

Melissa Stone

From: julia miyakawa <jemiyakawa@hotmail.com>
Sent: Monday, July 30, 2018 8:44 PM
To: Clerk of the Board
Subject: Revised Encroachment Remediation Program

Board members,

I received letter regarding meeting. I live on Farallone Dr. in Cupertino, right behind Regnart Creek. The City of Cupertino has a proposal to open up the creek for pedestrian and bicycle path. We residents living behind this creek are very concerned for safety, privacy and security. We are also for the safety of the users. We realize the city has an agreement with the water district to use it as a path.

We have owned our home for 44 years, before the cyclone fence was erected to block the creek from the public. We remember the problems of debris being thrown over our back fences, broken windows, motor bikes driven along the creek, the noise, people jumping over our fence for short cut through the neighborhood. In fact this is still occurring.

We realize trees will be cut down, but aren't oak trees protected? Majority of residents living along the creek are opposed. We have signs in our front yards, indicating our opposition and a few scattered around the area.

Nai Hsueh, represents our district. Hopefully she supports our position to stop this insane proposal.

Respectfully,

Julia Miyakawa
10345 Farallone Dr.
Cupertino, Ca 95014

Get [Outlook for Android](#)

Referred
C-18-0140

Melissa Stone

From: Board of Directors
Subject: FW: Revised Encroachment Remediation Program

From: Melissa Stone **On Behalf Of** Clerk of the Board
Sent: Wednesday, August 15, 2018 2:36 PM
To: 'julia miyakawa' <jemiyakawa@hotmail.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Revised Encroachment Remediation Program

Sent on behalf of Chair Santos and Director Hsueh

Dear Ms. Miyakawa,

Thank you for your e-mail dated July 30, 2018, regarding your concerns with the City of Cupertino's (City) plans for a new trail along Regnart Creek in your neighborhood. You are correct that the City currently has a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail, and would connect to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with City staff during the planning and public input process which is currently underway. Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property, and for securing input from the community, including adjacent property owners prior to the construction of trail.

We understand that the City has held several public meetings in your neighborhood to gather comments for incorporation into a feasibility study. Prior to approving any final trail alignments, the City would also need to undertake a California Environmental Quality Act study, which includes another public comment process. Additionally, in accordance with our own Board policy, extending the existing trail on District property would require the City to enter into a new joint use agreement with us. The Board would consider this joint use agreement at a future Board meeting, which would provide the public yet another opportunity to voice any comments and concerns. Generally, the District defers land use decisions regarding recreational facilities to the cities and County, and limits our review to how such improvements will impact our flood protection, stream stewardship or water supply operations. However, the Board is also sensitive to the community as our neighbors. So your neighborhood's concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at-large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Richard P. Santos
Chair/Board of Directors



Nai Hsueh
Director, District 5

This page intentionally left blank.

Melissa Stone

From: Linda Wyckoff <lwyckoff2@yahoo.com>
Sent: Wednesday, August 29, 2018 8:36 PM
To: Board of Directors
Subject: Fw: Liability issues regarding Regnart Creek Path

Hello Members of the Water District Board,

I was at the Water District Board meeting on Tuesday night and was so impressed to see that 'democracy in action' is still alive in our area. It was an excellent meeting.

I am part of the leadership group for my neighborhood that has been working to prevent the opening of Regnart Creek Path, part of the "Path to Nowhere" known as the Cupertino Loop. We have been voicing our concerns to the city since we first learned about the potential opening of the path last November. I am forwarding an email that I sent to the members of the Cupertino City Council and city staff before City Council took a unanimous vote on July 21st to proceed with the feasibility study of this path. I received no response emails from any members of our City Council regarding my email. In 2005, the neighborhood was called to action to oppose a similar proposal by the city and at that time, the City Council voted unanimously to remove the plans for this path from the General Plan. This time around, we were told that what happened in 2005 "will not happen again" and, indeed, it feels like we are having the path pushed firmly down our throats.

We are learning that there were several joint Water District Board and Cupertino city staff meetings at which the proposed Regnart Creek Path was discussed. Creek neighbors were not invited to any of these meetings. It is highly doubtful that representatives of the city informed you of the nearly unanimous neighborhood opposition to the proposed path. 95% percent of the 82 homes directly in contact with the creek are opposed to it for so many reasons. On a petition, we collected 400 hand-gathered signatures of **neighbors directly impacted by this path** to voice their opposition of the path. Path proponents gathered a mere 490 signatures via an e-petition that was widely broadcast via the Mercury News, biking coalitions and on social media to the entire region.

We would love to walk the proposed path with you to show you firsthand our concerns about the safety for users of this path and the disregard for homeowners along it. The path is mostly hidden from public view and proponents have built it up to be some sort of Garden of Eden with artist's renderings and speaking of it with such glowing terms when even some major supporters had not even walked, therefore seen, this path!

In my letter, I do not cover all of the concerns we have, others will fill you in. Instead, my focus is on liability.

Respectfully,
Linda Wyckoff

----- Forwarded Message -----

From: Linda Wyckoff <lwyckoff2@yahoo.com>
To: dpaul@cupertino.org <dpaul@cupertino.org>; rsinks@cupertino.org <rsinks@cupertino.org>; svaidthyanathan@cupertino.org <svaidthyanathan@cupertino.org>; bchang@cupertino.org <bchang@cupertino.org>; sscharf@cupertino.org <sscharf@cupertino.org>; Timm Borden <timmb@cupertino.org>; manager@cupertino.org <manager@cupertino.org>
Sent: Saturday, August 11, 2018, 9:31:36 PM PDT
Subject: Liability issues regarding Regnart Creek Path

Dear Esteemed Council Members, Ms. Chan, Mr. Borden and Mr. Paulsen,

Referred
C-18-0160

I email you today to voice my concern about liability for the City of Cupertino with regard to the proposed Regnart Creek Path. I will be unable to attend the City Council meeting on August 21st so I will impart my remarks to you via this email. This path is stated in the draft of the Feasibility Study to be a primarily recreational trail on page 5, while on page 56 of this document, it states that the City of Cupertino would be the responsible party in regards to maintenance and liability of the trail.

In the early 2000's there was a case Prokop vs. the City of Los Angeles. David Prokop sued Los Angeles, seeking damages for injuries he suffered while cycling along a bike path designed by the city. He was attempting to cycle through an opening to the path, ignoring the message painted on the pavement that stated "WALK BIKE," when he collided with a chain link fence, causing a severe laceration to his forehead, loss of consciousness and neck pain. He asserted the fence was placed too close to the bike path. The courts have defined bike paths as recreational trails where users are "at their own risk." For routes deemed for transportation, the liability is borne by the city in

which the path resides. Therefore, if somehow you can have your bike path designated as a route of transportation, then you can hold the city liable for any injuries you might sustain while using it.

The Prokop case attempted to place liability back onto the city, not the users of these recreational trails. This case started a movement in California to have all cities in the state liable for injuries sustained on all paths regardless of reasons for use. Our local cycling coalition was supportive of this movement. This case was ruled in favor of the city of Los Angeles in 2007. However, now it appears that paths are being redefined as routes of transportation to school or work. This is certainly the case with Regnart Creek Path. Only the most casual of parent would allow their young child to walk or bike to school on this unsupervised path. Parents are being misled into thinking their children can benefit from this path. It is also not a particularly appropriate route for work commuters, nor for students, most all of whom could easily find more direct routes to school by utilizing existing safe streets. It may end up being only slight hyperbole to postulate that possibly the only commuting that will be done on this path is from Howard Court to City Hall, the direct path of Jennifer Shearin, by far the most vociferously outspoken proponent and spin doctor for the path.

It is said that City Council will be taking the recommendation of the Bike/Pedestrian Commission. The duty of a commission is to be unbiased so they can make a reasonable, objective and fair recommendation on a particular subject. I ask, is that happening here? Do you think any issue that does not support the commission's wish for the path will be fully considered?

Cupertino does not currently have a city attorney with whom to consult. This puts the city at a grave disadvantage. Mistakes can be made that could bankrupt the city. Opening up a recreational path such as Regnart could very well be one of those mistakes. This is a path that has been designed by proxy. Guidelines by many different governing agencies were used to cobble together the least restrictive design requirements possible. It should be called Frankenpath.

The proposed path has been retroactively designed to fit into a neighborhood where it does not belong, most specifically for the unfortunate residents of Lozano Lane, such as Gary Wong and his family, whose daily living environment will be impacted in a most unconscionable way. Will there be a fence erected between the trail and the creek? Will concerned homeowners' legitimate safety and privacy concerns be mitigated by one of several unappealing proposed fence / wall scenarios (refer to page 46)? Yes, we heard at "community outreach" events, only to now learn that such protective measures are unlikely. Fencing will only be erected to prevent users from leaving the trail. Lighting won't be provided. Grading where the path is significantly higher than the homes it is next to will not be provided. Obviously, cost becomes an important consideration in such evaluations. Is the city truly cognizant of what it would actually cost to construct this short path in a way that answers the multitude of concerns that have been brought to your attention by concerned neighbors? Is an estimate of "in the \$1 million to \$10 million range" something that you're prepared to act upon? Really? Will the costs be buried in so many different places that the total will never be available to the public? Will the current design be dumbed down in an effort to "save costs" making the path become an attractive nuisance that is also quite dangerous? A large part of the budget appears to be going towards bizarre, to put it mildly, bridging with removable trusses to solve the problem of the maintenance access ramp. These trusses would be removed by crane then reassembled. What? Has reality taken a leave of absence in our city? Reading about the alternatives discontinued from further evaluation on pages 42-3 might prove my point.

I must also mention that our neighborhood has been defamed on social media, traditional media and at the podium in City Hall as being only concerned with our safety and privacy. And though many of my neighbors no doubt harbor such concerns, we have also been typecast as wanting the path behind our back fence for our own personal playground. We bought our homes in spite of the path, not because of it. We've been accused of being selfish NIMBY's with "deep pockets" because we were able to scrape together \$500 to fund signs in our yards. Everyone with a 'no path' lawn sign up feels deeply about their opposition to the path. We all have kept them up so long so that we will finally be recognized and hopefully finally listened to. We know this path very well. It is not an asset that it is being purported to be. Our newest neighbors are just as opposed as those of us who have lived here for decades and recall vividly the vandalism of past years when the area behind our homes was left as an unlocked thoroughfare. The path is touted as raising the value of our homes. Really? Not when you ask a credible realtor.

How many of you have actually walked this path its full length vs. having just looked at artist renderings? Come walk with us. We will show you what you are voting on.

Currently in our community and nation there is a lack of civility that can lead to a total loss of community. Please do not contribute to this degradation of Cupertino. It's a slippery slope that leads a community into a downward spiral. Steve Piasecki, a former director of Community Development in Cupertino, said at a long ago City Council meeting that you can't have community if people don't feel safe. I agree with that. Well, another important point is that you can't have community if residents feel they have absolutely no say in what happens to their neighborhood. If the City Council elects to override the fervent wishes of a neighborhood so dramatically as in the case of Regnart Creek Path, you send a loud and clear message that their input and activism do not matter in Cupertino. That is not the kind of impact anyone should want to leave on the city they serve.

Sincerely,

Linda Wyckoff

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Wednesday, September 12, 2018 4:35 PM
To: 'Linda Wyckoff'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Liability issues regarding Regnart Creek Path
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Wyckoff,

Thank you for your e-mail dated August 29, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County -- the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

This page intentionally left blank.

Melissa Stone

From: Melissa Stone on behalf of Board Correspondence
Sent: Thursday, August 30, 2018 2:55 PM
To: Board of Directors
Subject: FW: Concerns about Cupertino's Regnart Creek biking trail plan

Begin forwarded message:

From: Kevin Lu <kevinjlul@gmail.com>
Date: August 29, 2018 at 1:04:51 PM PDT
To: <NHsueh@valleywater.org>
Subject: Concerns about Cupertino's Regnart Creek biking trail plan

Dear Ms. Nai Hsueh,

I was told you represent the Santa Clara Water District covering Cupertino. I am writing to express my grave concerns and shock regarding Cupertino city council's plan on Regnart Creek biking trail despite strong opposition from the families along the creek.

The Santa Clara county guideline on biking trail is very clear, 12 feet with 2 feet on each side for buffer and safety. <https://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Interjurisdictional-Trails-Guidelines-text-and-graphics.pdf>. The proposed trail will go thru the FRONT of several houses along the creek, and Santa Clara Water District has only 10 feet deeded based on the title reports of the owners. To have a biking trail within 10 feet with one side already having thick concrete wall to prevent flooding and the other side to build another fence or wall is going to inevitably invite serious accidents and endanger emergency or maintenance vehicles for the water district. It also severely deprives the homeowners' rights of privacy, safety and views of the creek that they bought into when they selected their residences along the creek. Not to mention the negative impact on the natural habitat along the creek.

Please consider the residents' concerns, opposition and rights when you discuss the matter with the water district board.

I copy below my letter to the Cupertino city council for your reference.

Sincerely,

Kevin

Dear Cupertino city council members,

I am a Cupertino resident of more than 12 years and am writing to urge you to vote against the proposed Regnart Creek Trail and use the money for other causes.

The proposed trail will

- waste tons of money as the city already has many dedicated bike lanes around the city for bikers. As a Cupertino resident, we have been paying special parcel tax for many years, and we are constantly asked for donation to support the schools and teachers. I remember one year we had to raise money to keep teachers' job in Cupertino. PLEASE SAVE MONEY FOR OTHER CAUSES!
- negatively affect the houses and residents along the creek, especially those with fronts facing the creek. The houses will lose some of the value that the owners originally bought into: privacy and security!
- permanently damage the habitat for animals along the creek

Referred
C-18-0163

- increase safety concerns as more crossings are proposed along busy streets such as Blaney and more dangerous mix of pedestrians and bikers on a narrow path.
- lead to lack of emergency vehicle access to the proposed path
- Trespassing on the borderlines of the private land belonging to the owners of along the creek based on Santa Clara County's guidelines on biking trails:<https://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Interjurisdictional-Trails-Guidelines-text-and-graphics.pdf>

The proposed trail also violates the city's own regulations regarding protecting residential neighborhoods from ***noise, traffic, light and visually intrusive effects from more intense developments.*** See link: <https://www.cupertino.org/home/showdocument?id=1510>

As publicly elected officials, please exercise fiscal disciplines, use tax payers' money where it is most needed and help to reduce the high tax burden that we, the residents and tax payers, are facing today.

Say NO to the Trail. Use existing bike lanes!

Thank you,

Kevin

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:14 AM
To: 'kevinju1@gmail.com'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Concerns about Cupertino's Regnart Creek biking trail plan
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Mr. Lu,

Thank you for your e-mail dated August 29, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County – the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

This page intentionally left blank.

Melissa Stone

From: Melissa Stone on behalf of Board Correspondence
Sent: Thursday, August 30, 2018 2:56 PM
To: Board of Directors
Subject: FW: creek open to the public

Begin forwarded message:

From: Gloria Ezerski <gloryez@att.net>
Date: August 30, 2018 at 9:02:03 AM PDT
To: "nhsueh@valleywater.org" <nhsueh@valleywater.org>
Subject: creek open to the public
Reply-To: Gloria Ezerski <gloryez@att.net>

Dear Commissioner for District 5,

I would like to forward on to you what I sent to the Cupertino Counsel so the creek side would not be opened to the public. As you will read, I had my problems when it was open to the public. I felt it necessary for you to read what I did write to the Cupertino Counsel.

I am a resident of Cupertino for the last 55 years. I have witnessed, been involved with wrong doings concerning the creek when it was opened to the public. Unknown evils are always lurking when a location is not being supervised.

An open creek side means the safety of the residents will be ignored. Will you "the city" be responsible for those who may get hurt, do damage to our fences, homes, and yes, garbage that will eventually accumulate. You "the city" is creating costly problems. But yet, how many of you live in Cupertino?

The city already has problems which are being ignored. Raised sidewalks, trees that need pruning, and tell me what happened to "street cleaning" as I have been sweeping leaves along the curb side.

Safety, protecting residents from vandalism, is the #1 key concern and if not, it should be. We the residents are the ones who would be the victims and not the city.

Will you "the city" if you decide creek should be open, have cameras installed, fencing, lights, monitored by security, and making 100% sure that the "homeless" don't take living quarters within the creek side. Homeless brings odors, mess, where they take camping privileges.

NO NO TO THE TRAIL BEING OPENED TO THE PUBLIC. Opening it will bring regrets, costs, and possibly law suits. Thank you for reading my e-mail against the opening of the creek side to the public.

Gloria Ezerski

Referred
C-18-0164

Melissa Stone

From: Gloria Ezerski <gloryez@att.net>
Sent: Tuesday, September 04, 2018 7:14 AM
To: Board of Directors
Subject: Oppose Regnart Creek Path

I have written to your Commissioner Nai Hsueh, City Counsel members of Cupertino, to please not open the creek side to the Public.

I have lived in my home 55 years, and yes, have encountered many issues of wrong doings to the residents. Broken fences, broken windows, taking short cuts thru someone's backyard, invading our privacy.

Questions have been asked and not answered such as: will the creek be monitored for vandalism, homeless taking camp privileges, will it be lighted if in fact open 24 hrs a day, and most importantly who will take responsibility for damages that may take place. Will the City be held responsible for these damages that may occur? We all know children will be children when throwing rocks, leaving food wrappings, it is part of growing up. But yet, the residents are the ones on the losing end.

I ask that the creek side NOT BE OPENED TO THE PUBLIC. I THANK YOU FOR READING WHAT I JUST WROTE AND HOPING YOUR DECISION WILL BE TO KEEP IT CLOSED.

Please remember many of you will not be affected with creek side vandalism and other problems that may occur. When a location within a city is not monitored for various reasons, trouble comes to be.

Most respectfully, Gloria EzerskiPlease also remember, the residents will be the victims of wrong doings, not you 'THE CITY'.

Referred
C-18-0166

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:20 AM
To: 'Gloria Ezerski'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Oppose Regnart Creek Path
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Ezerski,

Thank you for your e-mails dated August 30 and September 4, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County -- the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

This page intentionally left blank.

Melissa Stone

From: Melissa Stone on behalf of Board Correspondence
Sent: Tuesday, September 04, 2018 8:20 AM
To: Board of Directors
Subject: FW: Completed project along Queenswood Way and Camden Ave

Begin forwarded message:

From: the pagans <thepagans@sbcglobal.net>
Date: September 1, 2018 at 1:05:34 PM MDT
To: "gkremen@valleywater.org" <gkremen@valleywater.org>
Subject: Completed project along Queenswood Way and Camden Ave
Reply-To: the pagans <thepagans@sbcglobal.net>

Hi Mr Kremen,

A very major pipeline maintenance project was completed earlier this year along Queenswood Way, between Camden Ave and Portswood Dr. The contractor appeared to have completed all work and demobilized their work yard on Almaden Expwy and Harry Rd.

However, there are a number of incomplete items have remained unfinished onsite along the creek and the mobilization yard, which include the following:

- Straw waddles have been piled up along the creek for several months, and appear to be surplus;
- Gravel was imported to the creek area for an access road, and some piles remain ungraded;
- Portions of the pedestrian trail were driven on by the contractor, and as a result, several areas are damaged and need repair. Much of the damage is on the side edge of the trail;
- Two holes deep ruts were made on the trail at the end of Hampswood Way, and were only recently patched with cold patch.
- Contractor vehicles drove across the trail just north of the expressway, and kicked up enough gravel and dirt to cover the trail;
- Access to the mobilization yard on Almaden Expwy was made through an opening in a treated lumber fence, and has not yet been restored to original condition.

And lastly, there is a SCVWD vehicle access point across a City sidewalk along Camden Ave, between Queenswood and Los Alamitos Creek, been heavily damaged by SCVWD maintenance or contractor vehicles. Does the District have plans to repair this damaged sidewalk, with perhaps a curb cut for better access?

Thank you in advance.

Steven Pagan
thepagans@sbcglobal.net

Referred
C-18-0167

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:42 AM
To: 'thepagans@sbcglobal.net'
Cc: Board of Directors
Subject: RE: Completed project along Queenswood Way and Camden Ave

Sent on behalf of Director Kremen

Dear Mr. Pagan,

Thank you for your email dated September 1, 2018, notifying me of your concerns along Los Alamitos Creek Trail related to the Santa Clara Valley Water District's (District) Almaden Valley Pipeline Project. As you know, we had a major pipeline rehabilitation project and a large emergency repair effort on one of our pipelines that runs adjacent to Alamitos Creek between Camden Avenue and Almaden Expressway. This was critical work that needed to be done to ensure a safe reliable water supply for the community, and we recognize and appreciate the patience and understanding of the residents in the Queenswood neighborhood and local area.

We are still in the process of wrapping up the project as the contractor completes the required work. In the past week, our staff and contractors visited the Queenswood area and observed the issues that you noted in your message. Some of the items have already been addressed such as the removal of the surplus straw waddles. The gravel pile that you noted will be spread and compacted once the perimeter fence around the building near Queenswood Way and Figwood Court is completed, planned for the next couple weeks.

A District staff person will be out within a week to sweep a portion of the trail located just north of the expressway that is covered with dirt. Please note that this is a natural low point which collects mud and local runoff. In addition, our vegetation specialist is overseeing the area alongside Alamitos Creek that was rutted and caused damage to the vegetation. The goal is to allow native vegetation to naturally reestablish in that area.

The asphalt cold patch on the trail was not placed by the District or our contractors; however, during a recent visit to the site, District staff did notice that the City of San Jose has set out safety barricades along the trail. We have contacted the City to request they inspect and perform repairs as needed on this section of the paved asphalt trail. The District partners with the City of San Jose and other cities in the County to establish paved trails for pedestrians and cyclists.

Thank you for bringing to our attention the cracked sidewalk near the intersection of Queenswood Way and Camden Avenue. This area has been damaged for several years and our staff will contact the City of San Jose to inform them of the damage. Staff had also previously contacted the County about the treated lumber fence that was damaged prior to the District's use of the area. Staff will remind the County again that the fence is in need of repair.

We appreciate you taking the time to share your concerns. as the District takes all community concerns seriously. As the County's water wholesaler, the District is dedicated to providing safe clean water to the residents of Santa Clara County. If you have additional questions or concerns, please feel free to contact Kurt Arends, Deputy Operating Officer of Raw Water Operations & Maintenance, at karends@valleywater.org.

Sincerely,



Gary Kremen
Director, District 7

C-18-0167

This page intentionally left blank.

Rec'd in COB
8/31/18

Campo De Lozano Homeowners Association
10358 Lozano Lane
Cupertino, CA 95014-6607

August 11, 2018

Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Via Post

Attn: Ms. Nai Hsueh, Board Member, District 5
Mr. Rick Callender, Chief of External Affairs
Ms. Debra Dake-Morrell, Revised Encroachment Remediation
Program

Re: Regnart Creek – Cupertino, CA

Ladies and Gentleman:

I am President of Campo De Lozano Homeowners Association and a 20 year resident of Cupertino. Some of the homes in our association are approximately 10 feet from the edge of Regnart Creek. As you may know, the City of Cupertino is planning a comprehensive bike trail covering the city, with one section, a trail adjacent to Regnart Creek coming up for approval on August 21, 2018. The City engaged a consultant last November to assist with the determining the feasibility of a pedestrian-bike trail next to Regnart Creek. A number of community meetings have been held, but one key participant, the Santa Clara Valley Water District, has been noticeably absent. We have been told that the Water District has given its blessing for the City to do whatever they want with developing the proposed Trail. Is this true?

We find it odd that one property owner would allow another party to make major decisions on its behalf, perhaps this is covered in a Joint Use Agreement between the City and the Water District. Over 90% of the homes residing next to Regnart Creek are opposed to the Bike trail due to safety and privacy concerns and it being an unnecessary expense when alternate, safe bike paths exist. It seems to us that a trail built where the service road is would also make it more difficult for the Water District to

Referred
C-18-0168

maintain the Creek. The proposed Trail raises liability issues as well and negatively impacts the habitat and eco-system that exists now, something contrary to Water District policies and marketing.

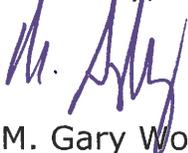
As your neighbor and customers, we would appreciate learning of the Water District's position, whether it is in a cost-sharing arrangement with the City, and whether or not the proposed Trail meets with your approval. It certainly does not meet ours.

To highlight our concerns, we have prepared the attached slide deck and also include an illustration of state bike trail design guidelines, which does not conform to what is being proposed. The Water District's owns 10 feet of land, used as a service road, next to the Creek. 10 feet seems insufficient to construct a bicycle-pedestrian trail, once walls and shoulders are considered.

Any information you can share with us is much appreciated. If you are available for a meeting, we would like to discuss this in person.

Thank you for listening to our concerns. Please excuse our addressing this to multiple parties, we were unsure who the appropriate contact should be.

Sincerely,



M. Gary Wong
President

Campo De Lozano HOA
(650) 619-1728
garywong@ix.netcom.com

Encls: Slide deck re: Regnart Creek Trail
Bike trail design guideline illustration

Regnart Creek Trail



Opposition Statement by
Cupertino Residents Residing
Next to Regnart Creek

Regnart Creek Bike Trail
City Council Meeting
August 21, 2018



Cupertino Bicycle Paths Program

We respect and applaud the work and efforts of the Council, City staff and the Bicycle Pedestrian Commission to:

- Make Cupertino a more walkable and bicycle friendly community
- Reduce automobile traffic and congestion
- Improve connectivity among the various neighborhoods

We acknowledge the significant resources devoted to planning in the preparation of the 2016 Bicycle Transportation Plan

However, over 95% of residents who live next to Regnart Creek, oppose the trail for use as a public bicycle and pedestrian path. Other options exist, that are not under consideration that are less costly and non-disruptive.



Executive Summary

- The public outreach pertaining to the Regnart Creek trail is biased and incomplete. The process is disrespectful to Cupertino residents.
 - A budget of \$1-10 million was quoted, indicating the plan is not soundly conceived.
 - Alternative paths were not included as part of the Trail study mandate, which would lead to wasteful spending of tax payer funds if approved.
 - Safety, habitat & privacy issues have been glossed over, ignoring existing safe routes with adjacent pedestrian sidewalks.
 - Avid cyclists have stated they would not use the proposed trail
 - Opposition to the Regnart Creek trail is widespread and residents are prepared to take legal action to preserve their rights
- 

Significant & Permanent Impact on Properties



From this



To this

- Loss of privacy
- Loss of view
- Increased noise from talking, music, skate boards and scooters
- Light pollution from lights
- Trespassing on property
- Increased litter
- Increased pet waste
- Harmful impact to creek habitat

Proposed Trail Impacts Homes on De Palma Lane



- The trail would alter ingress and egress, making it more difficult for the homeowners
- A fence would be out of place and be visually ugly
- The Trail and proposed fencing would limit access of emergency vehicles, putting lives at risk

Trail Fencing Options are Not Acceptable



- The proposed wall/fence destroys the feel of the neighborhood
- Proposed wall/fences would be unsightly, like a prison
- A 6' fence/wall would create shadows, impacting, if not killing the landscaping
- A fence would make the middle area hard to maintain
- A fence would reduce and change ingress and egress for the residents, a maze
- A fence would force trimming and changing the shape of the beautiful trees

Safety and Habitat Ecology Disruption



Are children safe walking on a path where there are coyotes?

Are children safe where vultures with 7 ft wingspans search for food and prey?



- Coyotes, ducks, frogs, birds, squirrels and other creatures rely on the creek for water. Increased human traffic and fencing would materially alter their habitat
- **Children walking on the trail may be vulnerable to coyotes and vultures or frightened by other native animals.**
- A fence would create an alley, where escape from a coyote or other wild animal would be extremely difficult. There would be no escape
- A child could fall 14 feet into the dry creek and aid would not be immediately available.

Water Levels Reach Dangerous Levels

- During heavy rains, water levels in the Creek rise to dangerous levels, bordering on overflowing.
- Are children safe walking along swift running water?
- Are children safe walking along a creek where there is no fencing, and a 14 foot drop?



Trail invites Trespassing and Improper Bicycle Use



- ↔
- Cyclists already trespass on Lozano Lane property



Pedestrian easement disallows bike usage, but cyclists use it anyway. There is no enforcement of pedestrian use only.

Crime and Vandalism are already present



- Vandalism on the pedestrian path occurs
- Last fall, a stranger tried to approach the daughter of one of the homeowners
- Cars were broken into in 2017 on premise
- Strangers walk thru the property
- Residents are very concerned about security

Santa Clara Water District Trail Limited to 10 Feet



Photo of 10 feet dimension



10 foot trail dimensions crowd utility pole

Aerial View of Homes on Lozano & De Palma Lane

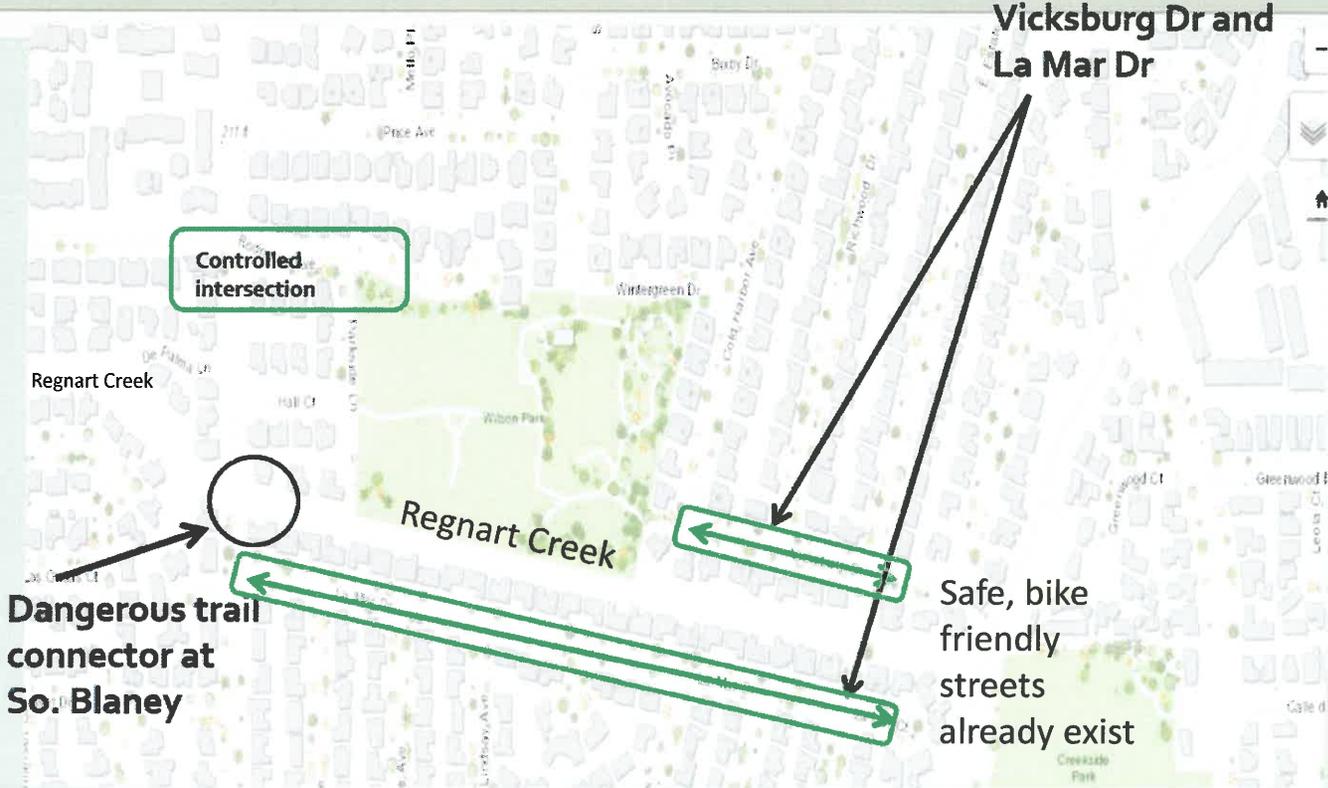


Unlike the gentlemen who purchased a home near the railroad, he knew what he was buying.

Our situation is not comparable, we did not buy these homes for a 7 foot wall to be **erected in front of them.**

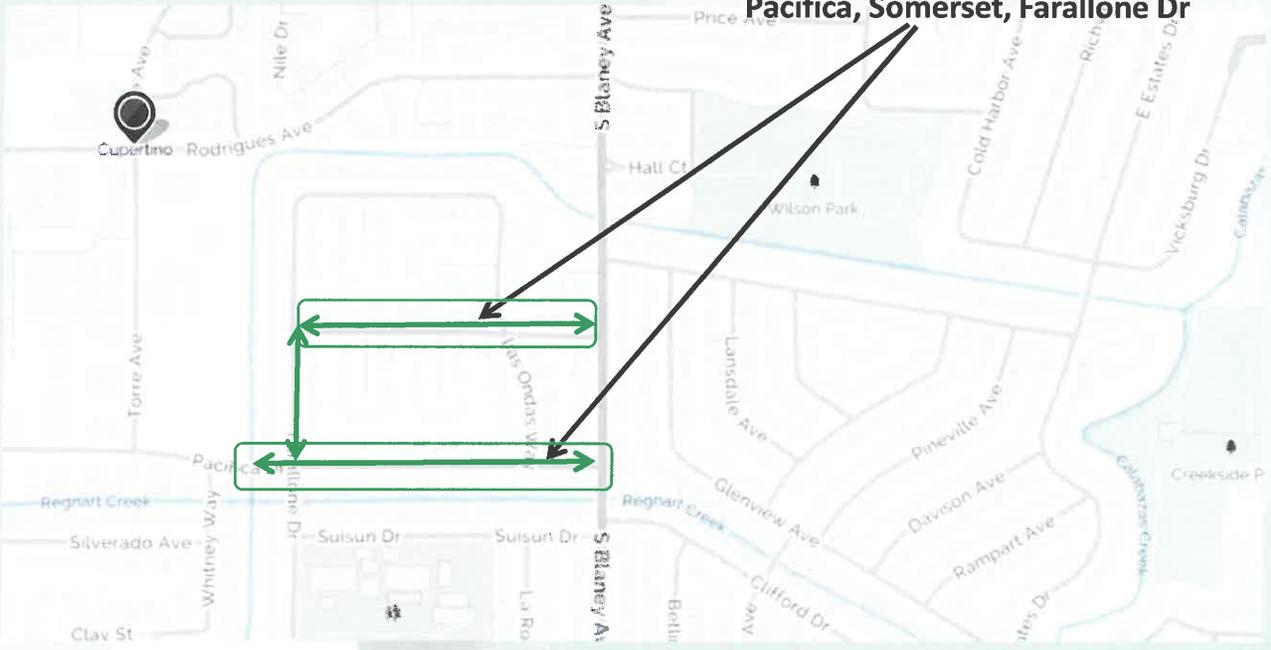
We did not buy these homes to have our privacy and security compromised.

Safe, Viable Alternative Paths Already Exist



Existing Safe Routes to Schools

Existing safe residential streets
with side walks
Pacifica, Somerset, Farallone Dr



95% of Regnart Creek Residents Oppose the Trail

- 100% of the homeowners of Campo De Lozano Homeowners Association oppose the Regnart Creek Trail
- 100% of the households, residing on DePalma Lane, oppose the Regnart Creek Trail
- 95% of households along La Mar, Vicksburg, Farallone and Las Ondas oppose the Regnart Creek Trail
- A petition has confirmed their opposition to the this Trail. **Note the numerous signs posted throughout the community. Stop the madness, don't create a problem where none exist.**
- The residents are very angry about encroachment on their rights.

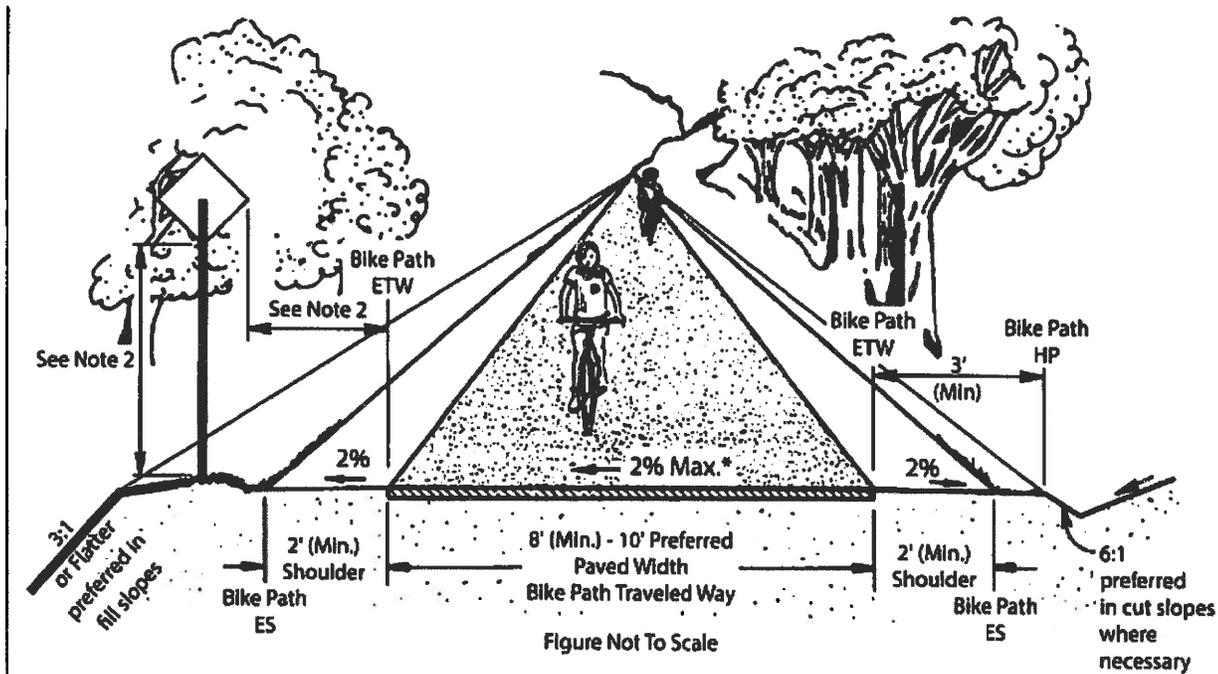
Residential and Voter Opposition is Widespread



Council Responsibility to Do No Harm



Figure 1003.1A
Two-Way Class I Bikeway (Bike Path)



NOTES:

- (1) See Index 1003.1(15) for pavement structure guidance of bike path.
- (2) For sign clearances, see California MUTCD, Figure 9B-1. Also, for clearance over the shoulder see Index 1003.1(3).
- (3) The AASHTO Guide for the Development of Bicycle Facilities provides detailed guidance for creating a forgiving Class I bikeway environment.

* 1% cross-slope minimum.

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:37 AM
To: 'garywong@ix.netcom.com'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Regnart Path, Water District 5
Attachments: Wong C-18-0168.pdf; Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Mr. Wong,

Thank you for your letter dated August 11, 2018 (attached), regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County – the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0168

This page intentionally left blank.

Melissa Stone

From: Kathy R Chole <kathychole@comcast.net>
Sent: Thursday, September 06, 2018 12:24 PM
To: Board of Directors
Subject: Regnart Creek Trail - Opposing Approval
Attachments: Regnart Creet Trail - Opposing Approval.eml

Dear SCVWD Board of Directors:

I am writing to you for your support to oppose the opening of Regnart Creek (District 5) as a public pedestrian/bike trail. Opening a trail through residential neighborhoods that are documented as safe for walking and biking is irresponsible for the safety of potential users. The proposed (and now approved feasibility study) trail heads at So. Blaney and E. Estates will cause increased congestion and safety to walkers and bikers. So. Blaney has a vehicle rate of 6,400/day, which will now be forced to navigate this trail connector crossing that has a zig-zag construction to connect to the next portion of the trail with a safety median in the middle of the road for walkers and bikers to take refuge.

In addition, the proposed 4' split rail fencing separating the trail from the creek is a horrendous idea, again for safety. The water district should be concerned about this even though the liability will be on the City of Cupertino in the event of injury.

I have enclosed my email correspondence which highlights additional concerns that was sent to the Cupertino City Council on 8/13/2018 (excuse the typo in the subject line of Creet vs Creek), of which I received "zero" response except from council member Steven Scharf who had to recuse himself from the vote as he lives within 500 ft. of the trail.

The 4-0 approval vote by the City Council on 21-August-2018 was decided long before hearing concerns of those opposing and favoring the Bike/Pedestrian Commission report and walk/bike coalitions. The community outreach of working with those residents to come up with a reasonable solution fell on deaf ears. It was a sad evening of sitting through the city council meeting of almost 5 hours for this agenda item to have the safety of our community discounted to build a .8 miles trail at the current estimated cost of \$2.4M.

Please listen to the community, of which there are >400 residents (and counting) that signed petitions opposing the opening of the creek for public use.

Thank you in advance.

Regards,

Kathy Chole
email: kathychole@comcast.net

Referred
C-18-0170

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:24 AM
To: 'Kathy R Chole'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Regnart Creek Trail - Opposing Approval
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Chole,

Thank you for your e-mail dated September 6, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County – the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0170

This page intentionally left blank.

Melissa Stone

From: Kathy R Chole <kathychole@comcast.net>
Sent: Thursday, September 06, 2018 12:24 PM
To: Board of Directors
Subject: Regnart Creek Trail - Opposing Approval
Attachments: Regnart Creet Trail - Opposing Approval.eml

Dear SCVWD Board of Directors:

I am writing to you for your support to oppose the opening of Regnart Creek (District 5) as a public pedestrian/bike trail. Opening a trail through residential neighborhoods that are documented as safe for walking and biking is irresponsible for the safety of potential users. The proposed (and now approved feasibility study) trail heads at So. Blaney and E. Estates will cause increased congestion and safety to walkers and bikers. So. Blaney has a vehicle rate of 6,400/day, which will now be forced to navigate this trail connector crossing that has a zig-zag construction to connect to the next portion of the trail with a safety median in the middle of the road for walkers and bikers to take refuge.

In addition, the proposed 4' split rail fencing separating the trail from the creek is a horrendous idea, again for safety. The water district should be concerned about this even though the liability will be on the City of Cupertino in the event of injury.

I have enclosed my email correspondence which highlights additional concerns that was sent to the Cupertino City Council on 8/13/2018 (excuse the typo in the subject line of Creet vs Creek), of which I received "zero" response except from council member Steven Scharf who had to recuse himself from the vote as he lives within 500 ft. of the trail.

The 4-0 approval vote by the City Council on 21-August-2018 was decided long before hearing concerns of those opposing and favoring the Bike/Pedestrian Commission report and walk/bike coalitions. The community outreach of working with those residents to come up with a reasonable solution fell on deaf ears. It was a sad evening of sitting through the city council meeting of almost 5 hours for this agenda item to have the safety of our community discounted to build a .8 miles trail at the current estimated cost of \$2.4M.

Please listen to the community, of which there are >400 residents (and counting) that signed petitions opposing the opening of the creek for public use.

Thank you in advance.

Regards,

Kathy Chole
email: kathychole@comcast.net

Referred
C-18-0170

Melissa Stone

From: Kathy R Chole <kathychole@comcast.net>
Sent: Monday, August 13, 2018 9:54 PM
To: citycouncil@cupertino.org
Subject: Regnart Creet Trail - Opposing Approval

Dear Cupertino City Leaders:

I am a 40 year resident of Cupertino and have seen lots of changes to our fine City, however approving the Regnart Creek Trail is not one of them.

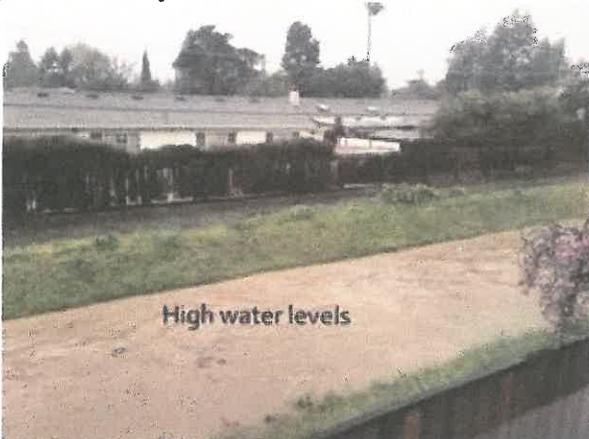
As you are aware, the Regnart Creek Trail Feasibility Study Draft ("Study") is now available and will be reviewed during the City Council meeting on 8/21/2018. Should history repeat itself, only the potential benefits, to the satisfaction of the Bike/Ped Commission, will be provided and not the risks to our community.

City staff will be recommending Alternative # 1 (Page 57 of Study) at an estimated cost of \$2.4M.

There have been many unfounded statements about those of us that are opposing the opening of the creek, siting we are NIMBY's and are opposed to beautification and advancement of trails throughout the city. Nothing could be further from the truth. You may believe we don't have a realistic view of progress, but be assured, we do. While we keep getting slapped with being concerned about our residential safety and security, it's more for the users of this trail.

I would ask that you, as leaders of our community, think long and hard about the safety of young children and bikers using a narrow trail as a safe route. Regnart Creek has been touted as a safe route to schools, however the crossing at S. Blaney will be disastrous. This street has 6,400 vehicles/day (pg. 19 of the Study). With this volume, the risk of accident, injury and near-miss at this trail connector at S. Blaney is imminent. It will take only 1 incident to confirm this is a poor plan.

The Study recommendation is a 4' wooden split removable rail option separating the creek from the trail. Although this may be consistent with many other SCVWD creekside trails (Pg. 59), those do not have a 14' drop off to the creek bed. This will be extremely dangerous especially during the winter months. I've included a picture of the high water levels taken in November of 2017. This makes for a potentially dangerous situation for adventuresome youth. Safety first.



Now let's consider the folks on Lozano Lane / De Palma Lane. I don't live there, but they have so much to lose if this trail is approved. When they purchased these properties, they agreed that the asphalt in front of their homes would be accessible to pedestrians. The idea of increasing the activity by adding bikers will certainly disrupt their serenity. Putting up screened fencing in front of these homes that face the creek is an inconsiderate alternative.

Additionally, this Campo De Lozano HOA was not given the opportunity to go over their 12-page slide presentation to visually express their concerns when a two hour session with City staff and trail consultants was held on 5/23/2018. No consideration was given to the opinions of these homeowners. Contrary to what you may be hearing, listening to the residents has not been successful, especially for this HOA membership. Shame on staff. Noted in the Study (pg. 19) "Where the trail would be located adjacent to the front yards of houses, noise levels would be greater. A noise analysis would be required during the preparation of the CEQA document for the project". That's all well and good, but what is the mitigation if noise levels are above acceptance? Too little, too late.

Please review Figure 3.2 Activity Generators near the Regnart Creek Trail in the Study. There is no retail shopping on this trail; no direct outlet to schools; no high density housing as a feeder; no religion center. Granted, there is Wilson Park and Civic Center, with Civic Center being the only area with pedestrian demand (refer: Figure 6, Page 10 - Composite pedestrian demand index map of the City of Cupertino Pedestrian Transportation Plan Final Report / February 2018). <http://www.cupertino.org/home/showdocument?id=16812>

I would say users (walkers or bikers) traveling west to Civic Center would cut off at the Rodrigues Trail Connector vs. traveling to the end of the trail at Pacifica and then cutting back. Unless there is another trail extension across Pacifica that the public is not yet aware of. If there is, why don't we know about it?

I would like to see more specified bike lanes and keep pedestrians on the sidewalks so there is a separate space for walkers and bikers. Get moving on the Boulevard Plan. \$2.4M can buy an abundance of green paint for neighborhood streets that are already safe based on the reports from Bike/Ped. I would encourage Alternative 4 – Cost estimate \$100,000 be approved to utilize the safe residential streets. This option also benefits the city by potentially not having to increase city staff for the maintenance, cleanliness and structure of the trail. Park employees have enough to manage already. Not to mention adding another task to the Sheriff Deputies of patrolling the trail.

As a final comment, refer to Page 54 of the Study. "...The City may be held liable for injuries which are caused as a result of the breach of its duty to maintain a recreational trail in a reasonably safe condition for travel."

After doing your due diligence on this project, which must include walking the entire distance of the proposed trail to get a clear firsthand experience of the risk, do the right thing for the community and our residents and don't be overly influenced by the outspoken bike coalition.

Regards,

Kathy R Chole
19674 Vicksburg Dr

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:24 AM
To: 'Kathy R Chole'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Regnart Creek Trail - Opposing Approval
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Chole,

Thank you for your e-mail dated September 6, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County – the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0170

This page intentionally left blank.

Melissa Stone

From: i <erick62465@aol.com>
Sent: Sunday, September 09, 2018 2:31 PM
To: Board of Directors
Subject: Regnart Path, Water District 5

Dear Board Members of Valley Water,

My name is Candace Erickson. I live at 20095 Las Ondas Way, Cupertino, CA 95014. My property backs up to Regart Creek. I recently attended a meeting of the Cupertino City Council in which the council approved a feasibility study of a path for walking and bicycles, running from Pacifica Ave to Creekside Park in Cupertino. I am not in favor of the Regnart Path. I have lived here for 55 years and originally the creek was open. I do not remember when it was closed, but I have been thankful for that happening. I am concerned about the creek being clean and a good place for wildlife. When the water is running I have often seen ducks raising their ducklings there. I also care about the safety of children who may be using the creek to travel to school. There is a matter of privacy for some of the folks that live along the creek as well.

I ask that you would consider voting against the Regnart Path construction on water district property.

Sincerely,

Candace Erickson
20095 Las Ondas Way
Cupertino, CA 95014

Referred
C-18-0171

Melissa Stone

From: Melissa Stone on behalf of Board of Directors
Sent: Thursday, September 13, 2018 10:28 AM
To: 'i'
Cc: Board of Directors; 'dpaul@cupertino.org'; 'rsinks@cupertino.org'; 'svaidhyanathan@cupertino.org'; 'bchang@cupertino.org'; 'sscharf@cupertino.org'; 'Timmb@cupertino.org'
Subject: RE: Regnart Path, Water District 5
Attachments: Regnart Creek letter - August 21, 2018.pdf

Sent on behalf of Director Hsueh

Dear Ms. Erickson,

Thank you for your e-mail dated September 9, 2018, regarding your concerns with the City of Cupertino's (City) proposed trail along Regnart Creek. I am aware that on August 21, 2018, the City Council approved proceeding with a proposal to use portions of Regnart Creek from Pacifica Drive to E. Estates Drive as a public trail and connect it to the existing trail into Creekside Park. Santa Clara Valley Water District (District) staff have been in discussions with the City regarding impacts to flood protection and/or operations and maintenance of our facilities. District staff also reviewed the draft Regnart Creek Trail Feasibility Study, and provided our comments and concerns to the City, which are included in the attached letter dated August 21, 2018.

Since 1974, the District's Board of Directors (Board) has had a policy to allow joint public use of District facilities when an agency, such as the City, requests to use District property for public recreational uses, so long as the use does not adversely impact District operations and the agency takes responsibility for the public's use of the property. We understand that the City has held several public meetings in this neighborhood to gather comments for incorporation into their feasibility study. Prior to approving any final trail alignments, the City will also need to undertake a California Environmental Quality Act study, which includes another public comment process.

As you may be aware, land use decisions, including planning for recreational facilities, lie with the cities and County – the District's review is limited to how recreational improvements will impact our flood protection, stream stewardship or water supply operations. However, any use of District property for extending the existing Regnart Creek trail on District property will require the City to enter into a joint use agreement with the District. The Board must approve new joint use agreements with the agency prior to allowing construction of a trail on District property, which provides the public additional avenues to voice their comments and concerns. Our Board is sensitive to the community as our neighbors, so I can assure you that your concerns will be considered, along with the City's efforts to ameliorate those concerns, and the benefits the project will provide to the community at large, prior to any Board decision.

Below is a link to the City's website with information on the project, documentation from public meetings, and updates on the status of their project, so that you may stay informed on the project's progress and see other comments made by the community regarding the project:

<https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail>

Please feel free to contact Ms. Usha Chatwani, Community Projects Review Manager, at (408) 630-2731, if you have any additional concerns or questions about the District's review process for these types of projects.

Sincerely,



Nai Hsueh
Director, District 5

C-18-0171

This page intentionally left blank.

Melissa Stone

From: Board of Directors
Subject: FW: Concerns about Cupertino's Regnart Creek biking trail plan

From: Kevin Lu [mailto:kevinjlu1@gmail.com]
Sent: Thursday, September 13, 2018 4:24 PM
To: Board of Directors <board@valleywater.org>
Subject: Re: Concerns about Cupertino's Regnart Creek biking trail plan

Thank you for your reply. Although they held public meetings or hearings, that's just a formality as the city representative simply asked the residents affected most to choose fencing options, not willing to listen to what cost effective ways to achieve the desired results. Please read another post today about a different topic from someone complaining about the city council in Cupertino:

[Ganesh Kanna](#)
Rancho Rinconada

[Yes your vote counts - if Not you Then Who, if not Now then When - Speak Up.](#)

In recent years, the majority of the Cupertino City Council stops listening to the residents who elected them. They do not honor the wishes of their constituency or duly respond to the pleas from residents to protect and preserve the quality of life in their city. For example, the Cupertino City Council ignores the will of the majority of the residents who rejected a Vallco re-development plan in 2016 election, known as "Measure D," to substantially cut back of retails-space and to build a huge office park. The 2016 plan would have taken away the last available large retails-space in the city, worsen the imbalance of office/housing units—thereby significantly exacerbate the housing shortage and traffic overloads. Instead, the City Council now elects to side with developer to approve plans that are several times worse than the defeated "Measure D" in terms of the monstrous size, density and height – from "three buildings of 7-story, 120 ft high (143 ft high if including the green roof) and 389 to 800 apartments" in "Measure D." to "more buildings, as high as 170 ft and 2,923 apartments." in the ever-evolving "Vallco Specific Plan." The new Vallco plan will have a total eye-popping build-out of 11.3 Million square feet on a 57-acre lot. For comparison: Salesforce Tower in San Francisco is 1.6 Million sq. ft. Apple Park is 2.8 Million sq. ft. on 175 acres. the two landmark skyscrapers in New York City: - Empire State Building is 2.73 million sq.ft. - One World Trade Center is 2.60 million sq.ft. It will bring as many as 14,000 daytime workers into Cupertino daily (next to Apple Park's 14,200 with most of them merely relocating from other Cupertino sites). This spells the end of our quiet suburban life!! The Vallco re-development, if moving forward, will lead to absolutely unsustainable traffic gridlocks on highways and almost all local streets in the municipality, cause certain stagnation and depletion of city infrastructure support, such as the electricity and water supply shortage, sewage system backup, storm drain blockage, and major increase of maintenance and upgrade costs to the aging systems in Cupertino. Many of your school-year children will linger in portable modular classrooms as the number of students skyrockets upward. None of these have been taken into account or made the developer to share any fiscal responsibility to ease the pains. This is only the tip of the iceberg. We must have a house-cleaning and bring back the democracy - of the people, by the people and for the people. Cupertino is in crisis. The city will inevitably grow, but we need sensible and balanced growth.

45m ago · 24 neighborhoods in [General](#)

Noted
C-18-0178

This page intentionally left blank.

Melissa Stone

From: Board of Directors
Subject: FW: Liability issues regarding Regnart Creek Path

From: Linda Wyckoff [mailto:lwycckoff2@yahoo.com]
Sent: Thursday, September 13, 2018 3:02 PM
To: Board of Directors <board@valleywater.org>
Subject: Re: Liability issues regarding Regnart Creek Path

Honorable Board of Directors for the Water District,

Thank you for your response to my neighborhood's concerns regarding the implementation of a path along Regnart creek in Cupertino. Please do keep me posted of any meetings or other issues regarding this proposed path.

Regards,
Linda Wyckoff

Noted
C-18-0179

This page intentionally left blank.

Melissa Stone

From: Tong-Ming Lee <tml_ee_us@yahoo.com>
Sent: Monday, September 17, 2018 7:21 PM
To: Board of Directors
Subject: Fw: I disagree with the proposed Regnart Creek trail!

Dear Water District board members,

We're in Water District 5. It's regarding the proposed Regnart Creek trail. I'm forwarding the email that I sent to Cupertino City Council members earlier. I expressed my concerns. I'd really appreciate if you all could take those concerns into consideration.

Thanks,
Tong-Ming Lee

----- Forwarded Message -----

From: Tong-Ming Lee <tml_ee_us@yahoo.com>
To: dpaul@cupertino.org <dpaul@cupertino.org>; rsinks@cupertino.org <rsinks@cupertino.org>; svaidhyanathan@cupertino.org <svaidhyanathan@cupertino.org>; bchang@cupertino.org <bchang@cupertino.org>; sscharf@cupertino.org <sscharf@cupertino.org>; citycouncil@cupertino.org <citycouncil@cupertino.org>
Sent: Tuesday, August 21, 2018, 5:24:08 AM PDT
Subject: I disagree with the proposed Regnart Creek trail!

Dear Council Members,

I am a Cupertino resident, and I oppose the proposed Regnart Creek trail for the following reasons:

- Increased traffic and risk to school children due to creation of an additional crosswalk across Blaney that students would use during rush hour
- Increased security risk and decreased privacy of the neighborhood residents whose front yards and back yards border the creek
- Loss of habitat for animals such as opossums, frogs, and ducks; coyotes and vultures that frequent the creek also pose risk to rail users
- Waste of money – there are existing residential streets and sidewalks parallel to the trail that have the highest safety ratings and low traffic, and have not been included in the feasibility study

I request you to vote against the Regnart Creek trail proposal, and instead encourage citizens to use existing alternate paths in this neighborhood. I would appreciate if the city put the funds allocated for such a trail to good use elsewhere, such as promoting environmental initiatives and creating outdoor programs for children.

Thanks,
Tong-Ming Lee
Cupertino Resident of 30 years

Noted
C-18-0183

This page intentionally left blank.

I support reviewing the policy; I am not happy with what little of the process I have seen so far

- * you should adopt an approach once you have announced a study like this to do a public checkin at least every six months rather than leaving us wondering what is happening, even if it is nothing more than a line or two in a Chief's report at a Board meeting

it has been 14 mo since the Board and I last heard about this review

6. back then, Staff planned to conduct outreach via three stakeholder meetings
once again you do not define stakeholder;
who did you choose to speak for all of us?
those 3 meetings were to be held in Mountain View, San Jose, and South County by the end of 2018 - which is now 2 mo away
* did you have those meetings? if so, with whom?

1. staff planned to talk to City of San Jose
but only look at Cities' trail master plans
* why not talk to Cities Park/Rec or Bike/Ped commissions

2. Staff was to work with Valley Transportation Authority (VTA)
* no presentation to VTA County-wide BPAC

- * no identified plan to talk to County Parks about their trails master plan

- * Finally
my real-life example, - MH has an official plan at the City and County level to convert Madrone Channel dirt maint road to all-weather surface as one segment in a route for school access and commuters from downtown MH to Coyote Creek Parkway
the dilemma- do we go for grants when you might then disallow our proposed improvements?

-----+-----+-----+-----+-----+-----+-----+

Michelle Critchlow

From: Michelle Critchlow on behalf of Board Correspondence
Sent: Wednesday, November 21, 2018 1:44 PM
To: doug.muirhead@stanfordalumni.org
Cc: Board Correspondence
Subject: Trails Summit

Sent on behalf of Chair Santos

Dear Mr. Muirhead,

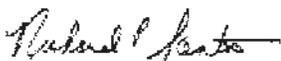
Thank you for your November 9, 2018 email regarding the District's efforts to update its policies on the use of District property for trails, open space, and recreation along creeks. As you mentioned in your e-mail, the next steps identified in the August 22, 2017, board agenda included three stakeholder meetings by the end of 2018. These meetings did not occur due to the Trail Summit, which I hosted as the 2018 Board Chair. The Trail Summit included invitations to every city in Santa Clara County, as well as staff from the County of Santa Clara. Invitations were also sent to the Santa Clara County Open Space Authority, Midpeninsula Regional Open Space Authority, Santa Clara Valley Transportation Company, and several trail and open space advocacy groups, including but not limited to Committee for Green Foothills, Save our Trails, Bay Area Ridge Trail Council, and the Silicon Valley Bicycle Coalition. If you feel that certain groups should be included in the future, please let us know so that we may include them in future outreach events.

At your suggestion, District staff has included a timeline of events and outreach that has occurred since the policy discussion was first brought to the Board on January 10, 2017, as an attachment to the agenda memo for the upcoming November 26, 2018 Board Policy and Planning Commission meeting.

To address your specific concern about the City of Morgan Hill's plans for the Madrone Channel trail, please be aware that the current policy discussion is focused on addressing difficult trail sites where conflicting purposes create a mission prioritization dilemma (i.e. flood protection maintenance versus trail access or trail access versus stream stewardship goals, etc.). In the case of Madrone Channel, District staff does not anticipate any new policy that would change the District's existing direction or guidance on trail planning and design along this channel. As Mr. Ghione communicated to you in his November 12, 2018 e-mail response to your inquiry, the City has direct communications with the District on its trail planning efforts and will continue to work together on future planning.

If you have additional questions, you may refer them to our trail coordinator, Ms. Yvonne Arroyo, at yarroyo@valleywater.org or at (408) 630-2319. Again, we appreciate your continued civic engagement and interest in the District.

Sincerely,



Richard P. Santos
Chair/Board of Directors
Santa Clara Valley Water District
C-18-0199

-----Original Message-----

From: D. Muirhead [<mailto:doug.muirhead@stanfordalumni.org>]

This page intentionally left blank.

Michelle Critchlow

From: Board of Directors
Subject: FW: Proposed Regnart Creek issues/comments

From: Ilango [<mailto:ilangog@yahoo.com>]
Sent: Thursday, November 15, 2018 6:03 PM
To: Usha Chatwani <uchatwani@valleywater.org>; Melanie Richardson <mrichardson@valleywater.org>
Cc: Nai Hsueh <NHsueh@valleywater.org>
Subject: Proposed Regnart Creek issues/comments

Dear Melanie / Usha,

I am one of the 82 residents affected by the proposed Regnart Creek Trail that share the property line with the Santa Clara Valley water district. I have a few questions/comments as noted below:

Railings: As per the Water district letter to the City dated Aug 21st, no railings will be allowed on the water district right of way. The feasibility study still shows various railing options and discussions with water district to be continued. *We would like to know the current status of the railings* because this trail was promoted as a safe route to school for children.

Width: *We would like to know the available width for the trail path* as per water district records. There is major discrepancy in the feasibility study and the water district letter Aug 21. A total of 16 feet width is required to build a Class 1 Bike lane, whereas there is not enough space (less than 12 ft) to build a safe Class 1 shared used bike lane.

Fire Risk: After watching the California Wild fires this season, the residents are concerned about the dry brush along the creek/trail. If the path is open to the public, the risk of fire danger is higher (someone smoking/throwing cigarette) to adjacent homes along the path. The residents would be living in constant fear due this risk. *Is the water district responsible for clearing the bushes and keeping it clean all the time?* This fire risk is not documented and ongoing maintenance is not budgeted in the feasibility study.

Please let us know about the current status, I would appreciate a reply.

Thanks,
Ilango Ganga
Resident, Cupertino

This page intentionally left blank.

Melissa Stone

From: Melissa Stone
Sent: Monday, February 04, 2019 8:38 AM
To: Board of Directors
Subject: FW: Cupertino, Regnart Creek

Begin forwarded message:

From: Julia Miyakawa <jemiyakawa@yahoo.com>
Date: February 1, 2019 at 4:51:54 PM PST
To: Nai Hsueh <nhsueh@valleywater.org>
Subject: Cupertino, Regnart Creek
Reply-To: "jemiyakawa@yahoo.com" <jemiyakawa@yahoo.com>

Ms. Hsueh

A few months ago a group of us concerned about the city of Cupertino adopting the Regnart Creek Feasibility study, attended the water district meeting expressing our concerns . At that time we were told we would be informed of meetings between the city of Cupertino and the water district. Apparently there has been couple of meetings, but did not receive any notice. Are minutes of the meetings available? Would they be available for review?

Please inform me of any future meetings.

Also is there a Trail guideline process? Will the water district have a draft for public comment?
Will wait for your reply.

Respectfully,
Julia Miyakawa

[Sent from Yahoo Mail on Android](#)

Referred
C-19-0030

Melissa Stone

From: Board of Directors
Subject: FW: Cupertino, Regnart Creek

From: Melissa Stone On Behalf Of Board of Directors
Sent: Thursday, February 14, 2019 1:54 PM
To: 'jemiyakawa@yahoo.com' <jemiyakawa@yahoo.com>
Cc: Board of Directors <board@valleywater.org>
Subject: RE: Cupertino, Regnart Creek

Sent on behalf of Vice-Chair Hsueh

Dear Ms. Miyakawa,

Thank you for your email dated February 1, 2019, regarding the Regnart Creek Feasibility Study. After the Board Policy and Planning Committee (BPPC) meeting on November 26, 2018, District staff met with the City of Cupertino on January 7, 2019. The City posted meeting minutes to their website at: <https://www.cupertino.org/our-city/departments/public-works/transportation-mobility/bicycle-and-pedestrian-travel/bicycle-transportation-plan-implementation/regnart-creek-trail> under a new section of the Regnart Creek Trail information page called "Santa Clara Valley Water District." At this time, no further meetings are planned with the City.

District staff is working on a new trail policy for Board discussion and eventual approval this year. The policy is intended to clarify the District's support of trails proposed on our property, and will be accompanied by a "toolkit" that provides clear guidelines for trail projects. The first BPPC meeting to review the proposed policy framework and public outreach plan is scheduled for Monday, February 25, 2019 at 2:00 pm. Because we are very early in the process, no policy decisions will be made at the meeting, and draft policy language has not yet been developed. The meeting agenda will be posted online on February 19, 2019, and is open to the public.

While the work on policy development proceeds, staff continues to negotiate with Cupertino staff to shape the project. If agreed upon conditions can't be negotiated due to impacts on Regnart Creek habitat or District operations, staff may seek input from the Board. This may occur before the policy work is complete.

If you have further questions, please feel free to contact Ms. Usha Chatwani, Community Projects Review Unit Manager, at (408) 630-2731.

Sincerely,



Nai Hsueh
Vice Chair/Board of Directors

C-19-0030

This page intentionally left blank.

Melissa Stone

From: Gary Wong <mgarywong@gmail.com>
Sent: Sunday, March 03, 2019 9:23 PM
To: Board of Directors
Cc: Melanie Richardson; Usha Chatwani; Liz Bettencourt; Yvonne Arroyo
Subject: Regnart Creek Trail Feasibility Study
Attachments: Regnart Creek Trail Studies Comparison of Changes GWong 19_0302 .docx

Honorable Board Members Hsueh (District 5) and Keegan (District 2):

On behalf of the residents who reside along Regnart Creek, we thank you for allowing us to attend your Board Policy and Planning Committee meeting last Monday and share our thoughts and comments on SCVWD's proposed Trail Policy Guidelines. At a recent City Council Meeting held two weeks ago, Councilman Willey requested a comparison of the approved draft Feasibility Study and the Final Study substituted and posted on the City's website. Knowing how busy City staff is, we prepared the following comparison of (i) the approved trail feasibility study; (ii) the Final Trail Study and (iii) Water District's comments from its letter dated August 21, 2018.

While the City states there were only administrative issues and changes, a comparison of the District's letter and the Final Study indicates there are remaining issues of substance to be addressed. We thought the comparison may be useful to the District and are attaching a copy hereto.

Respectfully,

Gary Wong
Cupertino resident and
President, Campo De Lozano HOA

Noted
C-19-0064

This page intentionally left blank.

Melissa Stone

From: Linda Wyckoff <lwyckoff2@yahoo.com>
Sent: Wednesday, March 13, 2019 5:57 PM
To: Board of Directors; Melanie Richardson
Subject: Regnart Trail Presentation to Board 3/12/19
Attachments: Regnart Path - Water District Presentation - 3-12-2019.docx

Esteemed Water Board Directors,

I spoke during Open Communications at the Board Meeting on Tuesday, March 12th regarding issues with Regnart Creek Trail in Cupertino and I would like the text of my message entered into the meeting minutes. I have attached them below.

Thank you for your consideration,
Linda Wyckoff

Noted
C-19-0082

I am a Cupertino Residents, sharing my property line with Water District lands along Regnart Creek. We are aware that the district is developing a trail policy framework and trail design tool kit. We'd like to request that the board strives to ensure trail user safety, as well as the privacy & security of adjacent residential properties when developing this policy.

Santa Clara county Inter Jurisdictional Trail design guideline 1999 sets the standards for trail designs in the county. The Water District, along with 15 cities including Cupertino, are party to this design guideline. These guidelines set standards for Trail width and minimum setbacks from residential dwelling units and from private fences. This established criteria should be adhered to when developing trail design policy.

In 2018, the Water District worked with the city of San Jose to develop a Trail design tool kit for the city that sets the minimum setback of five feet from residential fences to public trails. However, we recently noticed from Jan 7th meeting minutes between the city of Cupertino and the water district, that the consultant proposed a one foot set back to property fences and no set back from bridges. This is unacceptable and should not even be entertained by the district.

We do not want individual cities to set a precedence by circumventing important standards that protect residences sharing the property line with the water district, and also compromise trail user safety.

So, when retrofitting trails into existing dense urban and suburban neighborhoods like ours, where 82 homes are affected within just a three-quarter mile long portion of the creek, we request the water district to not only look at maintenance operations, but also be considerate to adjacent residents, keeping in mind their safety, security, privacy, and desire for peaceful living.

When the water district is developing the Trail policy framework and entering into agreements with cities, please ensure that minimum setbacks from private property fences to public trails, and other trail width guidelines, are followed.

Our request is simple. Please just be a good neighbor, and follow established guidelines and requirements. Don't shirk these responsibilities just to appease the desires of private consultants and developers.

This page intentionally left blank.

Melissa Stone

From: Linda Wyckoff <lwyckoff2@yahoo.com>
Sent: Friday, April 19, 2019 7:53 AM
To: Board of Directors; Melanie Richardson
Subject: Regnart Trail Setbacks

Esteemed Water District Board Members and Ms. Richardson,

I am writing as a resident who will be deeply affected by the proposed Regnart Creek Trail if it ever comes to fruition. The words I write should apply to **ALL** trails that will be brought forwarding to the Water District. The City of Cupertino is trying to bypass recommended guidelines for setbacks to private residences that border the trail. If they are given this opportunity to bypass guidelines with this project, then they will have been given permission to bypass these guidelines for **all trails** built in the future in **all cities** under your jurisdiction. This loosening of the rules should not be permitted under any circumstance as the entire Regnart Creek Trail is just one big pinch point.

The guidelines were developed to ensure the privacy, security, safety and noise minimization for homeowners. Due diligence was not exercised when this path was originally proposed. Neighbors were not notified of the trail proposed right behind their back fences until at least 15 months after the fact. We had no early input. Our suggestions are still mostly unheeded.

Please uphold the trail guidelines which were brought forth to you previously.

Regards,
Linda Wyckoff

Referred
C-19-0110

This page intentionally left blank.

Melissa Stone

From: benaifer dastoor <bddastoor@yahoo.com>
Sent: Sunday, April 21, 2019 10:30 PM
To: Board of Directors
Cc: Melanie Richardson; Usha Chatwani
Subject: Regnart Creek - serious safety concerns for the residents and the potential users
Attachments: RegnartCreek-Water district letter.pdf; La Mar homesIMG_1027.JPG; La Mar - winter 2016-17 IMG_0355.JPG

Dear Valley Water Board members,

I am writing as a resident of La Mar Drive whose home abuts the Regnart Creek.

We understand the SCVWD encourages trails along the creeks wherever possible and we support that policy. However, different paths and creeks have different geography with respect to width, upstream/downstream, creek wild life, health of the creek, flood control, proximity to homes - making some creek paths feasible for a trail and others not so much. The Regnart Creek falls under the latter category.

It is very important that the SCVWD, the owners of the land along the creeks in the county, develop commonsense trail guidelines to ensure the safety for all – creek health, homeowners along the trail, and the proposed users.

It is disappointing to learn that the SCVWD is granting exception to the Regnart Creek trail being proposed by the City of Cupertino despite the trail not being compliant with the Santa Clara County Uniform Interjurisdictional Trail Design, Use, and Management Guidelines (Cupertino city is a signatory to these guidelines).

Here are some major issues concerning Regnart Creek that need to be considered if the SCVWD feels compelled to enter into the JUA with the City of Cupertino:

1) The proposed expensive creek path proposed as trail is **just 0.8 miles**. It is non-contiguous, involves crossing streets at several points – the most hazardous being the new crossing to be introduced mid Blaney disrupting the morning commute traffic and endangering children and bicyclists zipping in and out of trail (blind spots for motorist) to get from one end to another.

Pg 17 Santa Clara County Uniform Interjurisdictional Trail Design, Use, and Management Guidelines

UD - 1.1.5 Trail alignments should be selected that minimize intersections with motorized vehicles.

2) The Path is very narrow with steep slopes in most sections – La Mar Dr (12 -13 feet), Lozano Lane and DePalma Lane (10 feet). **This would barely provide for setbacks (two feet or less) on the creek side and for the residential properties abutting the trail and a tread of barely 8 feet for shared use – up and down bicyclists, pedestrians, people walking their dogs versus a wide street like La Mar Dr which runs parallel to the creek has a width of about 40 feet plus sidewalks measuring 4.5 feet.**

3) **The Creek path is in midst of dense neighborhood – 82 homes along the path and its residents will be directly impacted.** With barely any setbacks, no additional security walls/fences provided by the city to protect the home owners, the homeowners are left vulnerable – no safety, no privacy.

Pg 16 Santa Clara County Uniform Interjurisdictional Trail Design, Use, and Management Guidelines

UD - 1.1.2 (††)* Trails shall generally be sited as far away from occupied dwellings as practical. Where trails are developed in conjunction with high-density residential areas, it may be appropriate to incorporate the trail or access to the trail into the overall circulation of the housing complex. In these situations, the trail alignment should be developed

Referred
C-19-0114

alleys and should take into consideration the privacy of residents using setbacks as indicated in Table UD-1. (See also: Figure T-4). Table UD-1: Trail Setbacks Land Use Category(1) Trail Setback (2) Residential 25 feet (7.6 m)

UD - 1.1.4 (†)* In areas where trail routes are adjacent to private property, visible fencing shall be employed, if requested by the adjacent property owner, to deter users from leaving the trail. Type of fencing should be determined in consultation with the property owner(s). Security fencing or walls should be no closer to the trail than 3'-6" (1 m) and no lower than 4'-8" (1.4 m). (See also: Guideline UD - 4.11.2, Figures T-4, T-5A, and T-5B).

4) Because of the trail's proximity to the homes without any additional security barriers or fences separating the homes from the trail, a cigarette or a joint dropped by a trail user could increase the fire risk to the whole neighborhood, in the dry summer months.

5) Last but not the least - I am attaching the SCVWD staff letter which pointed out several flaws in the Regnart Creek Trail Feasibility Report presented to the city council for approval in August 2018. The flawed feasibility report with material errors was approved by the City Council anyways. The letter sent by your staff corroborates the issues pointed out by the residents all along, about the width of the trail, unstable banks, risks to the homeowners, users and this being not the most ideal location for creating a trail.

I urge you to please evaluate the risks to the residents (your neighbors), the proposed users and to the creek before you move further along and grant the permission to open this closed creek to public. Transferring the liability to the city with JUA does not absolve the water district who is owner of the land from its civic responsibilities.

I would also like to extend the invitation on behalf of all the 82 homes along the creek to walk the creek path and get firsthand information for yourself. The residents would love to walk with you and appreciate the opportunity.

Thank you,

Sincerely,
Benaifer Dastoor
Resident
La Mar Dr.
Cupertino, CA



File: 33661
Regnart Creek

August 21, 2018

Ms. Jennifer Chu PE
Associate Civil Engineer
City of Cupertino
Public Works Department
10300 Torre Avenue
Cupertino, CA 95014

Re: Comments on Regnart Creek Trail Feasibility Study

Dear Ms. Chu,

Santa Clara Valley Water District (District) staff has reviewed the administrative draft of the Regnart Creek Trail Feasibility Study (Study) received on August 3, 2018. The District has identified the portion of Regnart Creek between East Estates Drive to Pacifica Drive (the feasibility study limits) as either showing signs of deterioration and in a "monitoring" mode and/or in need of minor maintenance or in such a state of degradation that a more significant maintenance project is required, with the most seriously degraded areas located between Wilson Park and Brittany Court. Consequently, the District has concerns that the Study analysis does not include sufficient deference or consideration to the needs and requirements of the District for performing flood protection operations and maintenance work, including cost increases to District operations associated with each alternative, in its ranking of feasible alternatives where those alternatives include reaches located on District right of way. The District has the following specific comments on the subject document and requests that these issues be addressed prior to final adoption of the feasibility study.

- 1) **Page 3. "Trail Access":** Please note that District access roads have limited space for amenities such as informational boards, seating, etc. This section should specify that trailhead amenities may be provided where they do not conflict with or reduce the District's existing maintenance access.
- 2) **Page 4, Table 1.3:** Alternative 1 is the preferred alternative but has the most adverse impacts to the District's maintenance access and operations. Alternatives 4 or 5 will have the least impact to the District's maintenance access and operations, followed by Alternatives 2, 3 and then 1 (most impactful).
- 3) **Pages 7 and 11:** Designating trails as transportation corridors can be a problem for the District when considering future uses of the right of way for District purposes. It confers a duty onto the District, through CEQA, to mitigate for any loss of or adverse impacts to the transportation corridor, in addition to any lost recreational use. Any future joint use agreement with the City for portions of the trail located on District right of way will provide that the City be responsible for trail closures, trail detour routes, signs, and

Ms. Jennifer Chu
Page 2
August 21, 2018

- maps, and any CEQA documentation and mitigation required to implement the trail closures, when needed to allow the District to perform its flood protection work.
- 4) Page 8. Agencies and Stakeholders: The ingress-egress rights of PG&E and AT&T should be verified through actual title documentation.
 - 5) Page 14. Regnart Creek Right-of-Way:
 - a. The Study states that our maintenance road varies from 12 to 25'. District as-built shows the maintenance road widths in this reach are mainly between 10 feet and 15 feet; however, this width has been reduced in many areas due to ongoing erosion/deterioration. The document should be revised to reflect this information.
 - b. City responsibilities will be outlined in any future joint use agreement with the District and will include responsibilities mentioned in our comment no. 3, above.
 - 6) Page 16. Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There are also a handful of areas where a larger repair is needed. This section of the study needs to be updated to reflect the current conditions along Regnart Creek where the trail is proposed.
 - 7) Page 22. Available Right-of-Way: See comment no. 5a, above.
 - 8) Page 25. Trail Design and Construction Practices:
 - a. The text should clarify that the District does not have allowable trail tread width standards—perhaps a different agency should be referenced.
 - b. The District does specify that trails should be able to accommodate fully loaded maintenance equipment and any damage to the trail will be City responsibility.
 - 9) Page 25. Trail Closures: This section should clearly specify that the City will take responsibility for trail closures when needed for District flood protection maintenance purposes.
 - 10) Page 25. Private Access to Public Trails: This section should be revised to reflect that the District does not allow or permit private access to public trails. All access points must be public access points controlled by the City.
 - 11) Page 26. Trail Monitoring and Maintenance:
 - a. This section refers to "managing agencies." This section should be revised to reflect that the City is the single managing agency for the trail.
 - b. Maintenance and inspection criteria that the City will utilize should be specified.
 - c. The Study states that, "Corrective work for drainage or erosion problem shall be performed within a reasonable period of time." The Study should specify that the City will prioritize and implement immediate repairs on District right of way where problems are impacting Regnart Creek or maintenance activities.
 - 12) Page 27. Public Outreach: The District would like to be invited to participate in future outreach efforts so that we can be aware of community concerns related to the proposed use of our right of way and the City's plans for addressing those concerns.
 - 13) Pages 34 thru 38: As mentioned in comment #2, Alternative 1 would be most impactful to the District's operation and maintenance activities. It will increase maintenance costs on any work we do in this area, and the bridges may not be feasible without more

Ms. Jennifer Chu
Page 3
August 21, 2018

detailed information on how their construction will affect our maintenance access. Additionally, it has been our experience that pedestrian bridge abutments cannot usually be constructed without removing the adjacent creek bank, which will require regulatory approvals.

14) Page 39. Creek Bridges:

- a. See comment no. 13. Bridges reduce the width of maintenance roads, as does the addition of fill and fencing. The District will still need access around the bridges with vehicles throughout the year. This section should include actual cross sections on this page at the most restrictive pinch points to show how the existing maintenance road access width will be impacted.
- b. For removable bridges, the Study should specify how quickly the City will respond to requests to remove their bridges when requested by the District and provide a description of the public noticing that the City will perform for its removal/closure.

15) Pages 40 and 41, Figures 6.8, 6.11 and 6.12: Railing will not be allowed along the top of bank, unless it is outside District right of way as it impedes our ability to access the channel from the top of bank.

16) Page 42. Alternatives Discontinued from Further Evaluation: The Study states that box culvert and cantilever designs and reduction in road width from fence posts weren't selected because they were unacceptable to the District, or the District was unwilling to accept them, or they were unfavorable to the District. The language should be changed to indicate that these alternatives were discontinued since they would cause erosion, affect seasonal wetlands, and restrict District maintenance activities required for flood protection. The box culvert and cantilever designs were not selected based on sound engineering principles and do not represent the District's opinion.

17) Page 44. Trail Heads: Trailhead features should not limit ability for the District's maintenance equipment to enter and leave maintenance roads.

18) Page 45, Figure 6.16: Planting and decorative pavement at entrances are subject to damage and may be in the way of maintenance activities.

19) Page 47. Security and Safety:

- a. Safety railing and features make maintenance and inspection of District facilities difficult. Most bank slopes are steeper than 3:1. At 3:1, no fencing is required. A fence 2 feet from top of bank reduces usable space understanding that a vehicle needs more than 8' +/- width of the vehicle when there are constraints/wall on either side. Additionally, secondary screening fences will take another 18 inches or so, further reducing the width of the maintenance road.
- b. Removable fencing is also a lot of work and setting the fencing 2 feet back from the top of bank will reduce the District's maintenance footprint to 10 feet in some places which is not enough room for maintenance equipment.

20) Pages 51 thru 53: The biggest cost to the District from the proposed alternatives is the cost of all additional measures that come with maintenance on a pedestrian corridor. It limits when and how we inspect our facilities, it increases public frustration with the District when facilities must be closed, and increases labor hours to work around additional features and facilities (bridges, railing, trailheads, etc.).

Ms. Jennifer Chu
Page 4
August 21, 2018

- 21) Page 57, Trail Surfacing Evaluation and Recommendation: Porous pavement must be designed to withstand maintenance vehicle loads, and any swale/drainage designs cannot restrict maintenance path width.
- 22) Page 59, Security Measure Evaluation & Recommendation and Railing Evaluation & Recommendation
- a. Suggest City staff assess sheriff and police availability for the recommended patrols and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police Departments are strapped for resources and cannot provide consistent patrolling.
 - b. The Study states that removable fencing /posts is consistent with many creekside trails. There are few Santa Clara County trails that have top of bank fencing. This is a significant impact to the District which must be addressed. The time to remove the railings adds significant costs to creek maintenance when the District has limited regulatory window of time each season to perform its maintenance activities.

We appreciate the opportunity to provide comments. I may be reached at (408) 630-2731, if you have any questions.

Sincerely,



Usha Chatwani, P.E.
Engineering Unit Manager (Permit Authority)
Community Projects Review Unit

cc: M. Richardson, S. Tippets, Y. Arroyo, U. Chatwani, S. Dharaskar, C. Houston,
J. Codianne, C. Pilson, C. Grande





This page intentionally left blank.

Melissa Stone

From: Tony Fong <tonyfong@sbcglobal.net>
Sent: Sunday, April 21, 2019 8:56 AM
To: Board of Directors
Cc: Melanie Richardson; Shekar Pasumarthi; Vicky Yutronic; Kumar Sarvan; Fung Yee Mak; Rex and Teresa Tsu
Subject: Regnart Creek Trail Issue

Hello Valley Water Board,

My name is Tony Fong and I own the property on 20182 Rodrigues Ave. I am the president of the Longacre Homeowner's Association comprising of six homes that is directly adjacent to the Regnart Creek trail. Our entire HOA is opposed to the creation of the Regnart Creek public trail.

The trail will be too close to our properties. Our current serene environment will be permanently destroyed if the public is allowed to march along our back fences. Our private quiet backyards will become public spaces. The constant noise of trail users will be intrusive and render our backyards unusable. Our windows will have to be permanently draped to prevent people passing by from peering into our living areas.

I have attached several pictures to better illustrate our situation. As you can see from the pictures our backyard abuts the trail and our living quarters are in full view. The existing 6 foot fence does almost nothing to shield us from the trail.

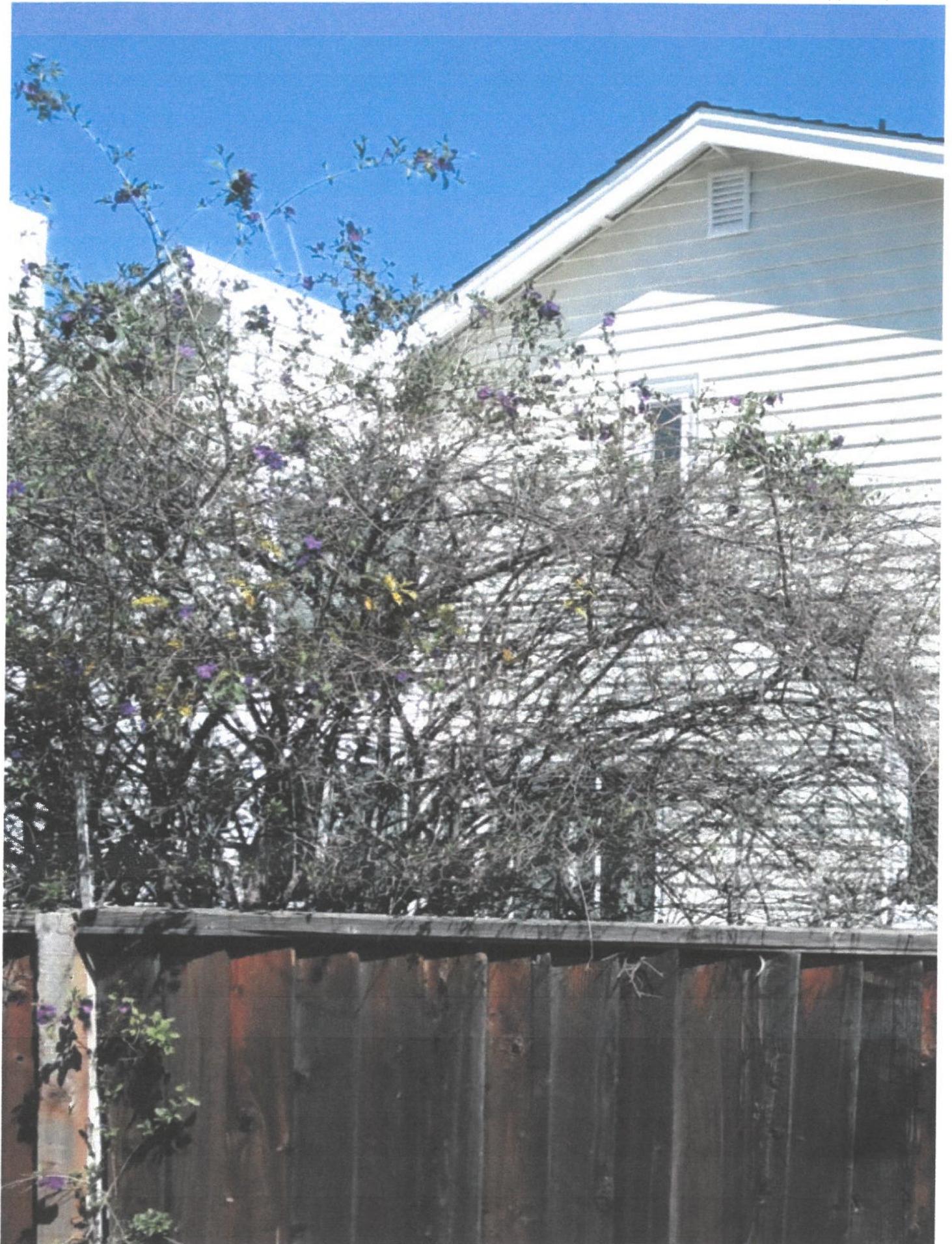
The proposal to upgrade the existing streets (city's alternative plan 4) is more than adequate to address the desires of those requesting a more "friendly" pedestrian experience. Our privacy should not have to be sacrificed to serve the needs of those who would like to walk/bike a few blocks off public streets.

As fellow homeowners I hope you can empathize with our plight and reject the Cupertino city's request to build this trail adjacent to our property.

Please save our sanity and property values!

Sincerely,
Tony Fong
President Longacres HOA

Referred
C-19-0115





This page intentionally left blank.

Melissa Stone

From: Fari Aberg <abergfari@gmail.com>
Sent: Sunday, April 21, 2019 6:20 PM
To: Board of Directors
Cc: Melanie Richardson
Subject: Proposed Regnart Creek Trail - Safety Concerns

Dear Board of Directors,

My name is Fari and I live next to Regnart Creek in Cupertino and I have a wonderful neighbor of 31 years called Santa Clara Valley Water District!

I am writing this email to you, as my immediate neighbor, to express my concerns regarding the proposed Regnart Creek Trail which, if approved at all, will run along my home and 81 other homes. Although it is unfortunate that the Water District trail policy and tool kit is not available yet to be used by the City of Cupertino, I wish the work in progress policy and tool kit guidelines to be enforced when reviewing the proposed trail and **please do not allow the City of Cupertino to bypass any past or known future guidelines.**

You have already heard from my neighbors and friends living next to the Regnart Creek regarding the safety issues for trail users, I am only addressing the homeowner's safety in this email.

The proposed trail which runs too close to our properties and as narrow as 2 ft. in portions of the trail would severely and permanently impact privacy, safety and quality of life of residents living alongside the creek.

Here are some of the many concerns that I have:

Safety:

As per Santa Clara Valley Water District letter sent to the City of Cupertino on Aug 21st, 2018, "Suggest City staff assess sheriff and police availability for the recommended patrol and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police departments are strapped for resources and cannot provide consistent patrolling".

I have been personally told by Sheriff that my house will be an easy target for intruders and I should invest in alarm system, security cameras and install motion detector lights all around my property. Who is going to assure our safety if the trail opens?

Fire Hazard:

We have had very dry weather the past several years and with our houses being so close to the proposed trail, it is of great concern that a fire would be literal devastation to the homes located so close to the trail (e.g. danger of cigarettes, and we all know teenagers will try it!)

Noise pollution:

Another issue that does not seem to be adequately considered is the noise. Our houses are not structured to implement such a trail, with houses so close to the proposed trail where noise travels 1

Referred
C-19-0116

providing vegetation buffers or sound walls to mitigate noise. The noise would be unacceptable for our community. The proposed trail would destroy the very nature of our peaceful neighborhood.

Vandalism issues:

Opening the locked gates will make our properties subject to vandalism. Personally, myself and some of my neighbors had experienced in the past broken windows and backyard full of rocks when arriving home from work/school.

Dangerous Crossings:

The proposed crossings, in particular the one on S. Blaney, which has the highest traffic during school hours, are very dangerous and too close, only a tree separating the crossing and residential driveway with no clear view of the trail and do not adhere to Sight Distance Triangle Guidelines.

As our good neighbor, would you please include our safety, security and privacy before making any decisions on the proposed trail and please do not enter into a Joint Use Agreement with the City of Cupertino if you cannot mitigate neighborhood concerns.

Please protect us!
Thank you!

Regards,
Fari Aberg
Cupertino Resident

This page intentionally left blank.

Melissa Stone

From: Shekar Pasumarthi <shekarp@pcweb.com>
Sent: Sunday, April 21, 2019 4:59 PM
To: Board of Directors; Melanie Richardson
Subject: Regnart Creek Trail

Hello Board,

My name is Shekar Pasumarthi and I am a resident of 20192 Rodrigues Ave, Cupertino, CA 95014. My backyard is next to the trail. Here are a few reasons for which I feel it is not an ideal place for the trail.

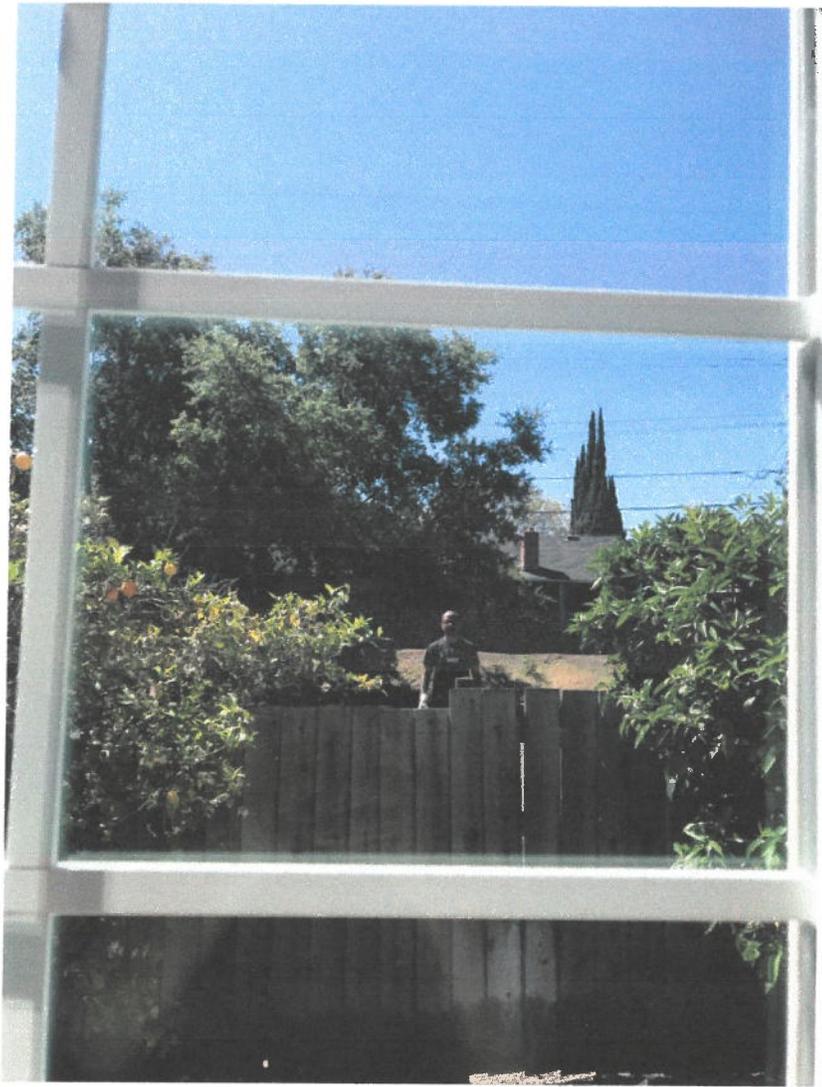
- Very short one to be spending the money and time
- I have walked the trail and I feel it is very risky trail and to mitigate the risks it would make it very expensive
- It could open to more litigation for people injured for which the board and city would be liable to.
- Others in the city might like it but us neighbors next to compromise the following
 - serenity
 - privacy
 - security
 - In addition the foundation of our house is about 3 feet below the trail.
 - I am 5' 8" and the picture attached shows when I am on the trail From the house I can see almost upto waist. Additionally, there are picture which show that from the trail I can see into the kitchen and backyard. For this we need to keep the windows always covered.

For for the above reasons, I would request the board to strongly oppose the trail proposal. Which will save a lot of time and money for the city, so they can work on alternates instead of spending away precious resources for short trail.

Thanks
Shekar

Referred
C-19-0117





This page intentionally left blank.

Melissa Stone

From: Ilango <ilangog@yahoo.com>
Sent: Sunday, April 21, 2019 3:42 PM
To: Board of Directors
Cc: Melanie Richardson
Subject: Proposed Regnart Creek Trail - Guidelines and Concerns

Dear Water District Board Members,

I am a Cupertino resident sharing my property line with the Valley Water District Lands. I read the March 28th, 2019 meeting minutes between the Valley Water and the City of Cupertino on proposed Regnart Creek Trail. I noticed an inaccurate statement in the minutes noted as made by the District staff. Here is an excerpt, "Lisa Bankosh (LB) stated the Regnart Creek Trail design does not appear to deviate from current guidelines."

<https://www.cupertino.org/home/showdocument?id=24159>

However, the trail does not meet the guidelines including setback to residential properties as set in the Santa Clara County Uniform Trail Design Guidelines.

<https://www.sccgov.org/sites/parks/PlansProjects/Documents/TrailsMasterPlan/Interjurisdictional-Trails-Guidelines-text-and-graphics.pdf>

The trail runs too close to the homes as narrow as 2 feet from the property lines. It does not meet the following guidelines UD 1.1.2, UD 1.1.4, Figs T-5A, T-3, T-4, UD 2.2.2, etc.,

UD 1.1.2 - Trail Setbacks Land Use Category Residential 25 feet

Fig T- 5A - Setback to private property line greater than 10 feet optimum and 3'-6" feet minimum

UD 1.1.4 - In areas where trail routes are adjacent to private property, security fencing or walls should be no closer to the trail than 3'-6".

Fig T-5A – Clearance 3'-6" minimum for tree, sign or other obstructions

UD 2.2.2: Shared-use trails should be designed as paved two-way paths and should have an optimum width of 12 feet.

The residents have raised neighborhood concerns specifically about the setbacks and privacy issues to the water district board and the staff since September 2018. In spite of residents' repeatedly raising this issue, I am disappointed to see an inaccurate statement from the District that states that the trail meets the guidelines when it clearly does not. Please correct the inaccurate statement.

I am aware that the District is in the process of developing a trail policy framework. I request the District to not only look at its maintenance operations but also to ensure trail user safety, privacy & security of adjacent residences while developing trails. If you allow just 2 feet setback from residential properties, the district will be setting a wrong precedence by approving a trail that runs too close to homes in a dense suburban neighborhood. **Note that the Regnart Trail affects 82 homes within 3/4th of a mile.**

Hence, I request the Board to not enter into a Joint Use Agreement with the City of Cupertino if you cannot mitigate neighborhood concerns or wait until the trail policy framework is developed by the District that is anticipated to be more definitive than existing guidelines. Please don't approve the trail

**Referred
C-19-0118**

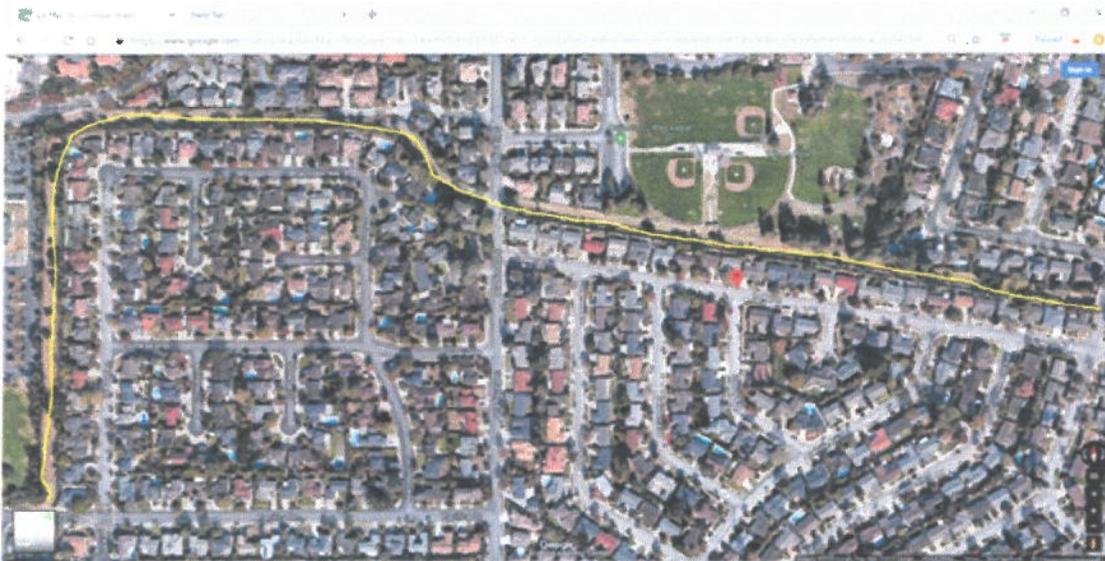
if does not meet the guidelines. I would also encourage the board members to walk the trail to fully understand the residents concerns before making any decisions.

Thanks,
Ilango Ganga
Cupertino Resident

Attached: Regnart Creek Trail alignment image from Google Maps – Yellow line is the creek alignment of 3/4th of a mile that runs close to 82 homes.

Regnart Creek Trail

Runs too close to homes (as close as 2 ft) – Need wide Setbacks & Walls to protect homes



This page intentionally left blank.

Melissa Stone

From: Ilango <ilangog@yahoo.com>
Sent: Sunday, April 28, 2019 10:54 AM
To: Melanie Richardson; Usha Chatwani; Nai Hsueh
Cc: Board of Directors
Subject: Railings 3 inches and 6 inches from Regnart Creek Bank ?
Attachments: Railing 3 inch from creek bank IMG_1159.jpg; Railing 6 inch from creek bank IMG_1156.jpg; RegnartCreekFullTrailDesign.jpg; Regnart Creek SCVWD letter - August 21, 2018 (1).pdf

Hi Melanie,

The residents of Cupertino were shown a design (see attached) for the Railings in the community meeting on April 24th. One of your staff from VW was in attendance.

The drawings by HMH showed the railings were located 3 inches from the edge of the creek bank in parts of the trail and railings located 6 inches from edge of the creek bank in other parts of the trail. The drawings did not mention whether railings are removable or permanent. Also, the City staff mentioned, the railings, "may be " or "will be" allowed by VW, however, it was presented in a way that VW would allow railings through out the creek.

Here is an excerpt from the letter (see attached) from VW to the City of Cupertino dated Aug 21st 2018:

" 6) Page 16, Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There is also a handful of areas where a larger repair is needed."

Here is an excerpt from meeting minutes dated Nov 28, 2017 between VW and City of Cupertino:

<https://www.cupertino.org/home/showdocument?id=23498>

"2. Erosion of the creek has caused incising of the creek bank."

Here is an excerpt from meeting minutes dated Apr 4th, 2018 between VW and City of Cupertino:

"2. SCVWD opposes railing as it restricts maintenance and contributes to bank instability and erosion.

3. Slope instability and susceptibility to erosion increase as bank slopes increase. "

Here is an excerpt from meeting minutes dated Jul 11th 2018 between VW and City of Cupertino:

"Removable split railing is proposed along the edge of the trail, at least 2' from top of bank to allow for SCVWD maintenance and to not contribute to slope failures of creek bank."

Multiple times since November 2017, VW had raised the issue of erosion, creek bank being unstable and slope failures and railings must be at least 2 feet from top o

Referred
C-19-0124

However the attached design shown on April 24th, 2019 illustrates railings located at 3 inches and 6 inches from edge of the creek bank. How can you even locate 3 inches from an uneven creek bank? Is this a sound engineering practice when this is an upstream creek and the erosion continues due to high flow of water?

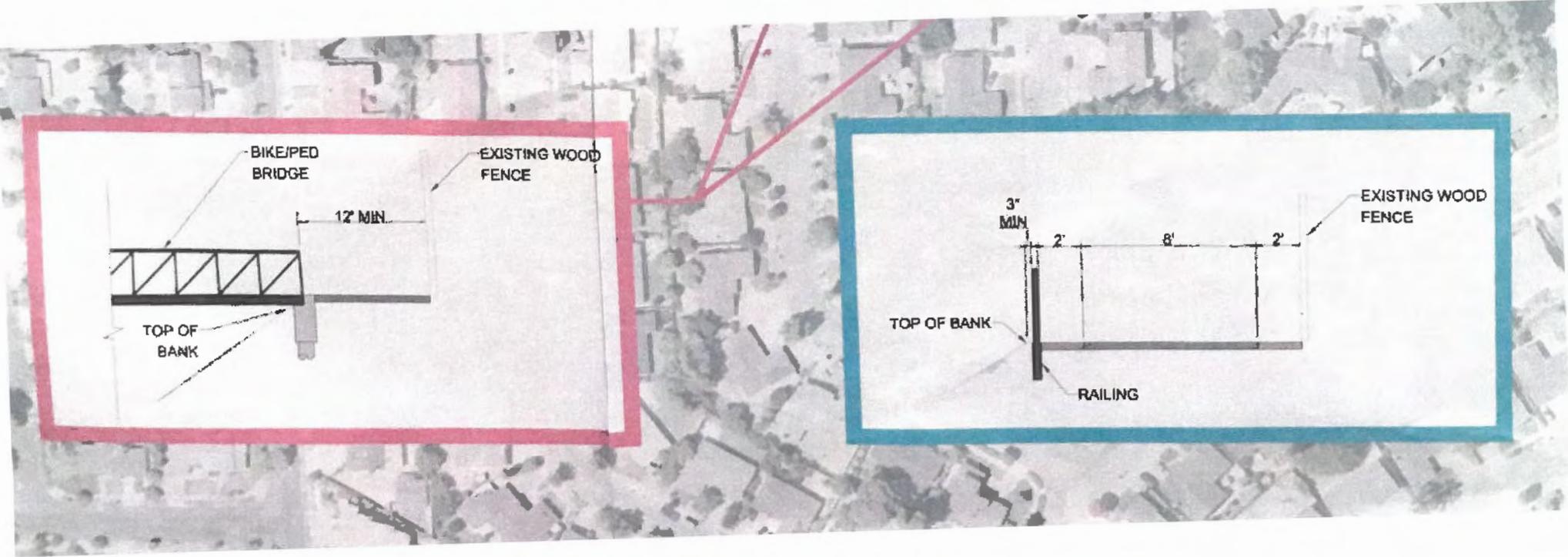
Here is an excerpt from Regnart Creek Feasibility Study: *"In the event that creek side railings needs to be temporarily removed to allow SCVWD to perform maintenance work or construction, the City will initiate trail closures and railing removals within 24 hours of notification as to not impede SCVWD from performing work."*

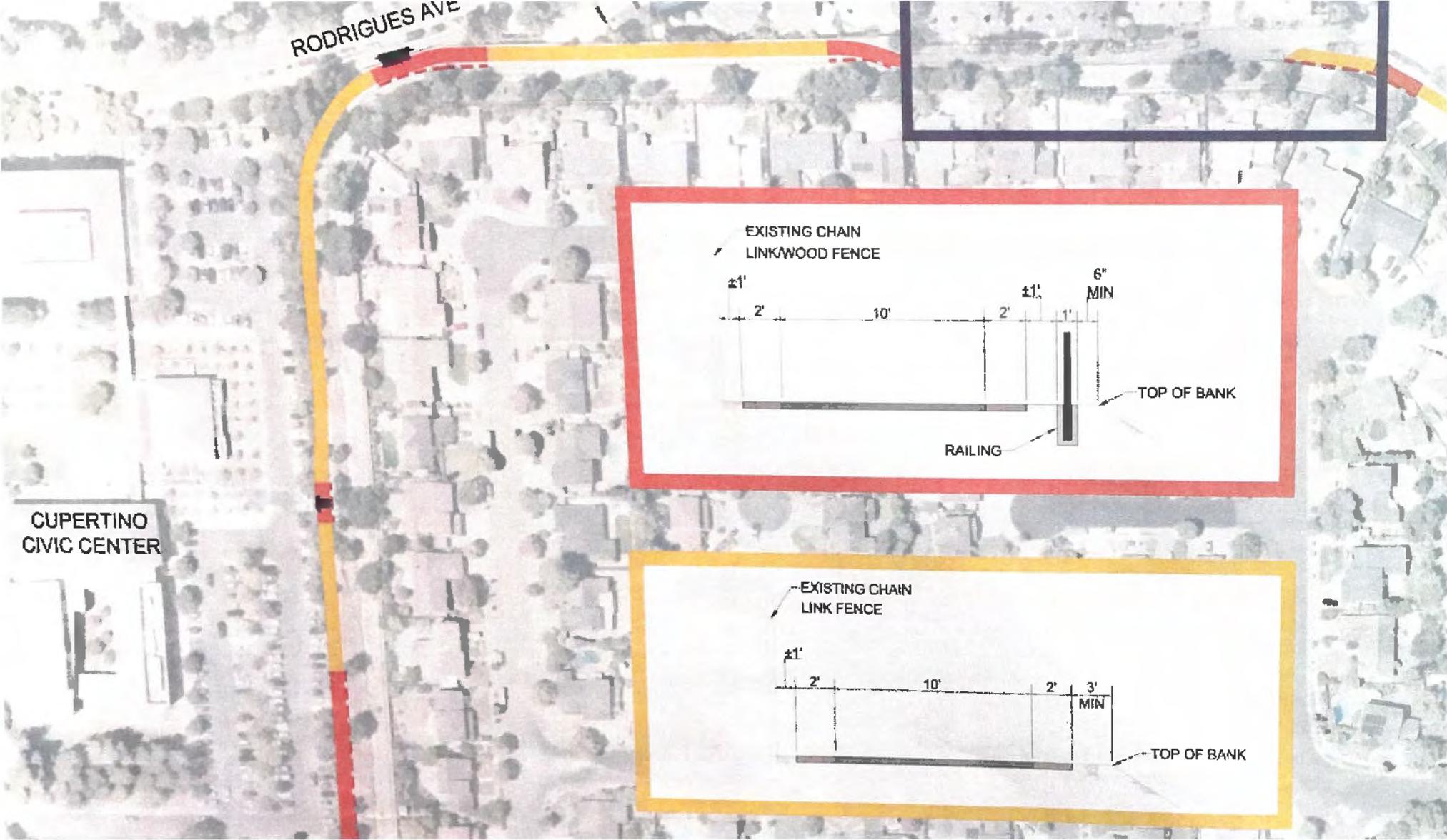
Will the VW have emergency and non emergency notification systems in place to notify the City of Cupertino for emergency trail closures and to remove railings for emergency and routine maintenance. Will the attached design satisfy these needs?

Has the VW reviewed and accepted the attached designs before the consultant presented to the residents of Cupertino? As noted, many issues have been raised by VW since 2017, are all these issues been addressed in the design?

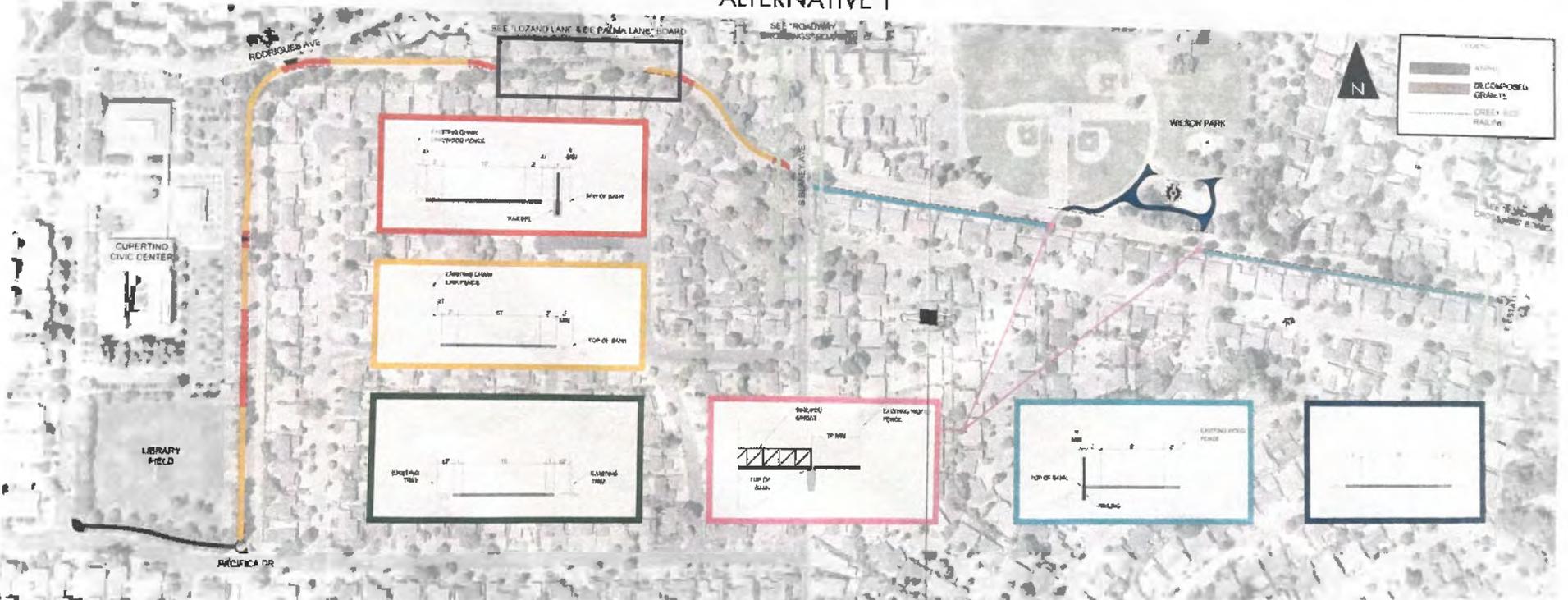
I appreciate your reply in this regard.

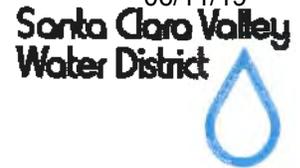
Thanks,
Ilango Ganga
Cupertino Resident





REGNART CREEK TRAIL ALTERNATIVE 1





File: 33661
Regnart Creek

August 21, 2018

Ms. Jennifer Chu PE
Associate Civil Engineer
City of Cupertino
Public Works Department
10300 Torre Avenue
Cupertino, CA 95014

Re: Comments on Regnart Creek Trail Feasibility Study

Dear Ms. Chu,

Santa Clara Valley Water District (District) staff has reviewed the administrative draft of the Regnart Creek Trail Feasibility Study (Study) received on August 3, 2018. The District has identified the portion of Regnart Creek between East Estates Drive to Pacifica Drive (the feasibility study limits) as either showing signs of deterioration and in a "monitoring" mode and/or in need of minor maintenance or in such a state of degradation that a more significant maintenance project is required, with the most seriously degraded areas located between Wilson Park and Brittany Court. Consequently, the District has concerns that the Study analysis does not include sufficient deference or consideration to the needs and requirements of the District for performing flood protection operations and maintenance work, including cost increases to District operations associated with each alternative, in its ranking of feasible alternatives where those alternatives include reaches located on District right of way. The District has the following specific comments on the subject document and requests that these issues be addressed prior to final adoption of the feasibility study.

- 1) Page 3, "Trail Access": Please note that District access roads have limited space for amenities such as informational boards, seating, etc. This section should specify that trailhead amenities may be provided where they do not conflict with or reduce the District's existing maintenance access.
- 2) Page 4, Table 1.3: Alternative 1 is the preferred alternative but has the most adverse impacts to the District's maintenance access and operations. Alternatives 4 or 5 will have the least impact to the District's maintenance access and operations, followed by Alternatives 2, 3 and then 1 (most impactful).
- 3) Pages 7 and 11: Designating trails as transportation corridors can be a problem for the District when considering future uses of the right of way for District purposes. It confers a duty onto the District, through CEQA, to mitigate for any loss of or adverse impacts to the transportation corridor, in addition to any lost recreational use. Any future joint use agreement with the City for portions of the trail located on District right of way will provide that the City be responsible for trail closures, trail detour routes, signs, and

Ms. Jennifer Chu
Page 2
August 21, 2018

- maps, and any CEQA documentation and mitigation required to implement the trail closures, when needed to allow the District to perform its flood protection work.
- 4) Page 8, Agencies and Stakeholders: The ingress-egress rights of PG&E and AT&T should be verified through actual title documentation.
 - 5) Page 14, Regnart Creek Right-of-Way:
 - a. The Study states that our maintenance road varies from 12 to 25'. District as-built shows the maintenance road widths in this reach are mainly between 10 feet and 15 feet; however, this width has been reduced in many areas due to ongoing erosion/deterioration. The document should be revised to reflect this information.
 - b. City responsibilities will be outlined in any future joint use agreement with the District and will include responsibilities mentioned in our comment no. 3, above.
 - 6) Page 16, Watershed and Creek Conditions: The feasibility study states the channel has no erosion. The information provided appears to have been taken from an outdated report. We have documented erosion or sediment conditions in all reaches of Regnart Creek from East Estates Drive to Pacifica Drive. The banks in these reaches are unstable. As mentioned earlier, the majority of the study area has significant erosion/damage/undercutting and minor repairs are needed. There are also a handful of areas where a larger repair is needed. This section of the study needs to be updated to reflect the current conditions along Regnart Creek where the trail is proposed.
 - 7) Page 22, Available Right-of-Way: See comment no. 5a, above.
 - 8) Page 25, Trail Design and Construction Practices:
 - a. The text should clarify that the District does not have allowable trail tread width standards—perhaps a different agency should be referenced.
 - b. The District does specify that trails should be able to accommodate fully loaded maintenance equipment and any damage to the trail will be City responsibility.
 - 9) Page 25, Trail Closures: This section should clearly specify that the City will take responsibility for trail closures when needed for District flood protection maintenance purposes.
 - 10) Page 25, Private Access to Public Trails: This section should be revised to reflect that the District does not allow or permit private access to public trails. All access points must be public access points controlled by the City.
 - 11) Page 26, Trail Monitoring and Maintenance:
 - a. This section refers to “managing agencies.” This section should be revised to reflect that the City is the single managing agency for the trail.
 - b. Maintenance and inspection criteria that the City will utilize should be specified.
 - c. The Study states that, “Corrective work for drainage or erosion problem shall be performed within a reasonable period of time.” The Study should specify that the City will prioritize and implement immediate repairs on District right of way where problems are impacting Regnart Creek or maintenance activities.
 - 12) Page 27, Public Outreach: The District would like to be invited to participate in future outreach efforts so that we can be aware of community concerns related to the proposed use of our right of way and the City’s plans for addressing those concerns.
 - 13) Pages 34 thru 38: As mentioned in comment #2, Alternative 1 would be most impactful to the District’s operation and maintenance activities. It will increase maintenance costs on any work we do in this area, and the bridges may not be feasible without more

Ms. Jennifer Chu
Page 3
August 21, 2018

detailed information on how their construction will affect our maintenance access. Additionally, it has been our experience that pedestrian bridge abutments cannot usually be constructed without removing the adjacent creek bank, which will require regulatory approvals.

14) Page 39, Creek Bridges:

- a. See comment no. 13. Bridges reduce the width of maintenance roads, as does the addition of fill and fencing. The District will still need access around the bridges with vehicles throughout the year. This section should include actual cross sections on this page at the most restrictive pinch points to show how the existing maintenance road access width will be impacted.
- b. For removable bridges, the Study should specify how quickly the City will respond to requests to remove their bridges when requested by the District and provide a description of the public noticing that the City will perform for its removal/closure.

15) Pages 40 and 41, Figures 6.8, 6.11 and 6.12: Railing will not be allowed along the top of bank, unless it is outside District right of way as it impedes our ability to access the channel from the top of bank.

16) Page 42, Alternatives Discontinued from Further Evaluation: The Study states that box culvert and cantilever designs and reduction in road width from fence posts weren't selected because they were unacceptable to the District, or the District was unwilling to accept them, or they were unfavorable to the District. The language should be changed to indicate that these alternatives were discontinued since they would cause erosion, affect seasonal wetlands, and restrict District maintenance activities required for flood protection. The box culvert and cantilever designs were not selected based on sound engineering principles and do not represent the District's opinion.

17) Page 44, Trail Heads: Trailhead features should not limit ability for the District's maintenance equipment to enter and leave maintenance roads.

18) Page 45, Figure 6.16: Planting and decorative pavement at entrances are subject to damage and may be in the way of maintenance activities.

19) Page 47, Security and Safety:

- a. Safety railing and features make maintenance and inspection of District facilities difficult. Most bank slopes are steeper than 3:1. At 3:1, no fencing is required. A fence 2 feet from top of bank reduces usable space understanding that a vehicle needs more than 8' +/- width of the vehicle when there are constraints/wall on either side. Additionally, secondary screening fences will take another 18 inches or so, further reducing the width of the maintenance road.
- b. Removable fencing is also a lot of work and setting the fencing 2 feet back from the top of bank will reduce the District's maintenance footprint to 10 feet in some places which is not enough room for maintenance equipment.

20) Pages 51 thru 53: The biggest cost to the District from the proposed alternatives is the cost of all additional measures that come with maintenance on a pedestrian corridor. It limits when and how we inspect our facilities, it increases public frustration with the District when facilities must be closed, and increases labor hours to work around additional features and facilities (bridges, railing, trailheads, etc.).

Ms. Jennifer Chu
Page 4
August 21, 2018

21) Page 57. Trail Surfacing Evaluation and Recommendation: Porous pavement must be designed to withstand maintenance vehicle loads, and any swale/drainage designs cannot restrict maintenance path width.

22) Page 59. Security Measure Evaluation & Recommendation and Railing Evaluation & Recommendation

- a. Suggest City staff assess sheriff and police availability for the recommended patrols and seek commitment through an agreement with police that they can provide this level of support. We have found, county wide, that Police Departments are strapped for resources and cannot provide consistent patrolling.
- b. The Study states that removable fencing /posts is consistent with many creekside trails. There are few Santa Clara County trails that have top of bank fencing. This is a significant impact to the District which must be addressed. The time to remove the railings adds significant costs to creek maintenance when the District has limited regulatory window of time each season to perform its maintenance activities.

We appreciate the opportunity to provide comments. I may be reached at (408) 630-2731, if you have any questions.

Sincerely,



Usha Chatwani, P.E.
Engineering Unit Manager (Permit Authority)
Community Projects Review Unit

cc: M. Richardson, S. Tippetts, Y. Arroyo, U. Chatwani, S. Dharaskar, C. Houston,
J. Codlanne, C. Pilson, C. Grande