

March 12, 2014

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

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

Dear Mr. Davidson,

I would like to make a number of comments related to the Initial Study and Mitigated Negative Declaration for the Three Creeks Trail Master Plan – Western Alignment, File No. PP14-012:

I am very disappointed in the outreach for this IS/MND. The community has shown considerable interest in the plans for the Three Creeks Trail, as evidenced by the high levels of participation at the public meetings last year. The email addresses of attendees were collected with the promise that the City would keep us informed. Yet I have not heard anyone mention being informed about this IS/MND. I personally have been involved with the City on the Three Creeks Trail for years, and I was not informed, either: I only heard about it because someone else happened to stumble upon it yesterday.

I am also disappointed in the short period provided for public comment. The standard period for public comment on IS/MNDs is generally 30 days, with some of the more complex ones allowing 45 or even 60 days for comment. The public comment period for this IS/MND is Feb. 21 to March 13: only 21 days – it's almost as if the City does not wish to receive any public comment.

I am especially concerned about the scope of the current project. This IS/MND says:

PROJECT DESCRIPTION: A Master Plan for a new Class I trail within the former UPRR right-of-way. The proposed trail alignment extends approximately 6,660 feet primarily along a former Union Pacific Railroad (UPRR) line that was acquired by the City of San José in 2011. The trail runs between an existing portion of the Los Gatos Creek Trail at Lonus Street and the Falcon Place cul-de-sac, within the Willow Glen community of San José.

That reach includes the “Willow Glen Trestle” – the old wooden trestle across the Los Gatos Creek, built in 1921 by Western Pacific and used by UPRR. That trestle has been the topic of much discussion, was dealt with in a separate IS/MND that was approved by Council on January 14th of this year (see <http://sanjoseca.gov/DocumentCenter/View/25320>), and currently is the subject of a suit by the Friends of the Willow Glen Trestle, filed February 11 in Santa Clara County Superior Court (Case Number 114CV260439: supporting materials are incorporate herein by reference). If the current IS/MND does not explicitly exclude the trestle, then it's unclear to me how this IS/MND would interact with the Three Creeks Trail Pedestrian Bridge Project IS/MND.

Chapter 2 in this IS/MND, “Project Description”, refers to the 2004 study of the trestle for a project where the trestle was to be retained and used for trail use:

Conceptual plans were prepared in 2003 for the Los Gatos Creek Trail, Reach 4, which extended from Coe Avenue to Auzerais Avenue. These plans included improvements to the railroad trestle bridge across Los Gatos Creek and the relocation of commercial activities for a top-of-bank trail connection. The environmental impacts of this trail project, including the railroad trestle, were evaluated in the Initial Study/Mitigated Negative Declaration adopted by the City in 2004.¹ A subsequent Engineering Study and environmental document (now underway) support removal of the trestle and development of a new, freespan pedestrian bridge at this location.

with a footnote:

¹ City of San José, Initial Study/Mitigated Negative Declaration for Los Gatos Creek Trail, Reach 4, Coe Avenue to Auzerais Avenue, May 2004.

Further complicating the current IS/MND: on p. 29, it explicitly discusses the trestle under “Cultural Resources”:

“One built environment resource, a railroad trestle of a standard pattern, is located near Lonus Street.⁴ However, no known National Register of Historic Places or California Register of Historic Resources listed, determined eligible, or pending properties were identified in or adjacent to the APE as a result of the records search, literature review, and/or field survey.”

with the footnote

⁴ Improvements to the railroad trestle across Los Gatos Creek were evaluated in the Initial Study/Mitigated Negative Declaration for the Los Gatos Creek Trail- Reach 4 (2004).

As numerous members of the public, including a state-listed historian, have stated, the trestle is not just a “standard pattern” trestle, and it does have historic value making it worthy of listing it on the California Register of Historic Resources. If the trestle is not explicitly excluded from the current study, then the City will be required to do a full Environmental Impact Report (EIR) rather than the simpler IS/MND, since the California Environmental Quality Assurance (CEQA) law does not recognize, for example, a plaque or sign as adequate mitigation for the loss of a potentially historic structure.

Because of the short period that I have had to review the document, I have not had time to give the report a thorough review. I’m sure I have other questions and concerns as well, such as how the trail is to cross the rather busy Minnesota Avenue with insignificant impact – won’t there have to be a pedestrian-activated cross-walk traffic light? And are the trail-side decorations (e.g., the fake water tower and the fruit crate gateway element) made vandal-resistant and child-safe? I sincerely hope that the City will extend the comment period and will invite all those who participated in the various Three Creeks Trail public meetings last year to give comment.

I am very disappointed that the City seems once again to be trying to “pull a fast one”, with a stealthily released IS/MND (with short comment period) that appears to be an end-run around the public’s efforts to work with the City to preserve and restore the historic Willow Glen Trestle and to incorporate it as a key feature in the City’s trail network.

Bottom line:

- Extend the public comment period
- Inform the public about this study
- Either explicitly exclude the trestle from the scope of this study, or else do the legally required full EIR that properly evaluates the historic character of the trestle.

Please keep me informed in a timely manner on the progress of this Initial Study.

Thank you,

Dr. Lawrence Ames, Friends of the Willow Glen Trestle
Larry@WGTrestle.org; phone 669/444-0246

cc:

the Friends of the Willow Glen Trestle

the community: District 6 Neighborhood Leaders Group, Save Our Trails, CalSJ

legal: Susan Brandt-Hawley

historians: Marv Bamberg, Marcus Salomon, Franklin Maggi, Steve Cohen, April Halberstadt,
Brian Grayson, Wayne Donaldson

environmental: Committee for Green Foothills

city: Laurel Prevetti, Joe Horwedel, Julie Edmonds-Mares, Matt Cano, David Sykes, Yves

media: Barbara Marshman, Carol Rosen, Janice Rombeck, Mary Gottschalk