



## Agenda Report

19-817

Agenda Date: 8/27/2019

### REPORT TO COUNCIL

#### SUBJECT

Action on a Bicycle and Pedestrian Advisory Committee Recommendation regarding Council Drafting a Letter for the Preservation of the Freedom Bridge

#### BACKGROUND

In the late 1990's, a pedestrian bridge was constructed over the San Tomas Aquino Creek by the Intel Corporation (Intel). The bridge, known as the "Freedom Bridge", was permitted by Santa Clara Valley Water District (Valley Water) and constructed as a temporary bridge to facilitate the construction of structures on the Intel Campus located at 2200 Mission College Boulevard. While the City was aware of Intel's request to Valley Water, the City did not have a role in the permitting, construction, or ownership of the bridge as the bridge is located in Valley Water's jurisdiction. The bridge is located approximately 1,000 feet south of Mission College Boulevard and is currently being used by the public as a path to cross the San Tomas Aquino Creek from the San Tomas Aquino Creek Trail directly into the Intel Campus (Attachment 1).

On November 16, 2018, Valley Water informed Intel in writing (Attachment 2) that they required the bridge be removed and the adjacent levee be restored. Currently, the bridge remains due to a lease agreement between Intel and Valley Water, which will expire on September 14, 2019. The lease has been extended several times and Valley Water intends to formally terminate the lease agreement and require the bridge to be removed. Valley Water has also stated that the bridge is not American with Disabilities Act (ADA) compliant, is structurally deficient, and could potentially exacerbate flooding.

At the City's Bicycle and Pedestrian Advisory Committee (BPAC) meeting on December 21, 2018, an Intel employee notified the BPAC that Valley Water requested Intel to remove the bridge by September 2019, and the employee wanted the BPAC's help to preserve the bridge. Staff responded that an update on this issue could be included at the next BPAC meeting on January 28, 2019.

At the BPAC meeting on January 28, 2019, staff provided an update on Freedom Bridge (item 4B) within the Reports to Committee Information portion of the BPAC agenda. Staff provided BPAC with a summary of the November 16, 2018 letter from Valley Water to Intel, confirmed that the bridge is not under the jurisdiction of the City, and that the bridge was permitted solely by the Valley Water. Despite the City not having jurisdiction over the bridge, the BPAC was still in favor of wanting to preserve the bridge as they believed that the bridge is heavily used by the public. BPAC members then discussed that although the BPAC, in their role as an advisory committee to the City Council, could not write a letter directly to Valley Water, the BPAC could approve a motion where the BPAC recommends to the City Council that the City Council write a letter to Valley Water expressing support for preserving Freedom Bridge. As this motion was not agendized on the BPAC agenda for January 28, 2018, BPAC members voted to include an item for action at the next BPAC meeting on March 25, 2019.

During the March 25, 2019 BPAC meeting, the BPAC members approved a motion requesting a letter be drafted by the City Council to Valley Water expressing support for preserving Freedom Bridge, in addition to requesting that any supporting reports or information regarding removal be provided by Valley Water to the City. The BPAC approved the motion eight to one.

Additionally, at the March 26, 2019 joint dinner between the City Council and the BPAC, BPAC members discussed Freedom Bridge and verbally requested that the City request that Valley Water provide any and all reports supporting the SCVWD's decision that Freedom bridge should be removed by September 2019. Since late March 2019, staff have been requesting this information from Valley Water and on June 24, 2019, Valley Water provided the requested information. This information has been transmitted to the BPAC and is included as Attachment 3.

In late April 2019, Intel submitted an application to the City for an encroachment permit for work within the San Tomas Creek Trail area to support Intel's application to Valley Water for removal of Freedom Bridge. Staff have provided an initial engineering plan check feedback to Intel, but an encroachment permit has not been issued yet.

### **DISCUSSION**

As stated above, Freedom Bridge was constructed by Intel as a temporary bridge to support development of the Intel Campus, which is directly east of the San Tomas Aquino Creek. The bridge is a private structure that was permitted by Valley Water and Valley Water is the sole public agency with permitting authority for the bridge. There are currently no plans or funding for the City to perform any public works on the bridge. In addition, the bridge provides limited public access as it facilitates connections between the San Tomas Aquino Creek Trail and the privately owned and managed Intel Campus just east of San Tomas Aquino Creek.

Per the March 25, 2019 BPAC Meeting Minutes (Attachment 4), which were approved at the last BPAC meeting in June 2019, the BPAC recommends that the City Council write a letter to Valley Water expressing the Council's support for the bridge to remain.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

There is no fiscal impact for the current action.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>

or at the public information desk at any City of Santa Clara public library.

On March 25, 2019, the Bicycle and Pedestrian Advisory Committee discussed this item and made a motion under Reports for Committee Action.

### **ALTERNATIVES**

1. Approve the recommendation from the Bicycle and Pedestrian Advisory Committee and draft a letter to the Santa Clara Valley Water District expressing support for preserving Freedom Bridge;
2. Take no action;
3. Note and file the Minutes of the Bicycle and Pedestrian Advisory Committee.

### **RECOMMENDATION**

1. Staff makes no recommendation regarding City Council drafting a letter or not to the Santa Clara Valley Water District; and
2. Note and file the Minutes of the Bicycle and Pedestrian Advisory Committee.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Location Map
2. November 16, 2018 Letter from SCVWD to Intel
3. Information provided by the SCVWD
4. Minutes of the Bicycle and Pedestrian Advisory Committee