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December 21, 2011

Via Email

Gregg Yamachika
Contract Planner
Development Services Department
City of Sierra Madre
Sierra Madre, CA 91024

Re: Mitigated Negative Declaration for the
Fountain Square Development West
Kensington Assisted Living Facility

Dear Mr. Yamachika:

The Draft Mitigated Negative Declaration inadequately evaluates the environmental impacts of the project and erroneously concludes that, after mitigation measures are implemented, the project would result in less than significant environmental impacts. I recommend that a full environmental impact report be prepared which includes proper analysis of appropriate alternatives.

The project proposes to locate a large, pedestrian-unfriendly residential use in the middle of the City's main commercial core. This is fundamentally inconsistent with the General Plan, will unreasonably interfere with the surrounding properties and would be detrimental to the viability of the City's downtown area. In fact, that project demonstrably fails the two City objectives set forth in Section 1.9 of the Draft Neg Dec, namely, to "ensure that development of the site occurs in a manner that implements the General Plan policies" . . . and to "ensure that development of the site occurs in a manner that complements the surrounding uses in terms of scale, type of use, and contribution to neighborhood character."

Sierra Madre Boulevard is the spine of the City's commercial area. Commercial activity is centered in two nodes east and west of the project (centered around the intersections of Sierra Madre Boulevard/Baldwin Avenue and Sierra Madre Boulevard/Lima Street). The project would be a dead space in between these nodes that would divide the commercial heart of the town. This division would orphan the western node, potentially leading to its economic demise.

Although the main land use component of the proposed project is living quarters and despite the fact that less than 5% of space in the project would be used as staff offices or caretaker areas, the Draft Neg Dec labels the project's use as institutional. Even if the project is considered institutional rather than residential, it is not commercial, and certainly not an active type of use that would help knit the City's commercial core (as opposed to such uses as retail, restaurant or lodging).

Inappropriate land use is not the only problem with the proposed project. Its design is also especially unfriendly to pedestrians. The project calls for a high retaining wall immediately adjacent to the sidewalk on the north side of Sierra Madre Boulevard. West of the project's main building is a street-adjacent parking field. So rather than an eclectic mix of street-level shops and eateries that would draw a pedestrian from one side of downtown to the other, the project presents an imposing blank wall and stretch of blacktop.

In response to my concerns a project proponent could contend that the use is not that dissimilar to what was previously there and the project simply apes the prior design. These arguments fail because the prior use (limited care hospital) was much more interactive, and even more importantly, has been discontinued for a number of years. Hence the site must be considered a blank slate with de novo review of new proposals rather than a continuance of existing use/design. Further, circumstances have changed since the prior building was constructed. Petroleum and other energy sources have, and will continue to, become much more costly. While car-dominated suburban design and land use may have been acceptable a generation ago, now a premium must be placed on walkability and sustainability. It's not just my opinion, it's state law: SB 375.

Finally, the project site is currently in a sorry state, with a dilapidated, vacant building. Often the Draft Neg Dec makes the claim that the project will be an improvement over the current situation. While it is true in the short term that a shiny, new building would be an improvement over the site's current state, the impacts of the project need to be considered over its full duration. The proposed building likely has an economic life of 30 to 50 years. Locking in a poorly designed, inappropriate use for at least a generation cannot be justified by simply claiming its an improvement over the site's current condition. It would be much preferable just to demolish the existing building and clean up the site.

Following are my detailed concerns with the Draft Neg Dec's review of relevant environmental factors:

Section 3.1 Aesthetics. The Draft Neg Dec, especially Section 3.1(c), inadequately evaluates the aesthetic impacts of the project. The project would have significant, adverse aesthetic impacts and would substantially degrade the visual character or quality of the site and its surroundings. Aesthetics must be considered in context. What may be aesthetically acceptable in a high-density residential area would not necessarily be in a commercial area and vice-versa. On this site the proposed residential/institutional use will look out of place and will not fit in. It looks like an apartment building, not the store or restaurant that should go in the middle of downtown. Further, the pedestrian-level presentation is awful: a high retaining wall or a parking field. Finally, dividing the town's main commercial artery would reduce the economic viability west of the project leading to aesthetically unpleasant vacant and/or rundown storefronts. The only way these impacts could be mitigated to an insignificant level is to redesign the project to include active commercial uses at street level and to move the parking behind and/or underneath the buildings.

Section 3.3 Air Quality. The Draft Neg Dec, especially Section 3.3(c), inadequately evaluates the air quality impacts of the project. The project's pedestrian unfriendly nature and division of commercial areas of town would lead to less pedestrian traffic and more car traffic, hence resulting in worse air quality. Walkability and sustainability are at the heart of SB 375.

Section 3.7 Greenhouse Gas Emissions. The Draft Neg Dec has the same deficiencies with this topic as with air quality. See my discussion of Section 3.3 for more detail.

Section 3.10 Land Use and Planning. This is the most deficient portion of the Draft Neg Dec, especially Sections 3.10(a)&(b). The project would have significant, adverse land use planning impacts as it would divide the commercial core of the town and it conflicts with the spirit and letter of the General Plan.

The Draft Neg Dec simplistically claims that there would no impact to dividing the community stating without any support that the "proposed project is consistent and compatible with the surrounding land uses and would not divide an established community." Not true. The residential/institutional project would divide the commercial core of the town and orphan businesses to the west. The project looks like an apartment building; it is in no way compatible with commercial uses.

The General Plan consistency analysis is flawed on multiple levels. First, the project seeks to cure its General Plan inconsistency by changing the General Plan. The Draft Neg Dec then claims such a change would have no impact and therefore doesn't even do an analysis of its impacts. "As this component of the project would have no environmental impact, the General Plan Amendment is not be analyzed in the environmental checklist and the subsequent sections of this Initial Study." Section 1.10, pages 5-6. Oh how easy life would be for CEQA planners if they could just claim that a project has no impacts and do no analysis. However, that doesn't come anywhere near fulfilling CEQA's purpose to analyze, review and make environmental impacts known to those who must decide whether to approve a project.

Further, the proposed General Plan Amendment is a dishonest way of accomplishing the project's goals that disguises the project's impacts and inconsistency with the General Plan. Rather than change the General Plan designation of the site to residential (or even institutional), the proposal is to "clarify" that the proposed use is allowed in the commercial business district. This type of loopholery mocks not only the purpose of zoning, but also the informational mission of CEQA. Also, by sneaking around what should be a change in the site's General Plan designation to residential, the project avoids falling under the requirements of Measure V.

However, even the proposed use shoehorning dressed up as a General Plan Amendment is still inconsistent with the General Plan. The Draft Neg Dec completely ignores the project's inconsistency with General Plan Objective L27 and its Policies L27.1 through L27.5, General Plan Objective L29 and its Policies L29.1 through L29.4, General Plan Objective L45 and its Policies L45.1 through L45.2, which follow:

Objective L27: Ensure that the commercial area be designed to enhance pedestrian activity, preserve historic patterns of development and foster community values.

Policies: **L27.1** Require that the ground floor elevation of a commercial space (storefront or professional) facing the sidewalk must be visibly and physically penetrable placing windows and doorways at the street elevation.

L27.2 Encourage professional and personal service businesses and other non-retail uses to locate on second floors or to the rear of commercial properties allowing for retail uses along the street frontage.

L27.3 Encourage the use of awnings, overhangs, porticoes, trellises, and other design elements which provide protection to pedestrians.

L27.4 Encourage the use of architectural design elements such as showcase windows, cornices, and columns to provide interest along the sidewalk.

L27.5 Require that front elevations be designed to mimic small individual storefronts even if one tenant intends to use the space. This may be accomplished using vertical design elements to break up the façade.

Objective L29: Provide for a mix of uses which accomplishes a healthy balance of local services and visitor attraction while maximizing the City's revenues from property and sales taxes.

Policies: **L29.1** Limit institutional uses in the commercial business district.

L29.2 Accommodate a diversity of commercial uses intended to meet the needs of local residents, including retail, offices, food sales and service, general merchandise apparel and accessories, dry goods, home improvement, gardening, financial services, personal services, entertainment and cultural uses.

L29.3 Accommodate commercial uses intended to attract visitors such as gift shops, specialty shops, antiques, retail sales and rental of outdoor and recreational equipment, art galleries, sales of local art and crafts.

L29.4 Allow for residential uses at the rear and above the first floor on commercial properties.

Objective L45: Maximize retail opportunities

- Policies:
- L45.1** Provide incentive for the location of retail on the first floor of commercial buildings.
 - L45.2** Prohibit any new and the expansion of existing institutional facilities in the commercial area.

How can a project which expands an institutional use in contravention of Policies L29.1 and L45.2, places a residential/institutional use at the street level in contravention of Policies L27.2 and L29.4, is inhospitable to pedestrians in contravention of Objective L27 and its policies, and generally flies in the face of the spirit of all of the foregoing provisions be said to be consistent with the General Plan?

Section 3.14 Public Services. The Draft Neg Dec inadequately evaluates the public service impacts of the project. Residential and institutional uses are generally net fiscal drains on municipal finances, especially those which would call for high demand for paramedic and other emergency services. Commercial uses tend to be net fiscal positives for cities. The proposed project reduces the City's supply of land used for commercial purposes and substitutes a residential/institutional use. Additionally, the project's pedestrian unfriendly nature and division of commercial areas of town would orphan commercial uses to the west leading to reduced economic activity and City revenue.

Section 3.16 Transportation and Traffic. The Draft Neg Dec inadequately evaluates the traffic impacts of the project. The Draft Neg Dec looks only at the traffic generated by the project, and fails to analyze the environmental impacts that the project's use and design will have on circulation patterns. The project's pedestrian unfriendly nature and division of commercial areas of town would lead to less pedestrian traffic and more car traffic. Again, walkability and sustainability are at the heart of SB 375.

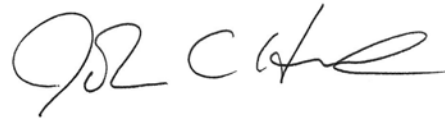
As detailed above, the proposed project would have significant, adverse environmental impacts. A complete environmental impact report should be prepared to evaluate such impacts. Additionally, the EIR should include analyses of the following alternatives/mitigation measures:

- No project with demolition of the existing dilapidated building and site clean up. The simplest and most cost effective way to remedy the aesthetic concerns with the existing eyesore is to demolish it and clean up the site rather than approve a project that will have long lasting adverse impacts on the community.
- Commercial project which includes ground floor, street facing retail, restaurants, lodging, and other pedestrian-friendly uses. Such project should be redesigned to eliminate the need for sidewalk-adjacent retaining walls and to locate parking behind or underneath the buildings.

- Mixed use project with assisted living facilities located above and/or behind ground floor, street facing retail, restaurants, lodging, and other pedestrian-friendly uses. Such project should also be redesigned to eliminate the need for sidewalk-adjacent retaining walls and to locate parking behind or underneath the buildings.

Thank you for your consideration. Should you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. Hutt". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John C. Hutt