

The Willow Glen Trestle and the City of San José's request for redetermination of its listing in the State's Historic Register:
a hearing at the Fall quarterly meeting of the California State Historical Resources Commission (SHRC) in Sacramento, CA, on Oct. 27, 2017.

Larry Ames' prepared remarks.

[red: emphasis or chart numbers (see http://wgtrestle.org/Redetermination_charts.pdf);
green: added as I spoke (transcribed from the video – see
<http://cal-span.org/unipage/?site=cal-span&owner=CSHRC&date=2017-10-27>)]

[1] Hi! Nice to see you all – again! I'm Larry Ames, a Friend of the Willow Glen Trestle, here to respond to the City of San José's request for a "redetermination" of your May 2017 decision regarding the Willow Glen Trestle.

[2] The State Code spells out the reasons you might consider redetermining your findings: (#1) significant errors, or (#2) decisions that appear to have been arbitrary or capricious.

[3] Here's the City's formal request. As near as I can tell, the "significant error" it claims is regarding the definition of "local": it raises the issue of size regarding "the little neighborhood of Willow Glen" vs "the big City of San José". It also complains that the Cmsn's "Findings of overriding significance" were not sufficiently compelling, and it objects that the hearing was held in the remote town of Pasadena.

[4] Here's the Commission's findings: they seem pretty compelling to me!

[5] At least the City didn't cite criteria #2: your decision in Pasadena last May could hardly be characterized as "arbitrary" or "capricious": the matter was discussed and reviewed for well over an hour!

Staff report, presentations by the advocates and opponents, and then 13 minutes of discussion by the Commission prior to the roll-call vote, resulting in the unanimous decision that the Willow Glen Trestle was indeed "eligible for listing on the California Register of Historical Resources under Criterion One at the local level of significance."

[6] Furthermore, that wasn't the first time you'd considered the matter: you'd already spent over an hour considering the trestle in 2016, back when we were applying for listing on the National Register. (The Keeper of the Nat'l list returned the nomination, apparently missing the point that we were applying for listing only as a resource of local significance.)

[In response to the opponents' argument that CEQA law would preclude the Commission from taking action,] I'd like to point out that, at the meeting in San Francisco, our lawyer,

Susan Brandt-Hawley, discussed the issues that Mr. Tichinin just raised about the CEQA impact. You are deciding on the historic aspect of [the trestle] – whether you think that it is historic or not. [You’re not approving a project: your decision] doesn't affect the flood zones or anything else like that. That's the city job: they will consider your vote on history and other matters when they actually vote to do the construction, so CEQA does not apply [here]. I'm trying to remember exactly what our lawyer said, but that's how I remember her describing it: that you're deciding only the historic aspect of it.

Also, note that that hearing was held in SF. The City has complained about the distance to the meeting venue, but both SF and Pasadena had members of the public attending, both supporting and opposing. Furthermore, everyone was free to write letters or send emails, regardless of the meeting location.

And I'd like to acknowledge our supporters who have traveled up here for this hearing. They've offered to speak, although we are also trying to be quick as well.

[7] The other reason for which the Commission might redetermine its decision would be in light of factual errors. The City's complaint seems to be implying that the phrase "local" should be different for the big City of San José than for the then-unincorporated community of Willow Glen. However, I'd like to point out that the City of San José **was not all that large** itself back then – a mere town of under 40,000 residents.

[8] And the "local influence" was over a relatively large area, affecting regions both before and beyond the trestle.

This is the chart I presented in May showing the Western Pacific's spur lines. Note that, other than a single spur to a lumber yard, Willow Glen (in yellow) was free of spurs: the Director of Western Pacific had promised to keep Willow Glen residential. Beyond the trestle (the pink dot), the track splays out to serve the many industrial uses in western San José: fruit-packing, lumber, oil, rock, ice, and more.

[9] In May, I showed the Western Pacific spur lines superimposed on a present-day map. Here's an outline of the served area, which Google says is roughly 7.5 million sq. ft., or 175 acres, or a little over a quarter square mile. Given that the entire area of the city back then was under 7 sq. miles (not counting the sewer plant out on the salt-flats), the area served by spur tracks beyond the trestle was a full 4% of the entire city. In addition, produce was trucked in from the surrounding farms and orchards.

Also, as a "current events" side-note of interest: San José is just now considering a proposal from Google to develop a major new complex at the nearby Diridon Station area. The area of this project – hailed as "the biggest-ever in SJ's history" – is noticeably smaller than the

area that was served by the trestle – even though San José itself is now 25 times larger (and 25 times more populous) than it was in the 1920's.

[10] In addition to the area served by the trestle, there's the impact to the area before it. There is no "conflict": the trestle encouraged both industrial and residential development. As I outlined last May, Western Pacific's Director and developer of this line, T.S.Montgomery, made personal public promises to the community that Willow Glen would remain residential, and he was good for his word. Additionally, his real-estate company developed a number of the residential projects in the area.

[11] In parsing the wording of the city's complaint, it seems like they're trying to sew confusion about Willow Glen. Willow Glen was an unincorporated community when the trestle was built; it was an independent city for 9 years; and it remains to this day a unique district – even after it was annexed by San José.

The Willow Glen Trestle was at the very edge of the city limits, and its impact was felt on either side of the border, both in Willow Glen and in San José.

[12] The development patterns resulting from the trestle remain to this day. This is a part of the city's zoning map. The yellows are residential, the pinks are commercial, and the grays are industrial.

Looking at the right side, note that the entire town of WG (within the black dotted boundary) still remains entirely residential, other than for the commercial districts along a couple of the market streets.

The area served by spur lines beyond the trestle (the dashed pink line) is nearly all light- or heavy- industrial. A few of the old canneries have recently been converted to high-density residential, shown in purple.

In the detail to the left, you can see the Western Pacific's right-of-way, the trestle, and the residential before/industrial beyond divide.

While the trestle's impact was "local" in the sense that it didn't directly affect all of San José, it was still "significant" – and remains so to this day!

[13] We have been pursuing a multi-prong approach in our attempts to save the trestle: civic, legal, historic, and public. We initially tried working with city planners and councilmembers, but when they rushed forward without the required public outreach or reviews, we sued under CEQA to seek compliance.

Our legal efforts have gone on for nearly four years now. A recent ruling went against us, and we are considering our next steps.

Regardless, the four-year process has allowed us the time to study the trestle's history, and to work with the State on historic recognition.

And thru-out the process, we have been involving & informing the public – with tours, talks, videos and Facebook posts, websites, and newspaper articles and editorials. The WG Trestle may have been a “hidden gem” when we started, but it is well-known now!

The court was not allowed to consider any actions by the State Historical Resources Commission, as they all occurred after some “date of action” back in 2014. Likewise, you do not have to consider the actions of the court: they were considering only the technical matter of whether the city was required to do an EIR or could get by with a cheaper Mitigated Negative Declaration: they made no attempt to evaluate the “historicity” of the trestle itself.

[14] The city showed two one-page memos from a decade earlier, back when they were working on plans to restore the trestle and use it for the trail.

The court couldn't even consider the fact that, at your SF meeting last year, Wayne Donaldson said that the city was misinterpreting his letter!

[15] The court ruled that the memos were sufficient to allow the city to get by with an MND, regardless of whatever historical information we had provided. Disappointing!

However:

* **The trestle still stands.**

* The city is not allowed to work in the creek now that it's officially the rainy season; and

* The city's demolition permits from the Calif. Dept. of Fish & Wildlife expire at the end of the year.

– **there still is hope!**

A favorable ruling by this Commission will give us leverage in our ongoing discussions with the City, the State permitting agencies, various funding sources, and with the public.

[16] And the trestle is historic.

Southern Pacific was infamous for its monopolist practices – it was even portrayed in the papers of the time as an octopus, with tentacles ensnaring much of the state's commerce.

San José was trapped by Southern Pacific's monopoly until 1922, when T.S.Montgomery brought Western Pacific's track down from Niles Canyon, across the Willow Glen Trestle, & over to Western Pacific's San José depot, thereby breaking Southern Pacific's monopoly.

This commission did not make a mistake last May when it decided that the WG Trestle **is** historic with local significance.

[17] And my wife thought I should include some photos of the trestle itself, to show what we're talking about.

Perhaps the caption should refer to the trestle's "representative structure", or the "evocative architecture", or the "rustic aesthetics", but there wasn't room on the chart for any of those longer phrases! ;-)

The [opponents] also raised the question about the trees being too close to the trestle, and the trestle blocking the downstream flow of large tree limbs. Well, they should come and look at it, because, in the floods after the heavy rain this February, the only tree that was close to trestle was washed away during the flood and so it's not there anymore, and just a hundred feet downstream from the trestle another large tree fell down, so there's no lack of large wood downstream. Everything that they wanted, happened in the flood of February, so currently, there's nothing to complain about.

Visiting our "hidden gem" is like stepping back in time. It's hard to imagine, but this is less than 1-1/2 miles from downtown San José – and readily accessible to the public, at the junction of two major Trail networks!

[18] **Please reaffirm your decision** that the Willow Glen Trestle **is** worthy of listing on the State Register of Historical Resources with Local Significance.

The public is becoming ever more aware and appreciative of our dwindling ties to our past. Please help us save this part of our local history.

Thank you!