

From: Concerned Cupertino residents opposing Regnart Creek Trail

**Subject: Negatives to be Addressed and Mitigated – Cumulatively
Considerable issues for the Proposed Regnart Creek Trail**

Summary

Fundamental rights of the citizens of our neighborhood will be violated. These universal rights are safety, security and privacy. A basic question that should be asked before each project is undertaken is “Will the neighborhood want it?” The consensus answer in our case is a firm “no”. Retrofit trails in residential neighborhoods are not soundly conceived. Regnart Creek is a flood control culvert and should be left as such. In addition, Regnart Creek is not visible to the public and the project should be cancelled immediately for the safety protection of the overall community.

Safety

Safety of the neighborhood will be compromised by all the reasons we have stated below. It is important to re-emphasize the risks to the homeowners on Lozano Lane and DePalma Lane as the front of their homes are only feet away from the existing path. To expand the trail access along Regnart Creek will put these properties at a higher safety risk caused by increase in traffic flow from pedestrians and bikers, many from outside the immediate neighborhood.

Security

A fundamental right to security implies that everyone in America should be safe in one's own home, and that residents are not burdened by anxiety or fear when a major change is made to the neighborhood in which they reside. Property damage is also a real concern. Our neighborhood would not be reacting so negatively towards the opening of this path unless it was a clear threat to our security in our own homes and our well-being.

Privacy

Homeowner's privacy will be greatly reduced by the constant increased noise level if the trail gets used as expected by Cupertino's planners. Homeowners appreciate the serenity of their personal space and converting this section of Regnart Creek would jeopardize the calm of their own yards. Suburban backyards have this calm. The impact of this path on the front yards on Lozano Lane and DePalma Lane would be enormous. Noise levels are a complaint of those who back up to the path between Creekside and East Estates. They have a sound wall between them and path users. There are portions of the path where uneven grading results in the path having a direct view down into resident's homes.

If these concerns are not addressed now, they will never be mitigated. We have become tired and frustrated by having our concerns unaddressed and dismissed. All we are told is:

- Path neighbors' concerns don't usually materialize (what mitigation is there if they arise?)
- More eyeballs are better (this is a loss of privacy)
- Housing values will rise (has there been a survey that a bike path directly in front of a home is desirable by prospective buyers?)
- Safety issues for school children is the primary focus for pushing for this trail (to the contrary, a path hidden from public view and adjacent to a creek that can overflow is not a safe path for children)

Additionally, the east side of Cupertino seems to bear the majority of collateral damage for much of the future development of the City. Council members are elected to represent all of Cupertino.

We disagree strongly that safety is the primary consideration by the city, as the public commentary summation by the city regarding the November 2017 Walkshop made *no mention of safety as a concern* by attendees. In review of the cards posted online safety is a *very* important consideration by path opponents who were in attendance. Below is the city's summarized list of public feedback.

City of Cupertino Regnart Creek Trail Feasibility Study | City of Cupertino Public Feedback

The feedback received from the comment cards fell into several "themes." Many cards touched on multiple themes. The themes were:

- Concerns about security and privacy for those who live adjacent to the potential trail
- Concerns about aesthetics of the fence or wall that would separate the potential trail from homes
- Concerns about potential trail crossing at Blaney Avenue
- Concerns about cost to implement the trail
- Concerns about activities trail users may partake in
- Support for the project as it provides an off-street option for bicyclists and pedestrians
- Support for the project as it will help reduce traffic concerns (gets people out of their cars)
- Support for project as it provides more green space for families and community members to enjoy
- Questions regarding liability
- Identifying preferred potential trail features including:
 - Decomposed granite
 - Bollards with lights
 - Dog cleanup bag kiosks
 - Paved trail with unpaved shoulders

List of concerns cited by Cupertino Citizens:

Safety for Users:

1. **This area would provide an unsupervised and secluded gathering place for groups of teens or children. It has the added attractive nuisance of flowing water which includes the street water runoff.** Children would want to hop right down into it (or could fall into it) but will have a very difficult time climbing back out of the ditch. There will be no Neighborhood Watch in effect, everyone will be on their own back there.
2. **The path is inaccessible for any emergency vehicles or police cars due to the V-cut out on the existing path.** It is like the surface of the Bay Bridge after the '89 earthquake and this V-cut can swallow up a whole car. This very issue was one of the main reasons for not opening up the path in 2005. It was termed "The Fatal Flaw". **The V-cut is still there and it is still a fatal flaw.** The V-cut is required for emergency SCVWD access to the creek. For all the study of this issue, it has yet to be resolved with bridging. There is a driveway off of South Blaney and East Estates to get onto the path that is required for emergency and maintenance vehicle access. Thus the trail is left as a thruway for unauthorized vehicles too.
3. It is a steep V-shaped drainage ditch that is difficult to climb out of. One side of the path would be homeowner's bare wood back fences and the other side would be this steep drainage ditch. We realize that a trails main benefit is for bikers who will quickly pass through these sections. However, **for a pedestrian, it would have the effect of trapping them in, almost like a cage or a tube.** In case of emergency, it could be a very long way out to the city streets as there are no outlets for > 1/3 mile in some spots.

4. **Authorized access by SCVWD and Utilities would necessitate advance planning for the trail closure for maintenance and/or emergency service.**
5. When a driver is maneuvering a right turn from, for example, La Mar onto South Blaney, **a driver will be accelerating on to a busy street connector and within 100 feet be required to come to a full stop for either a pedestrian or biker crossing the street to get to the other side of the path.** This is also true at Whitney, Pacifica, Farallone, East Estates, Vicksburg, and De Palma. This could be a potential hazard for a serious accident involving a car and a biker or pedestrian. **This is especially true as the pilot program AB-1103 allows cyclists to treat stop signs as yield signs.**
6. The creek curves at several spots and **creates a secluded environment that is simply unsuitable for children** to walk to school on.
7. E-bikes, distracted pedestrians using cell phones, skateboarders and potentially wheelchairs at times will be **accessing this proposed trail along with high-speed cyclists**
8. In conversation with one cyclist (path proponent), she said she did not want to have to slow down to 15 MPH or have to deal with S-curves when biking through Wilson Park. If children are to be walking and biking on this proposed trail alongside adults, there needs to be a very slow speed limit set. 10 MPH is the standard speed for children. 25 MPH is standard speed for experienced cyclists. Average speed of a pedestrian is 2 miles per hour. **The length of this path invites bicycle usage at high speeds which is inconsistent with pedestrian traffic and youth cycling causing increased chance of collision.**
9. Money for a Regnart Creek Trail should be diverted and used in a more appropriate manner to address safety issues on the West side where there are sidewalk deficits and don't receive high safety ratings. To do otherwise is to imply that connectivity, not safety is what's most important to the city. **Safety should be of utmost importance.**
10. **Most parents who are being persuaded in favor of the path have never seen it. We can't imagine a child riding his/her bike back home after a study session at the library in the dusk or dark on this long, isolated trail.** The child would find it much safer to bike home on the surface streets in darkness. Walking alone on the path in the middle of the day is unacceptable as well.
11. In trying to get easier access to the path at the library opening, **children may be tempted to jaywalk on Rodrigues instead of walking up to the crosswalk at Torre.**

Safety for Community

1. **Drivers will resent more traffic restricting devices or more stop signs** on busy streets in close proximity to existing stop signs on South Blaney. A stressed and irritated driver will tend to make bad decisions.
2. **Our neighborhoods have paved sidewalks and a very bikeable streets.** In Wilson Park neighborhoods there is a very bikeable street on one side (Le Mar) and a bikeable park on the other side leading to yet another very bikeable street (Vicksburg) just yards from this proposed trail, all of which are a much more attractive option for a stroll. The fences of the backs of our homes aren't much to look at but we think the fronts of our homes are just great!
3. The proposed trail will be inconvenient for feeder streets adjacent to the proposed trail where the most school children reside. **There very likely could be very little usage by other than recreational cyclists.**
4. **The noted reason many parents do not allow their children to walk to school are the conditions at the school itself or safety issues reported from the west side.** The problems are not in the neighborhoods but when they reach the school. **Our neighborhood has a safety rating of 0 – it could not be safer. Reassigning the blame for safety issues in other parts of the city to our neighborhood is unjust.**
5. The overall conclusion of the Negative Mitigation Declaration was that the project has individually limited problems, but are not cumulatively considerable. Therefore, this project is deemed to have less than significant impact. Nowhere in this report does it address neighborhood acceptance or issues

regarding privacy, safety and security of the neighborhood it resides in. **All of our aforementioned concerns create cumulatively considerable impact for the community as a whole.**

Security/Privacy

1. Cars have driven onto the already existing path at the end of DePalma Lane only to discover it is not a street and there is no outlet on the other end. **There is no space to turn around on this narrow section which creates a hazard in having to back out of the path.** With the opening of the path, cars could drive the length of the path. As on La Mar Drive, Blaney, Pacifica, East Estates and DePalma, the path needs to be quickly accessible for emergency vehicles.
2. Opening access for the proposed trail at the end of the existing Lozano path would conceivably allow autos and unauthorized vehicles the ability to drive on the trail the full distance to Pacifica. Frightening.
3. Fencing and lighting will **need to be acceptable to the impacted neighborhood.**
4. Neighbors backing directly up to the creek have expressed fear that an increase **in home invasion crimes will be the inevitable consequence** of opening this area up to the public. Perception becomes reality.
5. The backside of Farallone was open at one time. **Property damage in the form of rocks thrown into pools and on roofs were common occurrences.** Windows and sliding glass doors were broken. There is also the potential that a resident could be injured by such things flying over the fence. Insurance companies don't look favorably on repeated claims of this nature.
6. **There are so many nefarious things that will go on in that darkened area that will never be known by parents and law enforcement.** We need to be proactive and stop those types of things from occurring before they happen. On October 4, 2005, **this path was removed unanimously by all five members of the City Council.** A petition was signed by 432 concerned neighbors to keep the path closed.

Additional Factors

1. For those who have not seen the so-called creek, it is not at all a natural creek. **This is not a venue for a nature trail.** It would potentially be cost-prohibitive to make it an attractive, natural-looking trail.
2. The concerns that the gates will not be consistently closed at nighttime are real. The city has said the gates of the proposed trail can be closed at nighttime. There are many gates that need to be closed at varying dark/dusk times that **it is logistically nearly impossible to maintain without additional night time staffing.**
3. The Negative Mitigation Declaration claims that there would be no impact on emergency access. It also claims that impact on fire and police services would have no significant impact because a new facility would not be required due to the path. **The proposed Regnart Creek Trail would definitely require the Sheriff beat deputies to actively watch the trail for potential misuse and dangerous situations. Policing of the trail will be very limited due to the physical nature of the trail.** Patrolling only at school start and end hours is not enough.
4. The money that the City intends to spend on this path and the cost of regular maintenance will likely be enormous. **We think our citizens would wish to have this money spent on things that would benefit all of Cupertino, not just some select (biking) group.**
5. As City Council Member Chang has brought up several times, **how many people will use this path?**
6. **Not all trails are worth implementing and Regnart Creek is not a good place for a trail.** It was dredged for flood control. Santa Clara Valley Water District has controlled access to keep people from disturbing it, thereby insuring its intended purpose as a flood-control mechanism. In the past decade however, the City of Cupertino has decided its intended purpose shall be completely changed to a public access area. We strongly disagree with this position. Trails don't belong in this residential area.

7. **The criteria that has bumped Regnart Creek Path to Tier 1 priority in 2018 is connectivity, not safety as originally stated.** Our streets rank as high as they possibly can for safety and this is clearly demonstrated in the criteria scoring. Also, this path is redundant as a pedestrian pathway because our neighborhood has no deficit of sidewalks.
8. Information has not been provided as to why the proposed Regnart Creek Trail scoring changed from Tier II project to a Tier I. Also, the scoring dramatically increased from 48 to 70. **It appears the criteria changed and these documents are in conflict: 2016 Bicycle Transportation Plan (Tier II; score 48) and Resolution 18-015 Pedestrian Plan Project Mitigated Negative Declaration (Tier I, score 70) which was approved January 2018 by the city council.**
9. You can find any study to backup whatever point you wish to make. A study can be made of an attractive and safe path that does not impinge on the surround neighborhood's wish for safety, security and privacy. This path will indeed improve property values and be an amenity to the community it runs through. There are many, many examples of paths like this in California. This is not that kind of a path so it cannot be compared to such paths. Regnart Path is a retrofit that just doesn't fit.

In summary, the opening of Regnart Creek is a bad idea. Path proponents are not presenting the many downsides of the path, referring to the path as an "amenity for the community".

Differing sensibilities regarding what is a safe path for children to walk and bike on.