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President

April 18, 2005

John Hesler
Vice President

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Mike Bosworth
Secretary

Subject: **Review of Draft (October 2004) Trail Feasibility Study
for the Coyote-Alamitos Canal/Santa Teresa Corridor**

Rick Mandel
Recording Secretary

Ms. Hensley,

Background

Ron White
Treasurer

The Santa Teresa Foothills Neighborhood Association (STFNA) is a member of the United Neighborhoods of Santa Clara County (UNSCC). The boundaries of STFNA encompass over 4,600 residences in San José, south of Santa Teresa Boulevard, west of Cottle Road, and east of Winfield Boulevard. Our current active membership includes over 450 families. Since inception in year 2000, two major objectives of STFNA have been 1) the preservation of the open space character of the Santa Teresa Foothills to the greatest extent feasible, and 2) seeking win-win solutions to longstanding problems and issues at the rural-urban interface, which roughly approximates the alignment of the Coyote-Alamitos Canal.

Forrest Williams
Director

Lynne Paulson
Director

Jacqueline Price
Director

As a means of potentially reducing a variety of illegal activities (e.g., trespassing, discharge of firearms, arson, parties, etc.) in the foothills, and at the suggestion of former San José Police Chief Lansdowne, STFNA has advocated for the City to consider a public trail along the Coyote-Alamitos Canal. In that regards, STFNA supported the City-initiated action that added the Coyote-Alamitos Trail to the General Plan in 2000. STFNA also supported the efforts of former Councilwoman Charlotte Powers in obtaining the grant to cover the cost of the Trail Feasibility Study.

Rich De La Rosa
Director

Comments on Draft Trail Feasibility Study

Based upon our review of the subject document, STFNA strongly recommends that the study undergo substantial revision prior to being finalized and accepted by the City. As described below, there are numerous inaccuracies, errors, and omissions in the study, which if corrected, would lead to conclusions that are different from those listed in the draft. Specific comments are as follows:

Development of Alternatives

No community input was solicited regarding the list of alternatives to be studied. Had such input been requested, as promised at the initiation of the study, we would have requested that a low-impact version of Alternative 1 be evaluated. Such an alternative would simply “open the existing gates” and allow people to use the existing maintenance road along the canal. No costly grading would be needed, thereby avoiding all of the geologic and slope destabilization concerns that are listed as “constraints” in the draft study. Further, assuming trail easements could be obtained, this low-impact alternative could allow the canal to remain in place, thereby “decoupling” the trail from the complex issues associated with the canal, stormwater runoff, liability, etc. As noted on page IV-8 of the study, an informal form of this alternative is currently in place, as evidenced by the numerous users of the canal maintenance road, as well as adjacent homeowners who have constructed gates, steps, and ramps to the canal.

Misrepresentation of Community Support

The study characterizes the community’s support for the canal alignments as, at best, lukewarm. This characterization is totally misleading because it is based solely on one meeting that was only minimally noticed. Prior to the meeting, STFNA was told that the sole purpose of the meeting was to present preliminary information and that a community interest poll was not on the agenda. Had we known that this meeting would serve the purpose of gauging community support, we would filled the room with trail supporters as our membership is overwhelmingly in favor of some type of trail in this corridor.

No Information on Trail Benefits

The study repeatedly notes the concerns expressed by some residents that the trail would lead to increased burglaries and/or other undesirable activities. These concerns are characterized as a trail constraint. The study authors, however, fail to disclose that numerous studies conducted nationwide have all concluded just the opposite: trails *decrease* crime and related problems by increasing the presence of the public and patrols by law enforcement and park officials. In fact, trail access is

seen as an amenity in many communities. The failure to disclose these facts leaves the reader with the impression that crime-related concerns are factual.

As a fact-based, objective document, the study needs to be modified to include data and information regarding potential trail benefits.

The study also needs to be modified to acknowledge that many homeowners along the canal are in support of a trail.

No Information on Projected Trail Usage

The study makes no attempt to quantify the existing recreational usage of the canal maintenance road. We have observed that, while the canal is gated and is not a public trail, it currently receives substantial recreational use by area residents and groups (e.g., the Santa Teresa High School track team).

Further, there are no projections of future usage, nor data to inform the reader that nearby trails are used by hundreds of persons each day.

We find it peculiar that the study's traffic analysis (Appendix L) contains extensive data on traffic volumes on City streets but no data on the level of pedestrian, bicycle, and other non-motorized activity in the corridor! If the reader were provided with such data, the public and decision-makers would be in a position to weigh the benefits of a trail with any drawbacks.

Misleading Focus on Tangential Issues

The study includes substantial information on biological and archaeological resources that are present in the Santa Teresa Foothills. While this information is accurate, we believe that it is overemphasized in the study. One of the advantages of utilizing the existing canal maintenance road as a trail is that impacts to these important resources can be avoided.

Study not Solution-Oriented

One of our major concerns is the study's emphasis on constraints, as opposed to solutions. The study summarizes the constraints, all of which have been documented in previous studies, and simply recommends (see page II-2) that the City not pursue a trail along the canal while the canal is still in place.

We had hoped that the study's authors would have spent considerable effort in putting forth creative and win-win solutions. For example, one solution (suggested by SCVWD staff) would be to place a pipe in the canal to capture runoff and convey it westerly to Almaden Lake. This would not only solve local drainage problems, but

would reduce existing flows to Canoas Creek, a facility that is at capacity. It would also solve some of the ongoing questions regarding liability.

While the study notes that various property owners may be reluctant to support a trail, it fails to note the fact that some owners have expressed an openness in selling the portion of their property that encompasses the canal, because it would relieve them of their ongoing liability associated with the canal. The study should include this option.

We are aware, through the City's real estate division, that numerous homeowners along the canal have illegally constructed improvements on City-owned lands including those designated as Century Oaks Park. The City has informed us that many of these property owners would like to purchase the City-owned land. This situation presents an opportunity for a potential win-win, wherein the City sells the land provided that the property owner supports a trail. The study should document the extent of this illegal activity.

The issue of liability associated with the canal seems to be one that has engendered great reluctance on the part of the City and other agencies to change the status quo. The issue of existing liability may not, however, fully lie with public agencies. Much of that liability may have unknowingly transferred to homeowners along the canal who constructed rear yard improvements in violation of the original deed restrictions. The extent to which this situation exists should be documented in the study.

The study should include an obvious recommendation: policy-makers from the four involved public agencies (City, County, SCVWD, and OSA) should convene for the purpose of developing win-win solutions related to the canal and the Santa Teresa Foothills. A unified approach would serve to address the ongoing issues and concerns, as opposed to the current practice wherein each agency individually expresses interest in solutions, but defers to another agency to "take the lead".

Other Errors and Omissions

Other errors and omissions in the study include the following:

1. The Santa Teresa Foothills are not entirely under County jurisdiction. The City has jurisdiction at the west end.
2. The trail was added to San José's General Plan in year 2000, not 2002.
3. Page III-8: The west end of Century Oaks Park is not Galen Drive. The park extends westerly of Snell Avenue.
4. The text and map related to LRT service near the corridor fail to show the LRT access points/stations at Blossom Hill, Snell, Cottle, and Santa Teresa.
5. Page IV-10: The text fails to mention that many homeowners along the canal have voiced support for a trail.
6. Page VI-4: The text fails to mention that many homeowners along the canal have voiced support for a trail.

Conclusion

In light of the above-described substantial errors, omissions, and misrepresentations in the October 2004 version of the study, we urge the City to reject the study until such time as these deficiencies are corrected.

Should you wish to discuss our comments and concerns further, please do not hesitate to let us know.

Finally, we reiterate our longstanding objective to work with all parties to respectfully address concerns and issues related to the Santa Teresa Foothills. To this end, our Board members have worked with those opposed to a trail along portion of the canal for the purpose of exploring alternative alignments. We pledge to continue this approach in the future. We hope to have the support of the City in this effort.

Sincerely,

Matt Freeman, President

cc. Councilmember Nancy Pyle
Councilmember Forrest Williams
Del Borgsdorf, City Manager
Yves Zsutty, Trails Coordinator
Jennifer Malutta, Mayor's Office
Rosemary Kamei, SCVWD
Patrick Congdon, OSA
Supervisor Don Gage