California register – so there is no issue a precedent. This argument appears to be carried over from the city of San Jose's response the National Register nomination with also claim the Criteria “A” and “C” are always paired when nominating bridges. There is no such requirement.

Consultant reports prepared by the city of San Jose state the property is not eligible for National Register or California Register listing because this part of coordinated transport network. Railroad-related resources are inherently parts of a larger network and should be judged as elements in that network.

This report also compares the bridge to Western Pacific most dramatic bridges such as the Feather River Canyon and Southern Pacific bridges such as Benicia Martinez and I Street, but these bridges are primarily significant for their engineering that are criterion “C”, and thus a direct comparison between these bridges and a trestle is not an accurate comparison.

A follow up letter by the consultant reader reiterates that the property is merely “associated” rather than “significantly associated” with the local canning industry. The consultant and the City's report did not deny that the association with the canning industry exist, but minimizes the significance at the local level.

Western Pacific was not equal competitor for local Commerce.

The city of San Jose's comments reference the status as a certified local government, arguing that this provides them the authority to render a clear decision on the question of the historic significance of the trestle. However, the City of San Jose has not provided a unilateral stance regarding that significance. The City's Preservation Commission voted support Willow Glen Trestle's listing as a local landmark. This decision was reversed by the City Council; the justification provided by the city council for this decision was based on the needs of a concurrent project included removal and replacement of the trestle with the new steel Pedestrian bridge.

Determination of California register historical resource eligibility is based on whether the property meets California registry eligibility criteria, not on other economic or social factors.

Public comment in testimony provided by residents of Willow Glen and local history organizations highlight the significance of the trestle and what it means to their community, making a persuasive case that this admittedly minor and architecturally insignificant trestle is locally significant to the history of the community.

A second letter of the city of San Jose provide a comment that the initial draft of the findings document did not mention the Criterion One area of significance regarding the effect of the trestle on the history of Willow Glen. They also stated that the commission's practices require the applicant revise the nomination to be consistent with the findings. The reverse is true: staff is expected to base the findings document on the information contained in the nomination. The findings document has been edited to address this.

The letter mentions the NPS return sheet as if the property is ineligible for California register listing. While the return sheet indicates the property appears ineligible for National register listing, California

code of regulations 4852 C specifies “it is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in California Register. A resource that has lost its historical character or appearance may still have sufficient integrity for the California register, if it maintains a potential to yield significant scientific or historical information or specific data.

Upon this basis, Staff’s position is the property retains sufficient historic integrity for California register listing.

Staff supports the nomination as written, and recommends the State Historical Resources Commission determine the Willow Glen Trestle is eligible listing of the California Register of Historical Resources under Criterion One at the local level of significance, with the period of significance from 1922 to 1965.

This includes the Staff record.

[Chair McKay]

Thank you.

We’ll now hear public comments.

Stefan Michael-sell?

[Larry Ames]

Won’t proponents speak first? He’s the opponent.

[Chair McKay]

Either way. Go: proponents first.

2:21:48

[proponent presentation]

[Larry Ames]

Proponents first. Okay,

[1] So, yes, hi, I’m Larry Ames, one of the Friends of the Willow Glen Trestle.

A number of us are here supporting us here.

[2] This is a “third party” nomination: the Friends are a group of local residents interested and involved in historic preservation: we just want to save this piece of our local history.

Some of you may be suffering a case of déjà vu:

Yes, you heard from us last year: you found that the trestle impacted “the broad pattern of local history”, and then you unanimously recommended that it be added to the National Register at the Local Level.

But the City then lobbied “the Keeper of the Register” – (Gee! we didn’t know we could talk to them! but anyhow, they did) – and the Keeper then returned the nomination, saying he didn’t think it had significant impact on the overall of San José’s canning and fruit-production industry.

We never claimed it did: we said it had a local impact, on the area of Willow Glen.

And we’re glad the OHP system allows us a second chance here, and so we’re now to request that you directly take action, and to list the Trestle on the State Register.

[3] We are nominating the Trestle as “a resource of Local Interest”. We agree with Steve Mikesell and the City that the Willow Glen Trestle is not the oldest, tallest, or longest trestle in the state – it’s not even the longest or tallest trestle in San José – but it is of local impact to us here in the Willow Glen district, which was the formerly independent town of Willow Glen.

[4] Willow Glen is still like a small town in the middle of a big city, complete with our own downtown shopping district. It was founded in 1927, and remained an independent town until it was annexed by San José in 1936.

[5] We in Willow Glen have lots of community pride. It’s an active and involved community, with historic buildings we’ve saved, street festivals & parades, tree-plantings. We even held annual “Founders Day” festivals to honor the founding of Willow Glen – and as part of that, we published a walking-tour book honoring the history of Willow Glen. And, by the way, the main author of the book is the granddaughter of the state legislator who introduced the Railroad Act in the early 1900’s. So there’s a lot of railroad history in that book.

[6] We in the community are also involved in our parks and trails. In 2001, we learned that the local railroad had discontinued service and was selling off the land, so we pressed the City to acquire the right-of-way for a trail and parkway, rather than letting it be developed into townhouses. We gave presentations to various funding agencies, and we helped the City win \$6 million dollars in grants to buy the land, including the trestle. We told everybody that the trail would become a Historic Trail connecting the History Park over the historic trestle to the historic cannery district in the historic district of Willow Glen.

[7] The trail will follow the former Western Pacific railroad alignment – so the trail alignment becomes part of the trestle, it ties it together here. And the trail will connect the Los Gatos, Guadalupe, and Coyote Creek Trails – we call it “the Three Creeks Trail” The Willow Glen Trestle is at the juncture of the “3 Creeks Trail” and the Los Gatos Creek, and it would become the “place-making” iconic “gateway” to the district of Willow Glen.

[8] For many years, the City and the community worked together on plans to incorporate the trestle into the trail network. Then, abruptly in 2013, the City decided instead it would demolish the trestle and replace it with a catalog-order prefab steel bridge – and it decided to do that without adequate public review and without even consulting its own Historic Landmarks Commission or its Parks Commission.

We in the community sued the city under CEQA to get an environmental review and to have public input in the process. This has now been a 4-year-long process, one so complicated that I myself needed a flow-chart!

[9] So: why does the city want to replace the trestle?

The city basically said no one knew it was there and so no one would miss it,

[10] so we took care of that by giving site tours & presentations, writing newspaper articles and all sorts of ways to raise the public's awareness.

[11] Perhaps it's more convenient for the Public Works Dept. to buy a standard catalog item rather than to deal with the challenges of restoration – but the downside is that then all the bridges in the city would end up looking the same – already 7 of the 8 bridges look like this – and then if you do that, all local character is lost.

[12] The city did “jump the gun” and bought the new bridge before doing adequate public review: perhaps this is just to avoid admitting a mistake.

But we're not out to embarrass anyone -- we just want to save a piece of our local history.

[13] The City says trestles are “common”, but that's beside the point: what is important is how this trestle “impacted the broad pattern of our local history.”

Nonetheless, the city cited 8 bridges, and of them,

[14] one was demolished last year, another is being replaced right now, one is a plate-steel construct, one isn't even in the county, and the “Trestle thru Don Edwards” is actually a line of 3 squat concrete causeways.

[15] And that prefab bridge now sitting in storage? – We can recommend a number of good places in the city where it would be most welcome, so it's not going to be lost.

[16] Our lawsuit was to get the City to do the required EIR. And while the City has continued the legal battle, they did do the EIR.

And, while an environmental review is beyond the scope of this Commission, I just thought you might like to know that the Review found the trestle to be sturdy and readily adaptable for trail use; it's easily patched; it does not impede the flow of the creek, it's better for the habitat to just be left undisturbed. and also it is quicker and cheaper to restore it than it is to replace it.

However, the EIR also found that the prefab bridge would also work, and, given all the efforts the City has taken to-date, I fear that, if they could, they would choose that alternative if they could.

The only obstacle is the historic status of the trestle: unless it is officially declared historic, it will quickly be torn down, and replaced with something else, and then there'll just be a commemorative plaque honoring it.

[17] When the City did finally ask their own Historic Landmarks Commission about the trestle, the commission unanimously recommended that it be recognized as historic, but the Council was free to ignore that recommendation.

Last year, you unanimously recommended that the Keeper of the National Register add the trestle to the list – but that didn't work out.

Today we are asking that you list it on the State Register. Even if the city objects, at least it will have been a formal action by a group who will have listed it as eligible, for being qualified to be listed on the register, and that's good enough for an EIR.

And, while historic status by itself won't protect any structure from destruction, it is enough to tip the balance in an EIR when both alternatives are viable, and the decision is being made on such minor points as the 'departmental convenience.'

[18] So, I'm here to talk about the history.

San José is the oldest civilian settlement in California, and also its first State Capitol.

The first railroad came to town in 1864.

By the turn of the last century, there were trains from San José to San Francisco and LA, Santa Cruz, Oakland, and thru Niles Canyon over to the Central Valley and Points East, as well as a street trolley out to the spas in the first park in California.

The train thru San Jose literally ran thru San Jose – at grade, right down the middle of town, on 4th St. – it divided the town in half.

Also, it was the only game in town:

if you didn't like that Southern Pacific had a monopoly, well, too bad.

[19] Local interests, like "the California Prune & Apricot Growers", worked to bring in some competition, and in 1922 Western Pacific connected San José to the world.

[20] Western Pacific built a line from their station in western San José, past Willow Glen, around the south side of San Jose, looping around the east side of town, and up to Niles Canyon.

By looping around like that, in that giant "J" shape, they avoided impacting San José.

[21] As Mr. Mikesell points out, the community of Willow Glen did not incorporate as a town with the arrival of Western Pacific.

This was in large part based on the assurances of Western Pacific Director and local rail magnate, T.S.Montgomery, who gave his personal word that the Western Pacific tracks would benefit rather than hurt Willow Glen: as he said, there would be no "industrial plants" in town, and Western Pacific would strive to "beautify and not destroy" Willow Glen.

[22] And T.S.Montgomery was good for his word. This map of the Western Pacific tracks in Willow Glen and San José. (And, by the way, the map is oriented so that north is at the lower-righthand corner; the track to Niles Canyon are at the bottom left.)

The area highlighted in yellow is the community of Willow Glen, which you see was left residential: there is only one little spur-track, to serve the local lumber yard there. But once you cross the Trestle at the pink dot there, then the tracks splay out into an array of spur lines, serving a wide array of industries – canneries, ice factories, plywood stores, all sorts of businesses.

Also, we just recently learned that section highlighted in red there, between Coe and Willow Street, was the first section to be built, back in 1917:

Western Pacific – the goal here was Western Pacific was trying to get to the western side of San José, and it is not just some extension from the east-side depot: this was the original intent here all along.

[23] This is the same Western Pacific map, rotated and superimposed on a modern-day map, to show the extent of the area served by Western Pacific.

And back in 1922, San José was not that large of a city, so this is a significant fraction of the town, so it's not negligible.

Some of the development precipitated by Western Pacific and still extant today is shown, including the industrial building at the lower left was the Hamlin Packing Company (it's now Western Roofing), and also there a number of houses built, financed by the Western Pacific's – by T.S.Montgomery's holding company, and some of these houses are shown on the right-hand side, still existing there, showing examples of the development in the area.

[24] This map here shows “before” and “after” maps of Sanborn Maps, showing some of the area of development served by the Trestle.

So, before the trestle came in, it was grain and orchard fields, and after the trestle came in you have fruit-packing plants and machine shops and concrete manufacturing places and feed stores and oil businesses – a lot of development based on this.

[25] The history of Willow Glen is very much tied up with that of the railroads.

It did not incorporate when Western Pacific came to town, based on the assurances of T.S.Montgomery.

But Southern Pacific – that's the 800-lb gorilla here: it had freight trains and about a hundred passenger trains a day, and they went right thru the center of San José, and the City of San Jose wanted them out of town – out of their downtown.

[*] So Southern Pacific considered an alignment, shown in green here, that would be adjacent to the Western Pacific tracks, but Willow Glen didn't like that, but also it could not be done without permission of the State Railroad Commission – and without contracting with Western Pacific, so that did not work out.

[*] Southern Pacific then bought parcels there to have this alignment, shown in blue.

but the people in Willow Glen wanted grade-separations, because they did not want to be blocked by those hundred-some trains a day, blocking the traffic there.

[*] And so, in order to be able to require grade separations, they incorporated, and those are the city limits there shown in purple. They incorporated as a town

[*] so as to have the ability to require these as part of the franchise. They wanted to be sure that, for example, there would be a crossing there at Willow Street.

[*] Southern Pacific instead changed the route, and chose this red line instead so as to avoid crossing any roads in Willow Glen –

[*] but nonetheless they still crossed the town limits there, and so town of Willow Glen claimed it could still require the grade-separations; Southern Pacific said they didn't: it went all the way up to the U.S. Supreme Court, 1931.

[*] And Southern Pacific finally agreed to build the grade separations, and many of them are still extant today.

So, the Southern Pacific line opened in 1935, and once the line was built, Willow Glen was free to join San José, so in 1936 it became part of San José.

So, Willow Glen is very much tied up with the railroads, but Western Pacific didn't have to go thru these hassles because its impact on the community was far more benign, and also because the Director worked with the community rather than in opposition.

Willow Glen has remained a residential community – as promised; and I'll wager many of its residents once worked at the nearby canneries and other industries that were served by the Willow Glen Trestle. In fact, I think you've gotten some letters from some of the public that talk about living here and working there.

[26] But anyhow, so, where are we?

The City already has the prefab bridge in storage, and they have an EIR saying that it would work fine: just say the word and the trestle will be torn down very quickly.

On the other hand, there's now a lot of public awareness of, and interest in, the trestle.

We have support from the County – you got a letter from the director [Chair] of the Board of Supervisors in support of this thing. We have a new Mayor & City Council, who even honored me for my work on this trestle.

But there also is a bureaucratic imperative that has been continually driving forward with the plans for the replacement bridge – Staff saying “we have to follow the direction of Council” – and only a reconsideration by Council can stop it.

And the City Council is loath to bring this up again, because they're tired of us talking about this thing – so unless there's something that causes them to change their mind and have to bring it back to Council, they're just going to continue on their way.

Um, so, where are we?

So, if you find that the bridge is indeed historic, and we have that court case: the court case says the city has to do the EIR, and you find that it is historic, the EIR they've already written is not valid because the EIR says it's not historic.

Saying it is historic means they'll have to redo [revise] the EIR, which means it has to go back before City Council, they can then reconsider it, and change their minds.

So, hopefully, we in the Community and the City can work together to save the trestle, and can incorporate it as an iconic place-making gateway on our local trail to our community.

[27] I also want to point out: Besides the trestle's impact on our local area in the past, it continues to have an impact – area-wide! – it has helped raise the awareness of our area's history.

The director of the County Board of Supervisors last year began an initiative for the County to apply to the National Park Service as a National Heritage Area. We're basing it in large part on "The Valley of Vision" – honoring the area's innovative spirit and "the transformation from 'the Valley of Hearts Delight' to 'Silicon Valley' (and Beyond)".

And it would feature a number of the various touchstones in the area, and this Willow Glen Trestle would be one of them, tying into the canneries and agricultural and canning industries and the transportation network.

So, Mr. Mikesell notes, Western Pacific was "late to the game" and never a "major player". Nonetheless, it did have an impact – by providing innovative services that Southern Pacific didn't, such as overnight delivery and less-than-carload services, features that would prove to be especially important to local farmers, allowing them to get their produce to market in a timely manner.

And note that a company doesn't need to be the dominant player in order to change the game: note when the PCs first came out, Apple Computer had maybe 10% of the market and they changed the way computers are done.

[28] The Willow Glen Trestle survived the recent floods without a hitch – this is at the height of the flood.

[29] And we hope it will continue, to be our "Bridge to the Past"!

[30] Thank you.
I'd like to invite Severn:

2:39:41

[Severn Edmonds]

Good afternoon. I'm Severn Edmonds.

I'm a resident, born in San José, my property is up against the Willow Glen Trestle.

I'm intimate with it as far as its operation was, and I want to point out that we're in a rather momentous occasion today, and rather auspicious, I'd choose to say, this is 148 years ago the transcontinental railroad drove the Golden Spike at Promontory Point.

Indirectly and directly, that is affected us, and it is to me very significant.

I'm very very passionate about it of course.

I don't have any other game – any dog in the fight – it's to me, it's just been a friend, it actually has taken that role, to our neighborhood.

We've given with children rides in the cabs and they loved going on that trestle.
I'll finish by saying that when the Golden spike was driven, there was a wire connected to it, that was intended when those spike-maul driven by one of the big 4 – we believe it was Leland Stanford – hit that spike-maul, it'd send a message out to the telegraph lines, its completion had taken and announce to the world. He missed, not being a real skilled spike driver.
A telegrapher was there and punched in, or pounded out, “done”.
So I'm asking you if you'll wield your sledgehammer and allow our bridge to be done and stay.
Thank you.

2:41:17

[Kathy Pimentel]

Hi, my name is Katherine Pimentel. I live in Willow Glen on a property that goes down into the Creek within 30 feet of the trestle.

I have lived there for 50 years, so that trestle is part of the backdrop of my life.

I'm passionate about saving it,

and I'm going to shed my notes because I've only have a few minutes – But my neighbor was telling me about how people from San Francisco would come down to San Jose to the cottages, and they would go down and picnic under the trestle and they would fish there, their kids would watch the trains going back and forth to the canneries.

I heard that whistle most of my younger life and I'm hoping that you will save our trestle and will preserve it. Thank you.

2:42:02

[Chair McKay]

Thank you. We'd like to hear from the opposition? Susan Walsh

2:42:22

[opposition presentation]

[Susan Walsh]

Thank you Mister Chair. Thank you for the opportunity today to talk on behalf of the City of San Jose about this issue.

I'm Susan Walsh, and I'm historic preservation officer with the city, and the city does have an extensive historic resources inventory with over 3800 listings. We have 13 historic district and areas; we also have over 200 city landmarks.

And the City has spent a lot of time evaluating the trestle for historic significance.

We have an expert, Steven Milkesell, who will be speaking to you soon. We also have one of our city council members – past city Council members, Pierluigi Oliverio here today.

During that time the City has determined that the trestle is not a historic landmark because it does not meet the required Criteria.

It would not be prudent to list or feasible to preserve the trestle for several reasons.

You have a copy of our recent letter, I believe dated May 1st, and in that we have several photographs that I'd like to refer you to at this time – I don't have the photos to put up on the screen – photos of the trestle are in that packet, that was done by CH2M-Hill, and that concluded that significant portions of the structure are compromised and would require extensive rehabilitation for public safety.

The report also has a long list of the required rehabilitation work, which is substantial.

I will list the main items out, but the list is much longer than this.

* full replacement of the south abutment wing wall and the 5 back wall timber beams

- * full replacement of the 5 timber beams at the North abutment

- * 11 upper sway braces

- * 7 lower sway braces and

- * 16 sash braces

- * removal of all the timber ties and decking

and the installation of a new concrete deck and a metal railing for safety.

The estimated construction costs for this in 2015 about 1.5 Million dollars, and given the high increase in construction cost right now, it could be as much as 2 million in the near future.

The trestle has also experienced fires and vandalism, and if you refer to some of the photographs you'll be able to see that, most recently however the heavy winter storm flow in the Creek has resulted in some significant debris accumulation against the piles in the bents of the trestle and a lot of erosion and scour along the creek banks and around the piles. You can see this again in the photos and I would like you to refer to that.

It is also not certain that the City of San José will even be able to secure permits from all the regulatory agencies to rehabilitate the trestle. Even if the trestle was distant. It would likely much of interest or quality through deterioration either deterioration due to regulatory barriers and the high cost of the rehab work, or due to the very extensively rehab work itself, and so to restore the trestle. It would look like different when it would be completed. For these reasons, the City believes it is not prudent or feasible to list the trestle on the California register, which in fact is one of the findings that your Commission would need to make. In addition, state law requires that, even if the trestle met the Criteria One for listing, that there needs to be in additional explanation of, quote unquote, the over writing significance to this the trestle over local government's objection. The overriding significance of the resource to this trestle over the local government's objection the City of San José. It is not enough that there are residents who are interested in preserving the trestle the majority of the 136 residents who participated in the workshops we had were far more interested in the trail connection to the city wide trail system, and only a handful of residents were interested in the preservation of the trestle.

Finally, it is not accurate, as the staff report states, that the city does not have a unified local government objection to the listing. In fact, the City Council has exclusive authority to designate the City Landmarks. The Historic Landmarks Commission is an important advisory body to the City Council. However, in this case, after extensive vetting, the City Council decided not to designate the trestle as a historic landmark. For the same reasons we believe that this commission should not list it on the California register. So for all of these reasons we request that the nomination be denied and I would like to turn the floor over to Pierluigi Oliverio and after that to Steven Michael.

Thank you, and I would like to thank Mr. Berg, who is very helpful for the City of San Jose in our efforts to discuss this and understand the commission's work.

Thank you.

2:47:33

[Pierluigi Oliverio]

Good afternoon Commissioners.

My name is Pierluigi Oliverio; I represented this geographic area on the city of San Jose council for 10 years, and I'm a lifelong resident, and here to tell you this structure as narrow appeal for people live in adjacent to it, but certainly not broad support. The structure has never served as a symbol for Willow

Glen or San José. During my tenure on the City Council, we acquired the land for millions of dollars from the railroad company. I participated in at least 6 public hearings and both of the city Council level in the committee hearing and Susan Walsh talked about the community workshops we had that had over 100 attendees of different meetings. So if there was plenty of feedback to be ascertained from the public I also participate in the unanimous vote to purchase a new bridge that was safe ADA-compliant and environmentally superior, since it was not in the waterway. It was made to specification for the exact length of this waterway and customize per resident feedback, and cost over 1 million dollars and, as you heard, sits in storage for over 3 years; and the city, unfortunately, on top of paying for the bridge, has to pay to store the structure. And the residents in this time I've had zero ability to cross the waterway which will connect two trails.

The County Santa Clara Parks department reviewed the City of San Jose staff report and confirm the City staff work.

The environmental impact report was certified by the City Council which included both environmental and historic, written by a former staff person from your agency, who's a published author on bridges and trains.

No appeal of the environmental impact report – that is very typical in local government to have an EIR appeal – but not one person appealed the EIR. So that remains certified. So I must assume the environmental impact report which is fitting, [as the] city spent \$450,000 of taxpayer funds, is valid.

The city of San Jose Historic Landmark Commission has no certified historians, and during their hearing, did not ask the certified historian one single question.

And that's when the question came to the city council, after thorough questioning, the city council did not accept the recommendation.

This commission, your body, referred this structure to the Keeper for the Federal level and it was reviewed by two certified historians, and it's their written response was, "it's historical significance with exaggerated at best".

Thus, two certified historians at the federal level, and a certified EIR, say it is not historic.

In addition, you heard this is going through the court system. The 3 judge panel at the District Court of appeals – 3 judge panel – ruled unanimously on behalf of the city of San José, and the League of California Cities which filed an amicus briefs on our behalf.

That was then appealed to the California Supreme court, which denied, so that currently the 6th District unanimous decision stands in favor of the city.

This is an importance of making a trail connection.

The community has been waiting for years to link these two trails, and the only chance to make this trail connection is with the new bridge.

Why is that?– because the state and federal permit agencies will not issue a permit to rehab the structure. They will only issue a permit to remove the structure.

They want the structure out of the waterway, because it's detrimental to species that are in the waterway.

We only need to go 1 hour from San Jose in Northern California, San Pablo Bay, where they are proactively removing creosote timbers, paid for by the California State Coastal Conservancy, because the species that come in contact with the creosote, their offspring died or are deformed do the hundreds of chemical compounds found in a petroleum by product. So I asked this commission, defer this action until this item can be heard in Northern California, so every day residents can attend – not everyone can take the day off of work, pay for a plane ticket and hotel.

The commission may also want to visit the structure where you will witness a charred structure, that if set on fire again, would require the evacuation of the adjacent neighborhood, since the creosote smoke

as you may know from various other structures of caught fire, is toxic and requires evacuation of the neighborhood.

This affects the greater community and not just a few that are very passionate about it, and I commend their passion, I comment their nostalgia, but nostalgia and passion does not make it historic.

We have standards, and you have certified historians that issue those standards, and that think it's important to realize that.

And again, this is a beautiful building we're in, I think we can all agree it's historic, but you know what?—it's on land, and it's not upsetting a water way. It doesn't have a structure that's contaminated species, so I suggest you defer or deny, and if you defer have your staff report back to you. What are the consequences of making such a decision when something has environmental consequences to species and is in direct conflict with 2 state agencies and the potential for litigation?

2:53:00

[Steven Mikesell]

It is good afternoon commissioners.

My name is Steve Mikesell, and I have spoken to some of you on this subject almost exactly a year ago, but there are several new commissioners. I welcome you to the commission.

I am an expert in historic preservation, generally and consider myself especially experienced in dealing with historic bridges.

I will be giving a session tomorrow on rehabilitating historic bridges to meet the Secretary of Interior standards.

I recently had – two weeks ago – had a book on a historic bridge published by the University of Nevada Press on the San Francisco-Oakland Bay Bridge, which I'm sure you know the bridge.

I want to talk with you about 3 points:

1 – of the fact that the trestle does not, in my opinion – in my honest opinion, does not meet Criterion One

Number 2: to direct your attention to the remarks that were made by the Keeper of the National Register on our nomination that you approved just about a year ago,

and number 3: sort of to point out what I think there are some procedural peculiarities with the way this nomination was handled.

First point: neither the nomination nor the staff report explain how this trestle is significant.

It was a small part of a larger railroad system, and the significance even of that larger railroad system is in dispute, at least in my mind.

The industrial development of San Jose was well-established long before the trestle was built – deficiencies are spelled out in many documents that I hope that the staff was able to provide to the new commissioners, since the older commissioners have seen all this several times.

And as I've ~~~ Well, as staff has warned against consideration of economic and social consideration, it seems to me that those had been brought up rather profusely here.

I have I fall back to my recommendation that year ago, which was: when all else fails apply the criteria: stick with the criteria.

Second point: the Keeper of the National Register agreed with the City of San Jose when it returned the National Register nomination, which was substantially the same as this California Register nomination – that is the arguments are worded nearly identical, and the criteria are nearly identical.

The Keeper returned the nomination for “substantive reasons”, noting that the case was “weak” at best.

Specifically, the Keeper said there was inadequate justification before us; the nomination failed to answer why this particular element of the San Jose branch line was individually significant; the trestle did not have an important role in local industry, because the canning industry was already well established before the arrival of the San Jose branch; and the line itself was never more than a minor carrier of local tonnage, and is the trestle was built to serve industrial and was not the reason for industrial development.

The final point: the issue with this California Register nomination, and the conformance of the nomination with the finding – we requested the findings, requested the staff report some time ago, received a copy, and found that the nomination does not agree with the findings – that is, the finding that was given to us.

The nomination clearly makes 2 points under Criterion One, which is the significance an industrial development, which has been emphasized and also the role of the trestle in the development of Willow Glen as a community. I'm not sure, it might be worth asking your legal staff: at some point, the city is entitled to know what the findings are going to be: the city is entitled to see, and comment on, those in the hearing today, the cure for this inconsistency was to change the findings – it seems that that should have been done some time ago or either that, or the nomination should have been changed to match the findings – that's worth considering. I'm not sure exactly what the notification requirements would be under these considerations, but it certainly does seem that, as a courtesy to the City of San Jose as a certified local government, they deserve to see what the findings are.

In summary, the trestle should not be listed because it does not meet Criterion One: to do so would break with what I believe has been long standing procedures for consistency between nomination to the findings and because there are substantive reasons why with trestle does not meet the criteria for listing.

Thank you very much.

2:58:45

[Chair McKay]

Okay.

So, proponents have a rebuttal?

2:59:00

[Rebuttal]

[Larry Ames]

So yeah, hi, this is sort of what we've been going thru for 4 years; it's been quite interesting.

Regarding the EIR: the issue is not legally "ripe" yet: we have to wait for the court cases of settled before we even start the process of reviewing the EIR so that's the EIR, I have lots of responses that's one statement.

About Steve Mikesell not being asked any questions in the audience, well he was at the very back of a row and he didn't say anything – he was kind of hidden back there – I'm trying to get to chart 17 to show you that – so everybody was given a chance to talk; he was in the back corner; he could have said something; Staff was asked questions.

About the trestle falling apart: maybe you have to put all those things in it if you caring freight trains; this is not going to be caring a freight train. I have a picture here showing a bridge in Houston, Texas looks just like that; several of the piling don't make it all the way down to the ground, but it's strong enough to carry pedestrians. Here is the wharf in Capitola that carries five-ton cars that has two pilings [per bent]

The way the railroads work was that when one of pilings rotted, they just put another one next to it. So the bridge started out with, I think of 5 piling each, some of them ended up with seven or eight pilings each –it's strong enough to carry pedestrians.

We talked about him being out certified historian. Well, we hired our historian was a certified historian and also he's written based involved with lots of bridges and trestles over the years. He worked on one in Petaluma that's just very much like this: he's experienced too.

About the ~~~. We have Willow Glen is a residential community: there are houses all over the place, and here are some of the houses that are existing right next to the railroad that were built by the developer.

It's right next to next to the Adobe – the Roberto-Sunol Adobe historic landmark. So this is very nice thing to historic areas.

Not sure how to respond to all that, but we just wanted to have to save our piece of local history here and hope to work with the city when it's all done, and I'm so sorry the council member – former Councilmember – is so angry about this; not sure why, but a lot of us in the community want to save our history.

All about that those public meetings. We were told they could not even talk about the existing bridge. We were told new purchase coming in: do you want to have gray concrete or brown concrete, and when the public tried to ask about the old bridge, we were told it was out of order, so when they say had 100 people attending, yes, and they were forbidden to even talk about this bridge.

We want to ~~ open up the discussion on this thing.

If this had been a fair discussion from the beginning, they'd done an EIR and fully studied the thing, and said it could not be restored, I would have been disappointed, but I would have accepted it – but the EIR says that it can be restored, actually for less money than replacing it.

If they'd asked the community and said: "Do you want a new bridge or the old bridge?" and everybody was given a fair chance and everybody wanted the new bridge I would have been disappointed.

But the City's been pulling fast ones on us all along the way. ~~~

3:02:30

[Martha Heinrichs]

Hi, I'm Martha Heinrichs.

I'd just like to add...

With the disappearance of the orchards and cannery, there is now very little in Santa Clara County that shows our rich agricultural past.

This Willow Glen Trestle is the connecting link to the many family histories of hundreds of local farmers who own the orchards.

The thousands, including children who labored picking the fruit in the orchards; the thousands, including the women, who worked in the cannery, and the many railroad workers who loaded and transported our fruit, some of which crossed the Willow Glen Trestle to the nearby cannery. It is through preservation that the Willow Glen Trestle will be recognized, appreciated, and protected, so that future generations will understand and value our rich agricultural past. Thank you very much for your consideration.

[Larry Ames]
Anybody else want to say anything?

3:04:00

[Kathy Pimentel]
As far as the creosote spoiling the creek, we were out cleaning up that creek and we are now seeing salmon spawning there. That trestle's been there for 95 years, and the salmon are back, so, what he said was not true. Also, it's still standing there, after those floods.

[Chair McKay]
Thank you

3:04:20

[opponent rebuttal]

[Pierluigi Olivero]

Hello again.

I just want to be very clear: in local government, you have 30 days to appeal an environmental impact report. No appeal was filed.

Often times, lawyers sue governments under CEQA, and it's sometimes called a "stick up", because really what they want is to get money.

They want to be paid six-figures for their legal fees.

And often times we've seen that.

And those lawyers will hire their own experts to write their own narrative to gain some type of favor from some entity so that they can get a positive decision.

But, because we have been winning in the court system unanimously, the City of San José taxpayers are not paying out six-figures in any fees.

At one of the community meetings – the workshops where we were discussing this – we even let someone I know very well and admire in other topics, Larry Ames, to present his own PowerPoint at the Willow Glen Community Center, to present his own PowerPoint to the community on the topic, but there was very little interest because people just wanted a connected trail.

And what they are doing is waiting for years.

All the Council decisions – every single one of them – was done as a public meeting where anyone could make public comment. So this idea that this was made in secrecy is just not true or valid.

As I've mentioned, the community has waited for years for the trail, and because of the lawsuit, it affects the park budget of the city, and because of that unknown, in this neighborhood – the Willow Glen area – four park projects were delayed for multiple years between a Little League, lawn bowling,

and trail build out, all because of someone who wasn't happy they didn't get their way when the city council voted unanimously multiple times, and we have a certified EIR.

And I think we might have someone else, and as he's coming up, we are planning on commemorate in this area with plaques.

I did make the suggestion, why not take the timbers and make benches out of it, but they said no you can't keep that wood for anything, it has to be hauled away and dumped because it's not meant to be touched by humans.

3:06:30

[Steve Mikesell]

There's some sort of rule that you have to use the time that is allotted to you.

Basically 3 points ~~~ truly as a rebuttal.

You have heard a lot of things that have little to do with your charge, which is to decide whether this trestle is historically significant or not, and I want to remind you that, when all else fails, turn to the criteria.

Second point. Yeah, I can't remember exactly how it was brought up, but I think it was that from the staff that there wasn't a unanimous voice in the City of San Jose. I', a member of the planning commission in my little town of Davis and planning commission gets over ruled all the time. There is a single voice for the city of Davis, and there's a single voice for the city of San Jose and that is a city council. And that's written into the code, into the historic code,

and third, very quickly, at the issue was brought up as to an argument that I had made to the Keeper which was that it was rare to list – that it's unprecedented to list a trestle under criterion "A" or California Register "1" without also being under Criterion 3, and then of course I understand and you understand and the Keeper understands, it is not necessary to list under more than one; I was saying the reason why – there is a reason why – it's never done and that is a trestle that is significant under Criterion "A" is always significant under criterion "C" as well.

If it is able to deliver, if this historically significant role it is always significant in terms of engineering, and I think it says the Albion Bridge that you approved recently points that out, that it performs really heroic task of carrying Highway One across this great chasm of the river. In order to do that, it's significant under engineering as well.

I'm not saying that it's required to be that way. I'm saying that in fact, and I did some serious research on that it is always a case that "A" and "C", and "1" and "3", go together in dealing with bridges. So those are my things.

Thank you.

3:09:04

[Chair Marshall McKay]

Thank you.

Commissioners: opinions?

3:09:28

[Adrian Praetzellis]

Alright. Well, I got a question.

I'm going to go to William here:

just as a kind of a clarification here. Can you say something about the difference between the California Register and the National Register in terms of threshold?

~~~

[William Burg]

They are similar but not identical, and I mentioned this specific California register language in my staff report.

California code of regulations 4852-C specifies it is possible that historical resources may not retain sufficient integrity to meet the criteria for listing the National Register, but they may still be eligible for listing on the California Register.

Resource that has lost its historic character or appearance may still have sufficient integrity for the California register if it maintains potential to yield significant scientific or historical information, or specific data.

3:10:45

[Jay Correia]

That speaks specifically to integrity but even more broadly be that the California register has some language that differentiates it somewhat from the National Register.

and in fact, I was trained on this by my supervisor at the time who is in the audience right now, but the criteria for listing historical resources in the California register are consistent with those developed by the National Park Service for listing historical resources in the National Register, but have been modified for state use in order to include a range of historical resources which better reflect the history of California.

It's not extremely explicit. This is one of the~~~ this is a bit of language to make some attempt at distinguishing the two registers.

This little section goes on to say only resources which meets criteria as set out below may be listed in, or formally determined eligible for listing in the California Register, and then the Cal Register criteria follow.

3:11:55

[Adrian Praetzellis]

Sorry to keep talking about this

So when the California register came online in the 1990s, I went to the training put on by Carol, actually, did it. ~~~ Essentially the point then made there was that the California register was different, but it was still have somewhat lower threshold of significance, and I wonder if you can somebody address that?

I know this is a real fuzzy area. I maybe it's unfair of me to put you on the spot, but I guess I'm going to do it anyway.

3:12:25

[Jay Correia]

It is real fuzzy, and I also, you know, routinely talked in the office about how the Cal Register has a lower threshold.

I think that it's always important to remember that when you have another entity, that being the National Register for the National Park Service in Washington, even scrutinizing these nominations – National Register nominations – that extra layer, I think, in and of itself, sets the bar higher.

I always discuss with potential applicants the fact that the California Register doesn't have that extra layer in Washington, and that I think it's so critical it *this* body, and ultimately the Chair, his signature, that is the final authority. And I think that brings it back in California, that perhaps makes it more broad minded, because you don't have people in the East Coast making the determination is about what is significant the California communities. Yes, you're right: it's fuzzy, but that's the best [I can do.]

3:13:50

[Luis Hoyos]

And that's the beauty of the process: we don't have to consult with Washington for this: this is different, and I accept the report that we got and the comments of my colleague in Washington, Mr. Lusignan at NPS. But that was another process, so this is just California Register, and it's subject to all those fairly nuanced differences.

It's also been called in the past the "People's Register" because it can be more inclusive, and I would invite you all to consider that.

In terms of the getting into the subject of the nomination, which is the only sort of narrow cluster of information that we should be considering, not the other legal things, not the other technical things that are have been introduced that we really we have no control or really should have no opinion on it.

I find the trestle communicates it's admittedly narrow significance in the history of Willow Glen.

It doesn't need to be, in my opinion, it does not need to be a masterpiece of engineering design.

It needs to be just a reasonable example. And I'm encouraged and I'm glad to hear a community take such great interest in something that's theirs.

So, for those reasons and on proper consideration of all the information, and especially rereading the nomination and then reading the Staff report, I'm prepared to support it.

Prepared to support the staff finding and find the trestle historic.

3:15:50

[Alberto Bertoli]

Mr. Chairman?

[Chair] Yes sir?

[Alberto]

Could somebody read, loud and slow, Criterion One?

3:16:15

[Jay Correia]

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I'm just deciding on how far back up the code go.

"For evaluating criteria - for evaluating the significance of historical resources:

An historical resource must be significant at the local, state, or national level, under one or more of the following 4 Criteria:

Criterion One: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States."

3:17:05

[Chair McKay]

Any other questions, Commissioner?

[Alberto Bertoli]

Just thinking a little bit...

[Chair McKay]

Was that enough clarity for you on this?

[Alberto Bertoli]

It is. I'm finding it is a generality, not very specific. So, from that point of view, it is a bit ambiguous. But, I need to go to my personal feeling. The bridge – this short bridge – little bridge – has a very, very attractive aesthetical quality, if we just analyze it from that point of view.

And there are a few, but not many, of those quality of bridges, and the scale of it seems to be pretty much at the scale of the community.

And from that point of view, in my opinion, it seems very appropriate to keep it, to maintain it, to support the Staff.

I am very ambiguous about Criterion One, and how to apply it here, but I'm not ambiguous at all about the aesthetic quality that it offers.

It is not one of the many, it is one of the very, very few, and as anything that is historical, or pretends to have historical consequence, that criterion, of having one of the few that remains, that is an important one to preserve the history of California as a whole.

So this particular moment. I'm inclined to support and side with the Staff.

3:19:20

[Adam Sriro]

Commissioner, may I ask a question?

It seems that both sides of made an argument for its contribution. The language that Jay referred to was whether the contribution was significant. As it states in the regulations, is there any clarification further down in the regulations, on defining a "significant" contribution verses "other"?

We argue on significance all the time. I think everybody is made the case that the trestle makes a contribution, but whether it's significant is why I'd like to just get some clarification.

3:19:50

[Jay Correia]

I'm not prepared to go into the meaning of "significance" in history.

But I would remind everybody that it is at the local level, and I we're constantly reminding ourselves of that, and sometimes I think the locality here got a little conflated – the locality, I would say in the case of this trestle, is not the city of San Jose, but this little "village".

And so I think that it when you look at it that way, the threshold of significance is different than it was if you're looking at historical significance for the whole city of San Jose.

If I can quickly pull up national register bulletin and we can discuss historical significance.

[Adam Sriro]

No, thank you. I was trying to make a connection with Adrian's questions, and what the significance definitions are which people argue about our regular basis.

3:21:00

[Tara Lynch, legal]

Commissioner Sriro, there is nothing in the public resources code or in the regulations that was specifically answer or define your question.

it's more in the interpretation over the years as it's been practiced.

3:22:10

[Alberto Bertoli]

Thank you. Maybe one possible way of analyzing your question is to see the significant of the scale – scale of the bridge in relationship to what is located. Certainly it's not a metropolis. Just a little village, and the scale of the two seem to be compatible.

So, from that point of view, the interpretation of "significance": yes, for that community, for the development of that "town", "village", whatever name we want to give it, seems to be appropriate, equivalent.

3:22:10

[Chair McKay]

Well, if the Commission is ready, I would entertain a motion: to call the question and get a motion for some movement.

[Adam Sriro]

Chairman, I will make a motion to approve the Willow Glen Trestle.

[Chair McKay]

We have a motion to approve the Willows Glen Trestle; we have a second, second by Mr. Moss.

Any other further discussion from the Commission?

Hearing none, I'd like to do a roll call vote.

Bertoli – Aye

Hanson – Aye

Hoyos – Aye

Praetzellis – Aye

Moss – Aye

Kay – Aye

Brandes – Aye

Sriro – Aye

[Chair McKay]

Motion carries unanimously

3:23:05

end of meeting: 3:43:53.