

1218 Willow St.
San Jose, CA 95125
June 19 2008

General Plan Update Taskforce
200 E. Santa Clara St.
San Jose, CA 95113

re: Walkable Neighborhoods

Dear Taskforce Members,

At the various General Plan Update meetings, numerous taskforce members and members of the public have extolled the desirability of “walkable” neighborhoods:

- less driving – less traffic congestion, reduced need for paving for parking; and
- more walking – more exercise, better awareness of neighbors and community.

It’s good for neighborhood businesses: people walking are more likely to stop at other shops along the way, whereas drivers often shop only at the stores at which they park. And it’s good for the neighborhood residents, too: they can enjoy their shopping without car and gas expenses.

It may take more than generalized statements of support in order to preserve and enhance the walkability of a community. A key component of walkable neighborhoods is the “walkthrough” – the short walkways or gateways that connect residents and destinations. These walkways are sometimes on properties that might not benefit directly from the cut-through traffic, and sometimes the landowners of those properties then decide not to allow that cut-through traffic: they fear liability expenses, and “why risk an expense if there is no benefit?” (Case in point: the recent removal of a gateway by the apartment building owner behind Monsieur Beans in Willow Glen.)

If the City is going to encourage walkable communities, I think it will have to address the landowners’ concerns. The Santa Clara County Parks Department had to address the same concerns when developing the County Trails Master Plan in 1995. They cited State Civil Code §846 (re-printed in Appendix “C” of the Master Plan) that states that a landowner “who gives permission to another for entry ... does not ...assume responsibility for or incur liability for any injury to person or property...” County planners held educational outreaches, explaining the responsibilities and liabilities of property owners when they were seeking trail easements, and discussing the protection provided to them by the State Law.

So, my request: ask the City’s legal department to address the liability concerns of landowners whose properties might be crossed by community walkthroughs. Once solutions are found, ask the Council to enact City Ordinances as needed, and then ask the Planning Department to reach out to landowners to preserve existing walkthroughs and when seeking additional ones.

To be able to get away from our present-day car-centric culture, we need to be able to easily walk to the library, the schools, the transit nodes, the local parks and trails, and the local shopping districts. Please help make this feasible.

Thank you,
// signed //
Lawrence Lowell Ames.

cc: San Jose Planning Department
San Jose Parks GreenPrint Update Task Force
Willow Glen Neighborhood Assoc. Planning & Land Use Subcmte.