

December 12, 2019

The Honorable Sam Liccardo, Mayor of San José
200 East Santa Clara Street, San José, CA 95113

The Honorable Jeffrey V. Smith, M.D., J.D., Executive of the County of Santa Clara
70 West Hedding Street, San José, CA 95110

The Honorable Andrea Mackenzie, General Manager, Santa Clara Valley Open Space Authority
33 Las Colinas Lane, San Jose, CA 95119

via email

re: The Willow Glen Trestle Conservation Easement

Dear Mayor Liccardo, County Executive Smith, and General Manager Mackenzie,

The Willow Glen Trestle Conservancy is an unincorporated association of area residents involved in trails, parks, the environment, the community and its history, and specifically in preserving the historic Willow Glen Trestle in an environmentally sensitive manner and parklike setting as a trail connection in our community. Members of the Conservancy have worked for years for the acquisition and preservation of the Trestle, and for its eventual adaption for use as a connection to the Los Gatos Creek Trail.

We are grateful for the funding support given by the Open Space Authority and the County of Santa Clara to the City of San José to facilitate the purchase of a segment of abandoned rail corridor right-of-way (ROW) that includes the Trestle. In December 2011 the City purchased the ROW from the owner, Union Pacific, and recorded the deed at the County Register as Document 21471588¹. The County and the Open Space Authority have rights as Grantees relative to the ROW that are recorded as a Conservation Easement, referenced on the parcel maps² and enumerated in Document 21471589³.

The Conservation Easement says, in part:

No new structures or improvements shall be erected on the Property without written approval of the Grantees, as provided through the [Open Space] Authority's General Manager and County Executive...

We trust that the City, County, and Open Space Authority are aware of the 2011 Conservation Easement that requires the City to seek discretionary approvals from the County and the Authority before it may consider replacement of the Trestle with a new steel bridge. It is our understanding that no such County or Open Space Authority approvals have occurred to date. And unless the City prepares

¹ <http://wgtrestle.org/Deed.htm>

² <http://wgtrestle.org/264-11.pdf> and <http://wgtrestle.org/264-52.pdf>

³ <http://www.wgtrestle.org/ConservationEasement.pdf>

an environmental impact report (EIR), the County and Open Space Authority cannot issue approvals that would have a significant environmental impact on the historic⁴ Trestle.

The Willow Glen Trestle is still standing tall and strong, and the Conservancy is committed to its reuse as part of the trail system. If the Trestle is rehabilitated rather than demolished, an EIR should not be required.

We politely ask, and formally request, that you let us know the status of your review, if any, of the Trestle project based on obligations in the Conservation Easement. Please do not take any approval actions without complying with CEQA and providing prior reasonable notice to the Conservancy.

We look forward to working with you to save the Trestle, preserve it, and adapt it as a historic, iconic, “place-making” feature of our regional trail network.

Please respond to the undersigned.

Thank you.

Dr. Lawrence Ames,
Founder, Willow Glen Trestle Conservancy

cc: David Sykes, City Manager, City of San José
Susan Ellenberg and David Cortese, Santa Clara County Board of Supervisors
Matt Freeman, Assistant General Manager, Santa Clara Valley Open Space Authority
Susan Brandt-Hawley, Brandt-Hawley Law Group

⁴ officially listed on the State Register, May 10, 2017 (see http://www.wgtrestle.org/Calif_Register_Findings.jpg) and reaffirmed May 8, 2019 (http://www.wgtrestle.org/WGT_Findings_May-2019.pdf)