

February 27, 2024

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Whittier, CA. 90602

Whittier City Council
13230 Penn St.
Whittier, CA. 90602

Dear City Council Members:

This letter points out and responds to inconsistencies and inaccuracies provided to the public at the City Council's 2/20/2024 meeting/study session about the Greenleaf Promenade Plan.

Timeline (slides 13-14, p7)

The City Manager's report continued to highlight the misleading mantra¹ that 15 Council meetings have been held at which this topic has been discussed. Except at NONE of those Council meetings until 12/12/23 was it mentioned that the revised Plan completely eliminated phasing-in of tree removal and replacement. The most astounding words that the City Manager uttered at last Tuesday's meeting was his admission that he had blindsided the Council saying, "I take responsibility for not being clear with the Council about the replacement of all of the ficus trees in Uptown. At this time we were still looking to save (as) many of the trees as we possibly could."

This begs the question: WHEN did the City Manager know that the revised design would require ALL of the 108 mature trees in the project area to be chopped down at once, and WHEN did he share that information with you? The answer is in the slide show presented on 2/20/24.

On 11/8/22 Council directs SWA consultants to perform full design (slides 17-19, p 9-10). That design entails ALL NEW TREES. On 11/8/22, the City Manager knew that the revised design signed the death warrant for ALL the existing trees in the project area.

The next step occurred five weeks later at Council's closed session on 12/13/22 when CIPA² was brought in to scare you that trees are the enemy and the City's liability insurance is in jeopardy. Yet last Tuesday when Mayor Pro Tem Fernando Dutra asked if removing all 108 trees in this three-block area of Greenleaf Ave would have an impact on the City's liability insurance, the City Manager admitted that it would not.

¹ A statement or slogan repeated frequently.

² California Insurance Pool Authority (CIPA), a joint powers authority among 14 cities in California.

Two months after that CIPA presentation, the Council's 2/14/23 meeting/study session was the last time existing trees were ever discussed. At the very end of that long meeting, the City Manager pulled out old photos of a barren, treeless Uptown from the 1950s. He then chillingly describes the dystopian³ view about how we're trying to get back to that, because Uptown was never meant to have massive trees. He ends that presentation by stating "Not all of the ficus trees are going to be able to make it in this Plan." He already knew that ALL of those trees would be guillotined. He continues by telling you "we won't go radio silence on this"⁴ which is EXACTLY what he did! Over the next ten months, existing trees were never again mentioned until that fateful 12/12/23 Council meeting. At that meeting, two weeks before Christmas, Council members Cathy Warner and Fernando Dutra expressed surprise, asking what happened to tree phasing and can any of the existing trees be saved? The City manager and staff answered "NO" because the finalized design's slope (slide 32, p16) prohibits retaining any existing trees. This is a perfect example of a *fait accompli*.⁵

Having heard from only business owners at that 12/12/23 meeting⁶, Council member Cathy Warner says "I'm hearing 100% support." Then you vote 3-0 to approve the revised Plan. Council member Jessica Martinez wasn't there that evening so she never - at any time - got to hear that tree phasing had been totally eliminated. No wonder she seemed frustrated at last Tuesday's meeting/study session when she said "I would like to see some sort of phased-in approach to save some of the trees." Mayor Joe Vinatieri recused himself from participating in the 2/20/24 meeting due to a conflict of interest because he owns a business in Uptown.

Scope/Size/Cost of Project (slide 41, p21)

The City Manager's slide presentation revealed details about the scope, size and cost of the project as it evolved over the past five years, transitioning from the Gardens of Uptown to the Greenleaf Promenade Plan. When mentioning the various 15 Council meetings since 2020, he glossed over the 8/22/23 Council meeting. That is when the item about the Greenleaf Promenade Plan was placed on your Council's Consent Calendar, described as a benign \$84,000 adjustment to SWA project consultant fees. The Council voted in favor of that agenda item with no discussion, yet that vote expanded the size of the project by 50%!

Last Tuesday, Mayor Pro Tem Fernando Dutra mentioned that when construction projects in his private business increase by 50%, it triggers CEQA⁷ action. He then asked about reviewing the background documents for that 8/22/23 Consent Calendar item. Council member Cathy Warner mentioned when an item is placed on their Consent Calendar it usually means the content was discussed at a previous Council meeting. It was not. And Mayor Joe Vinatieri, after meticulously recusing himself from all other votes for years, when this project was on the

³ Relating to or denoting an imagined state that foresees a society where there is great suffering or injustice.

⁴ See the last 4 ½ minutes of video posted on the City's website of that Valentine's Day 2/14/23 Council meeting.

⁵ A thing that has already happened or been decided before those affected hear about it, leaving them with no option but to accept it; presumably irreversible.

⁶ Circumstances fully described in my 2/5/24 and 2/20/24 letters to you, incorporated by reference.

⁷ California Environmental Quality Act (CEQA).

Council's agenda, voted Aye on 8/22/23 along with other Council members to vastly increase the project's size and scope.

Lighting (slide 26, p13)

The slide presentation describes street lighting/fixture options and reviews the decisions made at the 5/9/23 Council meeting. It mentions compliance with federal Secretary of the Interior (SOI) historic preservation standards. The Introduction to those standards states: "It is always recommended that preservation professionals be consulted early in any project."

At that 5/9/23 meeting, Council member Cathy Warner said that "it seems counter-intuitive" that we are required to select modern light fixtures for an historic city. The City Manager responded that unless new lights are exactly like the antique ones, they must "contrast." I have read the entire 241 pages of the SOI. Nowhere does it say that. On a very few pages the SOI standards address lighting and landscape features⁸ (99% of the guidelines focus on historic structures and houses).

The format of the SOI standards lists side-by-side Recommended & Not Recommended actions:

Under Recommended: "Designing new features (such as parking areas, access ramps, or lighting) when required by a new use, so that they are as unobtrusive as possible, retain the historic relationships between buildings and the landscape in the setting, and are compatible with the historic character of the setting."

Under Not Recommended: "Introducing new construction into historic districts which is visually incompatible or that destroys important landscape features." *Existing trees are clearly important landscape features!*

The City's Historic Resources Commission (HRC) has purview over SOI standards. They should have been involved in discussions about the design and appropriateness of new lighting. They were not consulted.

Parkway Tree Manual Compliance (slides 30-40, p 15-20).

Improvements to Uptown, collaboratively discussed with the community for more than five years, would have retained tree phasing using legally appropriate mitigation measures in compliance with the Tree Manual. But when the revised Plan was revealed and approved on 12/12/23, all of the trees were sacrificed. By decree, the City Manager has "deemed impractical" saving a single tree, in effect totally nullifying⁹ Whittier's Tree Manual/City Ordinance. There's a word for this type of government and it's not democracy.

⁸ Pages 76-79 of the SOI.

⁹ Make legally null and void; invalidate.

CEQA Compliance (slide 42, p21)

On 12/12/23, your Council approved a “Negative Declaration”¹⁰ determining that the Greenleaf Promenade Plan, including chopping down all the trees in the project area, would have NO NEW IMPACT on the environment. That is patently absurd. Your attention is drawn to several questions under *Mandatory Findings of Significance*: Does the project have the potential to substantially degrade the quality of the environment...or have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? There are reams of documented, scientific evidence of the benefits of mature trees emitting oxygen and absorbing harmful carbon dioxide, up to 50 lb. of carbon per year per tree. And the benefits of the shade they provide lowers temperatures significantly, especially during hot summer days.

Conclusion

At the end of the 2/20/24 Council meeting/study session, Mayor Pro-Tem Fernando Dutra said, “This is a complicated issue. I think we can always do better.” Over the past six weeks, hundreds of Whittier residents have written to you, and others have spoken during your Council’s Public Comment period(s) expressing anger, outrage and disbelief about your decision to cut down all of those trees. We have continued to deliver the message that we want Uptown improvements without sacrificing all of the mature trees – it is not mutually exclusive.

Assuming you do not modify the unwise and unjust Plan you approved on 12/12/23, you will provoke acts of civil disobedience.¹¹ Once again, I implore you to reconsider your decision.

Sincerely,

(original signed)

Conny B. McCormack
City of Whittier resident for 27 years
Former L.A. Co. Registrar-Recorder/County Clerk (Ret.)

cc: Brian Saeki, City Manager; Rigo Garcia, City Clerk

¹⁰ Attachment C to 12/12/23 Agenda item 13A: Addendum to the Uptown Whittier Streetscape Beautification Plan Negative Declaration. Note especially page 62, Mandatory Findings of Significance.

¹¹ Political protest/refusal to obey government commands especially as a nonviolent, collective means of forcing concessions from the government.