

RECEIVED ON: June 18, 2024

Council Meeting: 06/18/2024

Agenda Item No: 10



June 17, 2024

Mayor-pro-tem Cathy Warner and Councilmembers F. Dutra, O. Martinez, and M. Pacheco.

RE: Promenade Project Overview

Dear Mayor-pro-tem Warner, Councilmembers Dutra, Martinez, and Pacheco.

Thank you for this opportunity to provide additional information to the council for its review.

From mid-2021 through mid-2022, when meetings were still being held remotely, the Council reviewed many aspects of the Promenade Plan, which was to be an amendment of the previously approved 2019 Uptown Streetscape Plan. Over the period of about a year, you talked about umbrellas, bollards, street closures, benches, lights, skateboarders, and addressed a myriad of issues raised by your “stakeholder” group of business owners who were meeting regularly with city officials.

The following year, 2022-2023, brought about a coalescing of the council’s concerns and ideas about what Uptown should look like, resulting in the granting of a larger contract for more built-out designs by SWA Consultants in mid-2023. In August of 2023, the entire Council voted on a Consent Calendar item to give SWA additional money to draw up plans for a 51% increase in the scope of the project that included all four side streets (Hadley, Bailey, Philadelphia, and Wardman) to the respective east/west alleys. While this additional increase in the scope of the project was not part of the December approval, its new plans are paid for and in the works as an expansion of roadway and utility features that will most likely be coming back to you. The environmental impacts of this expansion have not been addressed.

While the public was well aware that 22 trees would be removed as part of the 2019 plan, there was never any real discussion on the part of the Council with regard to the wholesale removal of ALL trees on Greenleaf until Councilman Dutra raised the issue during the final approval on the night of December 12, 2023. At that time, Councilwoman Warner stated that there were hundreds of supporters in the business community, saying she saw “100% support for the project.” When the Christmas crunch subsided and the community became aware of the

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CC: CM; ACM; CA; Council; Original to CC; Public Binder; Department

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Council's plan to destroy *all* of the trees on Greenleaf, it stirred up a backlash based on what they perceive as complete disregard for the health and well-being of the community at large.

The removal of all of the Uptown ficus trees has been a vocal, personal crusade of Mayor Vinatieri for years. He has mentioned it in almost every speaking opportunity, talking about liability, roots, and mess; that the businesses don't like them and that the trees have to go. Attachment "A" of tonight's staff report actually justifies this further by saying, "Uplifted sidewalks caused by the roots of the Ficus trees lead to trip-and-fall incidents, making all such sidewalks assumed liabilities." Not all sidewalks around ficus trees in Uptown are "uplifted." In fact, the sidewalks in those three blocks have very little uplifting and are relatively smooth, as was testified to by a wheel-chair-bound resident who says he has no trouble getting in and around those areas and is against the tree removal. There are far more visibly buckled sidewalks in other areas of town. The city's argument fails in logic and is tailored to suit only the three-block stretch of pavement that pertains to the Promenade Plan.

This argument would suggest that *all* city trees have potential for harm and are, therefore, liabilities. By this reasoning, *all* trees should be removed so that there is never a possibility of anyone tripping on a root or getting hit by a branch during a wind storm. This is an absurd justification, woven throughout Attachment "A"---a portion of your staff report that has no author, very few citations, and is filled with misleading, erroneous, and downright false information. That is why cities carry insurance. They also patch, bridge, meander, and do whatever is necessary to repair sidewalks to KEEP good, healthy trees, not destroy them. This is the mission of our Tree Protection Ordinance. **Trees are not supposed to accommodate and fall prey to development. Development is supposed to acknowledge and give way to tree protection and incorporation into the planning process.** The city has it backwards.

Attachment "A" includes a list of 54 questions and concerns raised over the past four months. Fully 100% of the city's responses---now public---are in lockstep with their previous position that ALL of the trees must be removed in order to facilitate the Promenade Plan AS APPROVED. This is exactly the point that we and the rest of the public have been trying to make. The Dec. 12<sup>th</sup>. approval left no wiggle room for a single tree. It's a scorched earth policy like Nelles--- where 500 mature, healthy, documented trees were butchered to make a nice, flat, easy-to-develop parcel of land with no obstructions and no regard for that environmental impact. We can do better than that.

The current public outrage is real and palpable. It is not just the Conservancy. It's people with real passion and real expertise in areas in which your own staff and your hired subcontractors



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are lacking, despite all the credentials listed on the CVs of these large consulting firms who are paid by the city and have a monetary interest in the outcome of this project. The residents of Whittier, many of whom have credentials that exceed those of staff and paid consultants, have no such monetary interest, yet have devoted probably as much time to these meetings and documents as paid personnel.

In January, when residents first became aware of the potential tree massacre, they flooded City Hall in an attempt to gain your attention to an already-voted-upon project. You took heed and Councilman Dutra said he wanted a “robust discussion” of all the issues raised by the public. To this date, there has been no “robust discussion” by this Council at all. You have had “study sessions” with many graphs and charts presented by the staff in very one-sided slide shows that the public has had to refute in real time, since no staff reports accompanied those meeting agendas. You have had just as much information coming from real experts in the community. It’s been listen to staff, listen to consultants, listen to the community, then adjourn. Where is your “robust discussion” of all the issues raised?

When confronted with certain information, why haven’t you asked to see the actual citations? Why haven’t you actually looked at and discussed the Aug. 22, 2023 Consent Calendar item where all council members voted to give more money to SWA to draw up additional plans? Councilwoman Warner suggested that you “must have discussed it or it wouldn’t have been on the Consent Calendar.” You never discussed it; but you all voted for it. While it was not ultimately attached to the December approval, it is in the pipeline for public works improvements that are directly related to the project. With the water main replacement added to the sidewalk and street improvements, why aren’t all of these impacts addressed together and not just in segments at each phase of the project?

The carbon sequestration data was never available to you before Dec. 12<sup>th</sup>, yet---in the new version before you tonight---the updated “break-even” year for us to recoup what is lost with complete tree removal has now been bumped from 40 years to **61 years!** By the time the project is completed and the trees are replaced, the “break-even” year for the residents of Whittier to recover the tons of carbon sucked up by the current trees will be **2087**---just in time for the 100 year anniversary of the earthquake. Can you look you grandkids in the face and tell them to breathe all those pollutants for six decades and then everything will even out? Is this how the city prepares for another hottest summer on record---by removing scores of shade trees, notably the “giants” of carbon absorption?

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Most of the answers in Attachment "A" are either false, misleading, or just plain inaccurate. Number 2 says expert Don Hodel "agrees" with the city. Dr. Hodel actually said that, "the project, AS APPROVED, cannot accommodate the trees." But the other half of his sentence was, "There is no reason why the city can't accomplish most of what it wants in terms of 'improvements' and still keep the trees." This omission by WCA and the city is shameful.

The city is also insisting that the pocket parks are part of the project as approved. They are NOT. Please look at the map and the language on p. 7 of the Promenade Plan. The red dotted line outlines the exact area of the portion of Greenleaf that you approved. It does not include that separate, future park lot, which cost the taxpayers an additional half a million dollars. Therefore, the 34 trees in that lot cannot be counted as replacements for the Greenleaf trees. Where is your discussion on that?

The city is still insisting on their definition of "phasing" that is completely at odds with the definition in the Specific Plan. Are you going to accept their version without discussing the Specific Plan language?

There are no tree reports anywhere; city says those will come later. Yet it states that all trees must be removed, without providing the required pre-conclusion documentation that must prove that all mitigation measures have already been attempted and exhausted. This procedure is backwards and makes no sense.

Number 19 says city is not involved in individual sewer issues. Yet, city representatives had no problem providing a picture of sewer debris to television reporters when interviewed for a live broadcast. This was deliberately misleading, of questionable origin, unverifiable, and irrelevant.

Number 21 talks about how the streetlamps will follow preservation standards because city will print the rules on the construction drawings. This shows no understanding of the Certificate of Appropriateness procedure or the Secretary of the Interior Standards for the preservation of historic resources, neither of which has been followed, per code and per CEQA.

Attachment "E" is a two-sentence "memo" by someone who says he "reviewed the analysis performed by West Coast Arborist." Where is that analysis? We haven't seen it and neither have you.

The carbon sequestration information that was finally provided through a public records request was indecipherable. It is what is referred to as a "data dump." Even with that, our experts deemed the information out of compliance with best practice in scientific standards.

There is so much more at stake here than the trees and compliance and forcing a square plug into a round hole. All of the city responses are "NO CAN DO." We maintain-- and logic should have you come to the same conclusion—that it is statistically impossible for every answer to



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every legitimate question to be, "NO." We believe this is all back-fill justification to get the project moving as quickly as possible without additional attempts at mitigation.

To be clear, as you saw last week, the public is not standing for this. They are vocal, respectful, insightful, sincere residents who know a lot about government and procedure. They come from all walks of life and know the difference between truth and nonsense. There is a lot of collective wisdom and years of environmental experience among many of the residents who spoke and sent emails. They are appalled by this project, its sneaky Christmas-week approval, and the outcome. Some are devoting as much time as the staff and the council on this project. Yet they have all basically said the same thing: phase out the ficus trees over time, as other cities like Orange and Tustin are doing over a 15 to 20 year period.

Tuesday's "receive and file" agenda suggests two additional avenues to pursue:

- 1.---more 72" box trees (for which additional mortality rates would need to be assessed)
- 2.---some shade cloth to cover the 100-foot spans that will have no trees at all

These are not acceptable solutions to what you have heard from residents for over four months.

### **THERE IS ANOTHER SOLUTION:**

**Instead of just receiving information from staff, how about sending a direction to staff?**

Ask them to go back to the drawing board with SWA and come up with a modified version of the Promenade Plan that accomplishes most of what you want in the way of improvements to Uptown, but that they MUST save the healthy trees. It *can* be done! Other cities do it all the time.

This would result in the canopy being saved and even flourishing, as it would have greater headroom for expansion and spreading over a larger area with only half of the trunk space. This would help with the next phase, when new in-fill trees in between mature. This option reduces the berries and other impacts, while ensuring canopy coverage remains---which is paramount to an acceptable outcome.

Without the canopy, we not only lose all of the oxygen and sequestration and shade; we also expose the imperfections of all the buildings and create a "heat island" right in the middle of town where it really matters. The temperature differential last Wednesday evening between

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under-canopy and on-concrete was over 40 degrees. Can you imagine the future air conditioning bills for the businesses? Has that been factored into this project? Discussed?

The disruption to Greenleaf that will occur if the project proceeds as planned will be disastrous, and some of those businesses will not survive. It is also wishful thinking that the destruction of the trees will in any way enhance the ambiance of Uptown and bring more people in to shop. The exact opposite is much more likely, as the trees actually define the physical character of Uptown.

This issue is not going to go away. Tuesday's decision will have ramifications for years to come. The people have spoken and you need to *hear* them, heed their calls for compromise, and consider our solution.

Thank you all for your time and your service.

Sincerely,

A handwritten signature in cursive script that reads "Mary Gorman-Sullens". The signature is written in dark ink and is positioned above the printed name.

Mary Gorman-Sullens

President, Whittier Conservancy

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