



September 23, 2009

Submitted via email

Julie Boucher, Assistant Superintendent, Business Services
San Marino Unified School District
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**RE: Draft Environmental Impact Report —San Marino High School
Michael White Adobe Project**

Dear Ms. Boucher:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the San Marino High School Michael White Adobe Project, formerly the San Marino High School Pool Expansion Project. Inexplicably, the proposed project has been redefined from the original project description in the Notice of Preparation (NOP), with the District now focused exclusively on demolition of the Michael White Adobe to create a “concrete-asphalt open area.”¹ With preparations underway to fast-track demolition, this truncated project description reinforces a perception that the District is pre-committed to demolition as the only acceptable outcome. Given the exceptional significance of the Michael White Adobe – and absent any immediate need for its removal – demolition should not be considered under any circumstances.

I. Historic Significance of the Michael White Adobe

The proposed demolition project would destroy an irreplaceable and exceedingly rare historic resource. Completed in 1865, the Michael White Adobe is the second oldest structure in San Marino and one of only 39 adobes remaining in Los Angeles County. It is locally designated as a San Marino landmark and has been determined eligible for the National Register of Historic Places. As an indication of exceptional significance, the adobe was among the first buildings to be documented under the federal Historic American Building Survey (HABS) in 1935, not long after the program was established in 1933, and remains the only HABS-documented structure in San Marino today. Alas, the District has just commissioned a new set of HABS documentation – this time in

¹ “The proposed project is the demolition of the Michael White Adobe (Adobe), which is on the San Marino High School campus. Demolition of the Adobe would expand the useable recreational space on the campus. ... Once removed, the Adobe would be replaced with a concrete-asphalt open area that would be accessible to all school occupants.” (DEIR, 3-1-3-2)

anticipation of the adobe's planned demolition.

II. There is No Need to Remove the Adobe to Reduce Perceived Liability

For the past fifty years, the Michael White Adobe has peacefully co-existed with the surrounding high school campus, with no known accidents or claims against the District over that time. As required by state school safety regulations, the building is fenced on all sides and public access is limited by appointment only. As recently as 1998, the San Marino Historical Society led regular tours of the adobe for students and local residents with permission granted by the school district.

Certainly, the proposed demolition project is an extreme remedy for reducing the District's perceived liability and, based on a report prepared by its insurer, is also unnecessary. Indeed, the Loss Control Field Inspection report at Appendix C of DEIR, prepared in August 2008, recommends a number of common sense, less drastic measures to minimize potential risk related to the adobe, such as increasing the height of the fence, trimming back landscaping, and adding new signage. At minimum, the EIR should evaluate the feasibility of implementing these recommendations in lieu of razing the adobe. Although demolition is not mentioned once in the eight-page report, the District now claims that its insurer will only pay for demolition.

III. The New Project Description Cuts Short the School Board's Consideration of Alternatives to Demolition

Under CEQA Guidelines Section 15378, "project" is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." An accurate and complete project description is essential to a legally sufficient EIR:

A curtailed or distorted project description may stultify the objectives of the [CEQA] reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance.²

Accordingly, a public agency cannot subdivide a single project into smaller individual subprojects in order to avoid reviewing the impacts of the project as a whole, or to eliminate potentially feasible alternatives from consideration.³

By redefining the Michael White Adobe Project as demolition only, the District has taken potentially viable solutions off the table that both expand the pool *and* the preserve the

² *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.

³ *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.

adobe.⁴ Indeed, because the project description in the NOP was for a pool expansion project, the Conservancy provided comments aimed at identifying preservation alternatives that would achieve this goal. Although the impacts of the new project remain similar, the range of potentially feasible alternatives has been greatly circumscribed. Whereas there may be options for building a larger pool and retaining the adobe that would meet the District's original objectives, the new "demolition only" project description effectively excludes all preservation alternatives in one fell swoop. By changing the project description and project objectives in the middle of the environmental review process, the District has also rendered public comments on the NOP largely irrelevant.

Despite the newly truncated project description, it appears that the District still has its sights set on expanding the pool onto the Michael White Adobe location, especially since no replacement use has been identified other than "concrete-asphalt open area."⁵ Because the DEIR appears to conceal the ultimate project objective, decision makers lack the information they need to make a reasoned choice among project alternatives. This piecemeal approach undermines the purpose of CEQA by preventing fair consideration of preservation options because they cannot, by definition, meet the District's immediate objective of removing the adobe.

IV. The District Appears Precommitted to Demolition

An agency may not pre-commit to a project before CEQA review is completed, because "[a] fundamental purpose of an EIR is to provide decision makers with information they can use in deciding *whether* to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved."⁶ Even though CEQA review is still underway, the District appears to be marching headlong towards demolition of the Michael White Adobe. The following actions strongly suggest that the District is already committed to demolition as the only acceptable outcome:

- At the August 18, 2009 San Marino Unified School District school board meeting, District officials stated that the proposed demolition would be paid for by the District's insurance company, West San Gabriel Liability and Property Joint Powers Authority, and that insurance proceeds could *only* be used for demolition.
- On September 4, 2009, the San Marino Unified School District advertised in the *Pasadena Star-News* to solicit bids for "demolition of the Michael White Adobe at San Marino High School," including a job-walk on September 22, 2009 – the

⁴ "At the time of the release of the [NOP], the proposed project included the removal of the [Adobe]—either through demolition or relocation—and expansion of the swimming pool, either in place or in the area of the existing basketball courts." (DEIR at 5-1) Three scenarios were being considered by the District at the time: Scenario A entailed the expansion of the pool in its current location, and Scenario B and Scenario C involved relocating the pool to the area of the basketball courts, and relocating the basketball courts to the areas of the pool and Michael White Adobe.

⁵ "Demolition of the Adobe would expand the useable recreational space on the campus." (DEIR at 3-1)

⁶ *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 394.

day before the public comment deadline on the Draft EIR.

- As early as September 11, 2009, consultants hired by the District were on site completing HABS documentation, even though the DEIR recommends HABS as mitigation for demolition *if approved* by the School Board. The Board is not scheduled to take action on the Final EIR until October 27, 2009.

Considered cumulatively, these actions reveal that the District has essentially approved demolition of the Michael White Adobe – and committed public funds for that purpose – rendering the EIR fatally flawed as a “post hoc rationalization of action already taken.”⁷

In light of the deficiencies set forth above, we sincerely hope that the District will begin the CEQA process anew for the proposed project, based on an accurate project description that reflects the project as a whole, and considering a range of alternatives that meet the District’s long-term objectives at San Marino High School, while retaining the historic Michael White Adobe for future generations.

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Michael White Adobe Project. Please feel free to contact me at (213) 430-4203 or mbuhler@laconservancy.org should you have any questions.

Sincerely,



Michael Buhler, Esq.
Director of Advocacy

cc: Milford Wayne Donaldson, FAIA, California Office of Historic Preservation
Anthea M. Hartig, Ph.D., Western Office, National Trust for Historic Preservation
Cindy Heitzman, California Preservation Foundation

⁷ *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 130.