

APPENDIX A2

Notice of Preparation Comment Letters

DEPARTMENT OF TRANSPORTATION

DISTRICT 7
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LOS ANGELES, CA 90012
PHONE (213) 505-5003
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*Making Conservation
a California Way of Life*

December 13, 2022

Joelle Guerra
City of Walnut
Community Development Department
21201 La Puente Road
Walnut, CA 91789

RE: The Brookside Project
Notice of Preparation (NOP) of an
Environmental Impact Report (EIR)
SCH # 2022110184
Vic. LA-060/PM: R22.154
GTS # 07-LA-2022-04116

Dear Joelle Guerra:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced NOP. The proposed project requests approval of a Tentative Tract Map to allow for the development of a 28-unit single-family detached housing project. Future approvals will include Site Plan and Architectural Review pursuant to the City's Municipal Code. The City's General Plan designates the property as Very Low Density and is Zoned as Residential Planned Development Zone (RPD). The project site is specifically located in zone designation RPD – 28.500 – 1.3 dwelling units per acre. The proposed project provides for a minimum lot size of 28,500 square feet. The City of Walnut's Community Development Department is the Lead Agency under the California Environmental Quality Act (CEQA).

The project site is approximately 1.9 miles from State Route 60 (SR-60). Caltrans looks forward to reviewing the technical study results in the forthcoming EIR.

Caltrans encourages Lead Agencies to evaluate the potential to implement Transportation Demand Management (TDM) strategies that reduce Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions. For TDM strategies that the Lead Agency may want to consider integrating into this project to further reduce VMT, please refer to:

- The 2010 Quantifying Greenhouse Gas Mitigation Measures report by the California Air Pollution Control Officers Association (CAPCOA), available at <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf> and/or

- Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8) by the Federal Highway Administration (FHWA), available at <https://ops.fhwa.dot.gov/publications/fhwahop12035/index.htm>

If there are any significant impacts to the State Highway System, the implementation of multimodal mitigation measures and other TDM strategies should be considered to reduce the number of vehicle trips generated by the project. Also, signal synchronization and other Transportation System Management should be considered to improve transportation flow.

Caltrans also encourages lead agencies to prepare traffic safety impact analysis for all developments in the CEQA review process so that, through partnerships and collaboration, California can reach zero fatalities and serious injuries by 2050.

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State Highways will need a Caltrans transportation permit. Caltrans recommends that the Project limit construction traffic to off-peak periods to minimize the potential impact on State facilities. If construction traffic is expected to cause issues on any State facilities, please submit a construction traffic control plan detailing these issues for Caltrans' review.

If you have any questions, please feel free to contact Karen Herrera, the project coordinator, at Karen.Herrera@dot.ca.gov and refer to GTS # 07-LA-2022-04116.

Sincerely,



MIYA EDMONSON
LDR/CEQA Branch Chief

cc: State Clearinghouse



**House of Peace – Society for Life
Mutual Benefit Society
Private Contract Association**

PanTerraVida Input Regarding the Brookside Project

To: City of Walnut – Attention Joelle Guerra, Planning and Code Enforcement Manager
From: Kenneth Scott, Holder of the Office
Protector and Advocate for the Ekklesia
PanTerraVida Private Society
Date: December 16, 2022
RE: Response To Notice of Preparation

NOTICE OF PREPARATION

DATE: November 10, 2022
TO: Reviewing Agencies, Organizations, and Interested Parties
FROM: City of Walnut
SUBJECT: Notice of Preparation of an Environmental Impact Report
For The Brookside Project

To Whom It May Concern:

We are writing to respond to your directive with an opportunity for interested organizations and other parties to give input regarding the Brookside Project. We notice that you are preparing an Environmental Impact Report (EIR) to “evaluate the potential environmental impacts” of the proposed Brookside Project. Therefore, this is a response to your Notice of Preparation (NOP) which you have published in order to solicit input from



public agencies and interested members of the public regarding the scope and the content of the environmental information.

Given that you are considering the potential environmental effects of this project, and that you welcome input from agencies and the public during this period regarding the scope and content of information that will be analyzed in the EIR, we would like to offer some serious input and at the same time, to propose an alternative for this land, which will be far more environmentally healthy and indeed far better for the community, and for the land and the wildlife that is currently alive and living on this unique piece of land in the middle of suburban development and the larger Los Angeles metropolis.

We are a private society with members all over the world. One of our primary focus points is to preserve land, nature and all of life on the land. We will be purchasing land in many areas in the world to preserve nature, and we will also be doing what we can to share the land and nature with local communities so that the people can reconnect with the earth, nature and to life in general. We have funds in hand to purchase land immediately and we have become aware that there is a lot of opposition from the local community in Walnut, where the people would prefer to save the land as a park or community area, rather than to allow housing to be built there just for the sake of profit for foreign investors.

We have lived in the area for the past four years and have walked on this land many times. During our walks we have met many of the local people, and all (without exception) do not want to see this development proceed and have hoped for some sort of alternative solution to protect and preserve this very unique oasis of nature in and for the community. Of course, we know you know this as we have heard that there have been numerous meetings where this position has been expressed. And, also of course, the one thing that prevents the community from coming together to provide a real solution and alternative that still respects the investors is the capital requirements. This is exactly where we propose to step in as it is our intention to provide the capital to purchase the land from the current owners in a manner that would satisfy the investors, while retaining the private ownership so that the community can come together to preserve and protect the land and the environment. This is our intention and we have the capacity to achieve this.

This land is a unique haven, miraculously (so far) saved from development, where it has hundreds of healthy trees, a running brook, and a vast array of wildlife, all of which would be damaged forever should the proposed development of 28 houses go forward. It would be a travesty to do this to the one piece of land left in the area which is thriving with wildlife and nature. To even consider developing this land in the proposed would be an insult against life and nature and quite contrary to the consensus desires of the many people living in the area who have used the land for years as a place of refuge and retreat from the bustle of the city all around us.



Our intention is to preserve this land for the local community so it can become a community center, nature preserve, community gardens and education center. We wish to step forward to assure that the wildlife will not be disturbed, no trees will be cut, and to repurpose the buildings to house animals and be converted into facilities for community purposes. We would upgrade the trails and brook by clearing all the excess growth and debris, which would open the land up to more abundant wildlife, birds, and energy for the people. Our intention includes to keep the natural contour of the land and refurbish the fencing and current layout of the buildings. This would include preserving the large arena instead of destroying it and converting it into a community center. Community gardens, nature education, children's learning centers and other ideas contributed by the community would be implemented. In short, we would turn it into a treasure instead of just one more subdivision that destroys the trees and the natural environment.

There are great opportunities to develop small scale demonstration areas for permaculture that creates permanent food forests that would provide organic produce for the participants in all aspects in the way of growing fruits and vegetables. This would be combined with keeping animals to enhance more life there, whereby we would create programs for local people, particularly the youngsters, that could learn to grow fruits and vegetables as well as learning to take care of other living beings, such as horses, ponies, goats, chickens, ducks, swans, etc. These facilities could also be used as group and program centers for healing modalities for those who will benefit from healing with animals, which is hugely beneficial for people in the neighborhood. This would also provide numerous full time and part time jobs as we would hire qualified people for the work involved for caretaking, landscaping animal care, construction, and management.

The trails would be cleared and open to the public. We would add benches, gazebos, and rest areas for people to sit and admire the beauty of this land and have opportunity to gather and meet others in the area who work together, creating new bonds that strengthen the community. Our vision is to see that the trees are happy and healthy, the wild animals are free to continue their natural lives and the locals can enjoy this opportunity to commune with nature. This is good for the health of men and women in this world of freeways, shopping malls and concrete parking lots. This land is a magical haven in the middle of a crazy world, and if the City of Walnut would like to preserve some sanity for its locals, this is the way to do it.

Most importantly this entire project would be funded by us without any cost to the city or county. We would purchase the land from the current owners in a reasonable buyout based on costs and duration of ownership. All other improvements would be at our own cost and we would retain ownership as private so that it is not a burden in any way to the city or community.

We are ready to dialogue with you regarding this proposal, which will be entirely not for profit, but rather for the benefit of the local community. Our intention is to include all interested community members in the discussion and planning, as there are many who are anxious to see something like this done and would be thrilled to participate. We are an educational organization and we will also offer education in many areas to those who are interested to join us in what we are doing locally, nationally, and worldwide. Please respond to us as soon as possible, as we are very keen save this land.

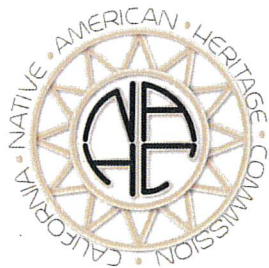
Sincerely,

The PanTerraVida Board of Trustees

By: Jolly Dee: 561-260-6684

admin@panterravida.org





NATIVE AMERICAN HERITAGE COMMISSION

November 14, 2022

Joelle Guerra
City of Walnut, Community Development Department
21201 La Puente Road
Walnut, CA 91789

Re: 2022110184, The Brookside Project, Los Angeles County

Dear Ms. Guerra:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.AB 52

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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

**RE: BROOKSIDE PROJECT EIR/SCOPING MEETING
COMMUNITY COMMENTARY AGAINST THE PLAN**

We are submitting this comprehensive document outlining adverse issues associated with the current plan submitted to develop 25.84 acres on the former Brookside Equestrian Center site. This R-1 plan is a second attempt by the developer to build 28 large homes on an environmentally & culturally sensitive property. For ease of reading, given the enormous data and problems associated, we have organized this report by topic. The data has not been organized by matter of importance.

Except for background data, every point made in this document should be considered a question as to the addressing of its topic.

BACKGROUND & ORIGINAL PLAN:

The current ownership purchased the RPD-zoned property in 2013. The original RPD plan was amended several times and forwarded to the Council from the Planning Commission in March, 2020. In June, 2021 the City Council denied the plan for reasons that include: 1) it was contrary to a desirable community development; 2) it was inconsistent with the Walnut Municipal Code due to insufficient amount of space for recreational use; 3) it did not meet the city's General Plan Goal COR-11 calling for parks that meet evolving community needs.

Over 500 Walnut signatures, several thousand online signatures, many hundred social media posts, and a council chamber full of residents have previously shown community displeasure and stood against a development on this property. We feel those sentiments still pertain and should be considered valid.

OWNERSHIP:

We note that both the SB330 Application & the Walnut City Application state that ownership is retained by Meadow Pass Estates LLC & Spring Meadows Homes LLC. We appreciate the Alpine Pointe Development LLC was removed from the Tract Map but the current Tract Map now only has Spring Meadows Homes LLC identified as does the Notice of Completion. Can the ownership kindly disclose & incorporate the correct ownership on all documents?

CURRENT TRACT MAP & PLAN:

Submitted in late 2021, the current R-1 plan includes 28 lots and no retention of structures. The majority of lots incorporate slope, creek & trail on private property (i.e., backyards). The Notice of Preparation correctly identifies the property as being zoned RPD, however, it fails to identify the current plan submitted as being R-1.

- To our knowledge, there has never been a property zoned as RPD and developed under R-1. There has not been an R-1 development built for decades. RPD developments are meant to enhance the community in accordance with the General Plan. Building an R-1 tract today seems regressive.
- Given the Council direction in June, 2021, we see no improvement in the current plan. Why would a developer submit an inferior plan given the former feedback?
- The buildable portion of most lots is well under 28,500 sf. The slope, creek & trail area is the only reason the lot size requirement is met.
- The slope, creek & trail is designated as “open space.” The developer is stating there is 11+ acres of “open space” – however, this is being calculated as both private open space & lot acreage. It is included as lot acreage solely to meet lot sizes of at least 28,500sf.
- We are not in favor of privately owned equestrian/hiking trails. All Brookside trails should be public and owned/maintained by the City. This is especially important on this property because the trail system flanks a critical waterway & riparian habitat demanding environmental protections. This point is further complicated by the fact that if an individual walks off a trail and onto slope, creek or other “privately owned open space” they will be trespassing. How will this be addressed?
- It is unclear from the Notice of Preparation who will be the responsible parties taking care of slope, creek, trail – it is undetermined. We cannot logically comment on something we do not know.
- There is no R-1 code regarding “open space” – all open space codes are found under RPD.
- There is an R-1 code 6.12.050(A)(b)(i) that requires minimum lot sizes of 40,000 sf when a private property easement includes land where the owner does not have rights to utilize it. We feel this code should be enforced. The waterway may, in fact, have been why the code was originally adopted. The 1978 General Plan p.50 states “In addition to regulations pertaining to setback requirements and size of lots and yards and other open space areas, the precise planning process and the zoning ordinance can be used to protect natural areas. Thus, water courses, scenic areas and views, common open space areas, paseos, etc. can have special zoning controls prepared and adopted to protect them.” This R-1 code would seem to be a special zoning control.
- There are two cul-de-sacs on the southern end of the tract. The only reason this is being proposed is to attain 28 lots. At least 2 lots would be lost with a more conventional design of one continuous street. Two cul-de-sacs add nothing of value to the development’s esthetics. The previous plan, having one cul-de-sac is more appealing and less intrusive to the neighboring existing tract.
- The north-south roadway narrows with little or no landscape buffer for east-facing views from homes. Large homes of 5000-6500sf will appear out-of-proportion on a such a street.

CURRENT TRACT MAP & PLAN (continued):

- The current plan has only one sidewalk on the north-south street. Wider streets with sidewalks on each side, a trail, and landscaping on the east side (of the north-south street) would be much more esthetic, conforming to existing tracts in Walnut, and in support of the General Plan's Land Use & Community Design Element meant to "*reinforce the orderly pattern of development*" (*Walnut General Plan LCD-1*).
- There is no Development Agreement proposed and we understand there is no legal requirement for one. Without such an agreement, what will be the binding document for details, timelines, agreements, etc. for future reference should a plan be approved? How are checks & balances for this process achieved?

ENVIRONMENTAL:

WATERSHED:

- Emphasis on hydrology issues cannot be taken lightly as the State of CA has prioritized water quality and quantity along with climate issues. This property has a significant streambed flowing in both east-west and north-south directions. No deterioration of this is acceptable. All life is dependent on a healthy watershed.
- The San Gabriel River Watershed sources from areas north of the property create several tributaries and converge on this property. This makes for a very significant, central collection point before water connects to larger waterways.
- Watersheds relate not only to above-ground water but also the water table below ground. The depth is an important consideration to flooding and erosion not only on this property but on downstream properties where problems have occurred and are currently occurring. A good portion of the property is in a liquefaction hazard zone. How is the developer planning in this regard for the long term (i.e., flood and drought)?
- The majority of the property, never having been developed, retains water. Building impervious surfaces will divert more water and over time: 1) may create flooding problems on site and downstream; 2) will create erosion damage around the creek with diverted water; 3) will adversely affect the water quality. The impervious surfaces of roadways and rooflines generate more runoff than undisturbed land.
- Grading/moving 60K cubic yards of fill will most certainly adversely impact the creek. How will grading avoid disturbance to the riparian corridor?
- Special consideration needs to be taken where the proposed roadway crosses the creek. Roads impact stream corridors hydrologically, geomorphically, chemically, and ultimately ecologically. They also serve to concentrate runoff diverting from what would normally be diffuse overland and shallow groundwater flow. The presence of roads in the stream corridor can potentially limit natural channel movement and changes. Any structure that crosses a stream, such as a bridge or culvert, has the potential to alter flow hydraulics, channel substrate conditions, and the downstream transport of sediment and wood.
- The CA Regional Water Quality Board, Los Angeles Region issued a Resolution 10May2018 (#18-004) prioritizing actions to mitigate impacts of climate change on the region's water resources. The State Strategy to build climate change resiliency includes principles to:
 - 1) Consider climate change in all functions of government
 - 2) Prioritize natural infrastructure solutions that build climate preparedness

Goals of the Los Angeles Water Quality Board include:

- 1) Improve ecosystem resilience
- 2) Promote stormwater capture & groundwater recharge
- 3) Promote sustainable watershed management

The Board encourages agencies in the region to take action to mitigate climate change impacts on water quality that includes Watershed Planning with stream protection & restoration, streambed stabilization, & protecting buffer areas around waterbodies to minimize erosion. Actions taken are to benefit communities, wildlife & other natural resources.

How does this development address these principles/goals? How does it benefit the natural resources?

ENVIRONMENTAL (continued):

WATERSHED (continued):

- The City of Walnut's Watershed Management Plan (22Apr2015) has committed to Low Impact Development (LID) where developments will focus on minimizing the percentage of impervious surfaces to maintain a site's predevelopment hydrology (3.3). Sediment & erosion control as well as methods to protect native vegetation & trees are a priority. Investigation/elimination of illicit discharges are prioritized but how is oversight carried out & what prevention measures will be in place should this plan move forward? What enforcements/fines will be put in place? How are impervious surfaces being minimized?
- We do not feel having a central waterway on private property to be in the best interest of the Walnut community or the environment in general. Individuals or Homeowner's Associations are simply not equipped to properly maintain a stream. Improper maintenance & uses of the stream have been noted on other properties and this will be exponentially problematic if this plan is allowed to move forward.
- Flooding & erosion problems have occurred in the Brookside area. Can the property, and its surrounding neighborhoods, especially downstream, withstand a 100-year flood if developed as proposed?
- We foresee unnecessary risk in the possibility that the City of Walnut may need to financially subsidize a private property waterway in the event of erosion, flooding, toxicity, homeowner modification, or vandalism during or after development.
- Continuous creek inspection will be mandatory to maintain the quality of water to adhere to Federal & State guidelines. Residential siphoning of creek water is currently taking place. We do not feel compliance will occur & strongly urge that future residential lots not incorporate a waterway.

RIPARIAN HABITAT:

- Closely related to the Watershed Issues, this property has never been developed. The Riparian Habitat area is considered transitional between land & waterway. Flooding, soil quality and the water table create a dynamic environment. The consideration of this habitat is of primary importance. Any Riparian Habitat should be enhanced, never degraded.
- The City has had to intervene on more than one occasion for creek maintenance under this ownership. The ownership has neglected the property in general.
- Protected & endangered species, native trees/plants & wildlife, were identified on the previous EIR.
- The Riparian Habitat not only serves species in close proximity but also from outlying areas. The endangered California Gnatcatcher and Least Bell's Vireo birds are known to exist in close proximity to this property. There is a symbiotic relationship to species in close proximity especially considering the waterway.
- A Riparian Habitat Restoration Plan for this property should be mandatory. Mitigation is not Restoration. Restoration provides broad range ecosystem benefits, improves air and water quality, & prevents erosion and flood control. Such a Restoration project was completed in Walnut for the Lemon Creek area just southwest of the Brookside property.

ENVIRONMENTAL (continued):

RIPARIAN HABITAT (continued):

The land use proposed is not compatible with the stream environment and is not sustainable without high maintenance costs and ongoing degradation to stream ecosystems. We can find no benefit in building 28 homes on this environmentally-sensitive property. The previous EIR outlined innumerable mitigation measures but there is only just so much that can reasonably and truly be mitigated. A more holistic and systems-based approach is suggested for planning, designing, managing risk, and maintaining this property compatible with the stream and riparian environment to result in long-term sustainability.

HISTORIC/COMMUNITY HERITAGE:

- Considerable & notable information is known about the property and two of its structures (i.e., Stable with Carriage House and Minor Barn). To this point, the developer's (original) previous plan retained the 2 structures designated as "open space" until the public started questioning the development in 2019 – they were then removed from the plan.
- The Sentous family owned a large amount of ranch acreage in the late 1800s and by the early 1900s the acreage was split into three large parcels. Prior to the Winnett ownership the property was used as a hay & grain farm and a sheep pasture.
- In the 1930s until his death in the 1960s, P.G. Winnett, a nationally known, successful businessman bought the property (about 2000 acres), named it "Rancho San Vicente" and used it as a weekend retreat. A home on the property was removed by the subsequent owner (Walton). Winnett family photos have been submitted to the City depicting the original main stable. City records exist indicating the minor barn is also original to that era. Winnett, along with John Bullock, founded Bullock's Wilshire Department store and Winnett is credited with bringing the Art Deco style of architecture to the U.S. used for the original store (still standing today). Archival information about Winnett is readily available on the Internet. The Rancho San Vicente property was also used to raise thoroughbred horses, grow citrus, and raise cattle.
- Keith Walton, owner from the 1980s until 2013 renamed the property as the "Brookside Equestrian Center." Using utmost care to remain true to the original buildings, he remodeled the main barn (adding a second story carriage house), remodeled the minor barn, and added additional structures in order to provide an equestrian training ground for his daughter who trained for the U.S. Olympics. The property hosted the U.S. Equestrian Team, was known world-wide, and served the equestrian community in various private business capacities. The property became well known publicly by being made available for private events/receptions and allowing public access on the grounds and trails at any time.
- Because of public access and the central location of Brookside, this entire property is not known to the public as anything other than an open space environment.
- The previous EIR report denied that criteria had been met for historic consideration, however, criteria were in fact met including:
 - 1) It reflects elements of the City's history, heritage & culture
 - 2) It is identified with person and events significant to local/state/national history
 - 3) The structures have distinguishing architectural characteristics that reflect the original Winnett Ranch built in 1935
 - 4) The property does have a unique location in the City with a familiar visual
- The Walnut General Plan incorporates maps designating this property as a Historic/Cultural Landmark area.
- During the first plan, we forwarded correspondence 13Jan2020 along with Winnett family photos that were obtained by this group & other pertinent attachments. This is available upon request.

We feel the significance and celebrated nature of this property should not be ignored. Trails must be kept open to the public without the use of gates. Structures must be given a priority as a true linkage to our local history.

HISTORIC/COMMUNITY HERITAGE (continued):

ARCHEOLOGICAL:

The 1978 General Plan p. 38 mentioned a recorded, significant archeological site in the City located approximately 3/10 of a mile north of the intersection of La Puente Rd & Lemon Ave and indicated the site should be protected and preserved. Also, p. 43 mentioned preservation of Lemon Creek north of La Puente Rd, it's two creek branches from their juncture within the Winnett Ranch property and that the proposed preserved area should include the full site of the archeologically significant camp site near the east branch of the creek.

This information should be correlated in the current Environment Impact Report.

CONCLUSION:

If the reader only regards the following few statements from Walnut's General Plan as a simple guide of principles, they would have to conclude that the current development plan does not uphold these principles. If the General Plan is regarded as a higher policy document, then the conclusion becomes even more clear. These statements support our rationale against this project.

- *The GP's Guiding Principles I-10 states: "Walnut recognizes and supports its equestrian heritage and rural character as a defining attribute." "Natural, cultural and historical resources will be preserved and protected for future generations to enjoy and cherish. Multi-use trails, natural habitat, creeks, and historic resources will be preserved and protected through sustainable approaches and innovative strategies that are efficient and cost effective. Green building approaches will contribute to resource conservation. The City will pursue its commitment to identifying and inventorying historical resources and providing educational and interpretive signage."*
- *LCD-10: "minimize alteration of existing topography."*
- *LCD-2.2: "private open space areas created during the land division process as undevelopable areas due to environmental constraints (for example, steep or unstable slopes, high-fire hazards, prime biological habitat) have enforceable, deed-recorded easements that define the use limitations." (This supports the use of the R-1 code 6.12.050(A)(b)(i) referred to in this document.)*

Goal 5 of the Los Angeles County Countywide Sustainability Plan (2019) recognizes the stress urbanization and climate change has put on ecosystems, habitats & biodiversity with the need for careful future planning.

Strategy 5A calls for prevention of loss of native biodiversity. As of 2018 there were 4,256 distinct species in the County with only 57.4% of critical habitat linkages protected at any level.

Action 68 establishes guidelines for local waterways to balance priorities of water management, flood risk mitigation, habitat, biodiversity and community preference.

Action 69 makes urban ecology a key consideration in municipal initiatives including open space and development plans.

Goal 6 of the Plan addresses public spaces creating opportunity for ecological discovery and cultural activities.

We feel the County's Sustainability Plan should be taken seriously as no property in Walnut other than Brookside can address & uphold these environmental targets.

CA SB1425 requires all cities to update their local open-space plan by 1/1/26. Planning for that in Walnut should begin with this property. As required: Climate resilience, environmental justice with equitable access (Element #8), water management, & protection of historical sites should be addressed now by employing meaningful action along with preserving the Brookside property. Public commentary on the negative impacts of this plan should be taken seriously especially with regard to how the plan's increased creation of impervious surfaces will affect public health & welfare. An Author Statement from SB1424 reads: "We should always be reminded that our ecosystems sustain our communities, support our economy, provide for our recreation, and anchor our history, culture, and traditions."

CONCLUSION (continued):

In 2019, we set forth attempting to downscale the number of lots to meet a 28,500-sf lot size of buildable land, with retention of structures, and protection of creek and trails. Subsequently, with increased knowledge, including environmental/climate issues associated with this exceptional & unique property, we feel that developing the property is highly detrimental and will produce irreversible problems in the future.

PROJECT ALTERNATIVE:

We have been in contact with the Watershed Conservancy Authority (Jane Tsong) who finds this property of particular value to the (regional) San Gabriel River Watershed and it would meet the State's priorities. Its proximity to the Schabarum Trail and the local cultural value adds to the attractiveness to create a permanent, conserved property with possible associated park use. Grant funds are available for land acquisition, climate change, watershed and other environmental protections. We understand that WCA would consider a highest & best use fair market value for the property should the ownership be interested in this alternative. Jane Tsong & the developer's legal representation had a phone conversation in this regard a couple of months ago.

For all of the reasons outlined in this document, we strongly oppose this development and urge the City Staff, Planning Commission, and City Council to seriously consider and move towards a Conservancy approach for this property.

Please do not hesitate to contact us should any clarification be necessary.

Vijay Vakil Wendy Toy Charles Isaac William Harrison Kevin Bush

**RE: ADDENDUM TO - 21NOV2022 BROOKSIDE PROJECT EIR/SCOPING MEETING
COMMUNITY COMMENTARY AGAINST THE PLAN**

The Brookside Scoping meeting was held on 5DEC2022. There are no changes to our previously submitted 10-page document. The following are additional comments we would like to submit.

TRAFFIC:

- It seems that more and more serious traffic accidents are occurring in Walnut every year. Comprehensive traffic studies are necessary as 28 homes will probably add over 100 autos onto the already congested roadways of Meadow Pass Rd, Lemon Ave & La Puente Rd. We recognize the Meadow Pass entry position to the tract was changed.
- Studies need to include high-peak times when the church on Meadow Pass is holding services and/or having their scheduled events. These are large scale gatherings and even their regular services serve a large number of people.
- Exiting the tract on Meadow Pass and attempting to make a left turn may be very difficult & dangerous. A traffic signal should be considered.
- Exiting the southern end of the tract onto La Puente Rd is already a problem for the current residents and probably impossible to make a left turn (eastbound) at various times of day.
- Once a tract is built, it is the responsibility of the City to enhance roadways. We feel the developer should address these problems, whether it be traffic signals, roadway widening, or other control measures.

BACKGROUND DATA:

- We are attaching a copy of the 19FEB2020 Parks & Recreation Commission Memo for your reference. This addressed concerns on the first plan (that was denied) regarding Trees, Trails, & Structures. We would clarify, however, that we did not and do not support a rebuilt 'façade' of the structures and remind the reader that all 3 options proposed to the Council in May/June 2021 destroyed the foundations of both the Main Stable and Minor Barns.
- Referenced at the Scoping Meeting by several people is the importance of noting that this plan provides no additional community benefits from the previous plan that was denied. This is contrary to what one would expect.

ARCHITECTURAL:

- The developer proposes 6' backyard walls using about 3' of block wall and the upper 3' of wrought iron or transparent medium. This type of wall is found throughout Walnut and causes problems because owners cover the wrought iron with various types of material in order to gain privacy.
- The only reason homeowners buy property with a creek is to gain a view of the creek. These homes cannot really gain a view because: 1) they will probably want backyard privacy walls, and, 2) the creek sits much lower in elevation – the homes on the north-south roadway will really only view Lemon Ave.
- Fencing, impervious surfaces, & homes throughout the tract may impair wildlife crossing especially of concern given the environmentally sensitive, riparian habitat nature of the property.
- We will be commenting further on this subject when more specific plans are available.

GENERAL EIR RELATED:

- Independence in Reporting – the VCS Environmental website states that “Our focus is...to get projects over the goal line as quickly and cost-effectively as possible.” To residents, that means ‘get the project passed.’ Residents want to see independent analysis/review of all EIR subjects, checks & balances, without a pre-determined outcome. We want assurance in this regard and will be reviewing the documents with that in mind.
- We were told that the studies will commence early next year but it also sounded like certain biologic studies were already performed. Can you please clarify what studies were performed and their dates? Can you please provide us with the dates of major trimming that took place in 2022?
- We spoke of Walnut residences downstream of the Brookside property. Will you please inspect every residence with a creek? We are aware of current erosion problems. We are aware of siphoning of water on surrounding residences, possible illegal plantings, and have real concerns regarding water toxicity caused by residents given the lack of any Streambed Regulations. Creek tampering concerns were itemized in more detail in our correspondence to the City on 21JAN2022 (attached).
- We understand the previous EIR studies regarding History are going to be reviewed and possibly used in the new EIR. We feel the study will need excessive scrutiny given the flaws we outlined in our 21NOV2022 document. For your reference, we attach a copy of our 13JAN2020 “Winnett History” correspondence submitted during the first plan.

Thank you for considering these additional matters.

Vijay Vakil

Wendy Toy

Charles Isaac

William Harrison

Kevin Bush

ATTACHMENTS:

Parks & Rec Memo 19FEB2020

Creek Issues Correspondence 21JAN2022

Winnett History Correspondence 13JAN2020

Winnett Reference Material

Winnett Family Photos & Articles

Parks and Recreation Commission

Memo

To: Mayor Rodriguez and Members of the Walnut City Council

From: Members of the Walnut Parks and Recreation Commission

cc: City Manager, Robert M. Wishner
Assistant City Manager Development Services, Tom Weiner

Date: February 19, 2020

Re: Parks and Recreation Amenities: Brookside Project

At our February 18, 2020 Meeting, we discussed the proposed Brookside Project Development to focus on proposed parks and recreation amenities including: (a) trees, (b) trails, and (c) cultural heritage structures. As we are advisory to the City Council, we respectfully submit the following items for your review and consideration:

- (a) Trees: We reviewed the Tree Replacement Plan-Alt. 3 prepared by Placeworks (Attachment A) that calls for a net increase of 76 trees on the property including a 3:1 ratio replacement for the six heritage trees proposed for removal. We support this Tree Plan and want to express that we greatly value Walnut's heritage trees and hope these and native trees will be the primary focus of the new tree inventory. In addition, to the extent that planting practices and proper tree spacing allows, we encourage the Council to consider increasing the heritage tree ratio.
- (b) Trails: We strongly value obtaining public access with recorded easements through the Brookside property via a two- trail system for equestrian, pedestrian, and bicycle uses. The first trail system would be constructed to City standards with post and rail and highly compacted decomposed granite throughout. This trail would be constructed by the developer and subsequently maintained by the City. The proposed path is depicted on Attachment B with entry points at La Puente and Lemon and Meadow Pass Road at the existing Floodplain Trail which connects to Pierre Road. This addition will enhance connectivity which is a strong Parks and Recreation objective for trails.

The second system would consist of nature trails maintained by the HOA, with some post and rail on entryway areas but largely improved and maintained with highly compacted decomposed granite. Attachment B also identifies the proposed HOA maintained trails. With this dual system, residents and the public will be able to enjoy Lemon Creek and the natural beauty of the Brookside property.

- (c) Cultural heritage structures: We encourage the City Council to obtain Lot 4 (as depicted on Attachment B) in its original configuration as a 1.74 acre parcel where the Carriage House, stables and barn currently reside. We support the concept of passive and neighborhood park recreational uses (picnic tables, playground equipment, restrooms, trail kiosks, creative displays to illuminate the heritage elements of the former Brookside Equestrian Center) while remaining both a compatible use with the surrounding neighborhood and cost feasible from a parks maintenance standpoint.

We would like to retain the appearance of the original configuration of the Carriage House and adjoining stables understanding that it may require reconstruction and some elements (e.g., a façade to duplicate the second story of the Carriage House) may not serve their original purpose but would retain the look of what is there now. The same applies to the barn which could serve a park purpose (e.g., shade structure for playground equipment or picnic tables) but remain loyal to its current look.

In addition, we want to retain as much as feasible, the view of the heritage facilities from Meadow Pass Road and create a sense of entry (including a monument sign or entry way arch at Meadow Pass) for the new Park.

As with the City Trail, we request that the Developer be required to construct the City Park improvements per specifications prior to the issuance of a certificate of occupancy so that prospective home buyers will be aware that the neighborhood includes these important recreational and City heritage amenities.

We appreciate that the City Council originally envisioned Brookside as a City Park and share your objective to retain recreational uses for residents including trees, trails and heritage structures. We look forward to the possibility of exploring creative ways to make Lot 4 into a beautiful and treasured neighborhood park that will retain the thread of Walnut's heritage as a City with strong equestrian roots. Thank you for your time and consideration and for the support you continue to show for parks and recreation in Walnut.

RE: BROOKSIDE – REQUEST FOR CREEK INFORMATION & INSPECTION OF SURROUNDING CREEK AREA RESIDENCES

Dear Walnut City Staff:

VIA EMAIL

One of the many concerns our group has with the Brookside Developer's current Application is that of **protection of the creek**. We related this concern in our 1/13/22 meeting with staff. As proposed, the creek will be in the backyards of approximately 19 lots – each owned by the homeowner, to be maintained by homeowners and/or HOA.

Problems that may occur with any housing development on this property will not only affect one portion of the creek but Lemon Creek in its entirety & the surrounding sensitive environment. Degradation will be caused by:

- Illicit Diversion of Water (including, but not limited to, diversion of creek water to irrigation systems)
- Toxic substances introduced (including, but not limited to, pesticides & fertilizer)
- Trash/Waste/Debris products being discarded
- Use of the creek water for household use
- Runoff from housing irrigation
- Runoff from household cleaning, car washing
- Runoff from impervious surfaces containing pollutants entering the creek
- Use of the creek for recreation purposes
- Use of the creek for bathing humans, animals or cleansing of any kind (including food)
- Filling the creek with dirt
- Homeowners, in all probability, will build bridges to cross the creek to enter the trail
- Should the sound wall be continued down Lemon, the building of this will further degrade the creek

We are aware that other homes in Walnut already have a portion of the creek in their backyards and this is the evidence the Developer is using to substantiate their plan. We are aware of at least one home with a koi pond that may be recirculating water from/to the creek. We suspect one or more homes may be utilizing creek water for irrigation purposes.

WE ARE REQUESTING:

- 1) A listing of all Walnut addresses or a marked map that have the creek on their lot.
- 2) A copy of the Walnut City Code(s) governing any issue relating to the creek including landowner maintenance of the creek.
- 3) A copy of the City's stream set-back ordinance. When was this last reviewed?
- 4) What green infrastructure improvements for stormwater management will be imposed to benefit the creek & improve water quality?
- 5) A copy of any Walnut homeowner guides instructing personal responsibility of the (owned) creek.
- 6) A copy of any Walnut code or guideline for the general public's responsibility to protect and preserve the integrity of the creek and open space.
- 7) We request Code Enforcement Inspections, including face-to-face interviews of homeowners, of every home (with a creek portion) and copies of those inspections to us to determine what detrimental or protective measures homeowners are taking with regard to the creek.
- 8) Does the City have a designation equivalent to Los Angeles County's Significant Ecological Area (SEA) Program to avoid development in sensitive resource areas including streams?
- 9) How does private ownership of the creek match the guidelines in the General Plan or enhance the Community?

TO: Walnut City Staff

-2-

January 21, 2022

We feel strongly that Walnut's environment should be a high priority and, as with National Parks, we should not be adversely affecting or tampering with natural areas. This is not only important for conserving the natural beauty but also for preserving wildlife habitats. Healthy rivers and streams are the best defense against climate change as noted by AmericanRivers.org.

Thank you for your cooperation.

Sincerely,

Vijay Vakil

Wendy Toy

Charles Isaac

William Harrison

21Jan2022 TO:

Tom Weiner

Chris Vasquez

Justin Carlson

Joelle Guerra

Mary Rooney

Rob Wishner

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Dear Planning Commissioners, City Council, & Staff, **VIA EMAIL** January 13, 2020

RE: WINNETT HISTORY

Under Vijay's leadership, we have researched and found further historical evidence connected to the Brookside property and we wish to update you on that information. Much of this information was omitted from the DEIR, and other information in the DEIR is incorrect.

Percy Glenn ("P.G.") Winnett owned the property from the 1930's until his passing in 1968. He was a nationally recognized business executive, co-founding Bullock's Wilshire and serving as the company President, then Chairman of the Board. Additionally, he was credited with bringing the Art Deco style of architecture to the U.S. from Paris, redesigning the plans for Bullock's Wilshire in 1925. Known as a merchandising genius, Winnett also served on several boards. He was such a generous philanthropist that he willed the ranch to Cal Tech, Occidental and Claremont Men's Colleges.

Under Winnett's ownership, Brookside was known as "Rancho San Vicente" and served as his weekend home (the home was demolished). He owned about 2800 acres, raised thoroughbred horses (shown at Santa Anita), grew citrus, and raised cattle.

We have personally made contact with descendents of P.G. Winnett. They have been gracious enough to send copies of family photographs and articles regarding the ranch and Mr. Winnett. You will note the barn/stable looks virtually the same as today (minus the carriage house), the fencing is identical today, and lamp posts are in a very similar style. One photo shows thoroughbred, "Truckle La," inside the stable. This horse was just one who was bred at the ranch for show and competition at Santa Anita.

The DEIR downplays the historic significance of the ranch because it was not Winnett's main home. However, we would challenge that, turning your attention to Lucky Baldwin's Queen Anne Cottage on the L.A. County Arboretum property. This was simply a guesthouse and did not have a kitchen.

We feel the associated information satisfies the following Criteria that was denied to be fact in the DEIR:

"Criterion 3.a: The property has not been found to exemplify or reflect elements of The City's history, heritage, or culture.

Criterion 3.b: The property has not been identified with persons or events significant in local, state, or national history.

Criterion 3.d: The property has not been found to embody distinguishing architectural characteristics of a style, type, period, or method of construction that reflect the original Winnett ranch built in 1935.

Criterion 3.g: The property does not have a unique location in the City. The property does not have a singular significant physical characteristic that represents the history of the City. The property does not present a historic property that is an established and familiar visual feature of the neighborhood, community, or the City."

WINNETT'S RANCHO SAN VICENTE IS WALNUT'S HERITAGE. THE BROOKSIDE PROPERTY IS OF GREAT COMMUNITY VALUE AND IF IT IS DESTROYED, THERE IS NO GOING BACK.

We attach associated references; the file starting with "Rancho San Vicente" is courtesy of the Family of P.G. Winnett.

Vijay Vakil
Wendy Toy

Charles Isaac
William Harrison



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Photo added by Bernard Johnson



Added by Bernard Johnson

Percy Glenn "P.G." Winnett

BIRTH	3 Apr 1881 Vancouver, Greater Vancouver Regional District, British Columbia, Canada
DEATH	18 Jul 1968 (aged 87) Los Angeles, Los Angeles County, California, USA
BURIAL	Forest Lawn Memorial Park (Glendale) Glendale, Los Angeles County, California, USA
PLOT	Gardens of Memory Distinguished Memorial freestanding niche
MEMORIAL ID	96481745 · View Source

Co-founder of Bullock's Department Stores, Los Angeles. Rose from stockboy to one of the nation's leading retail executives, he was its President from 1933 to 1950 and Chairman of the Board until 1964. He was nationally known as a leader and innovator whose ideas influenced the course of retailing and fashion merchandise. Bullock's later acquired the I. Magnin Stores.

Family Members

Parents



John William Winnett
1854-1905



Lydia A. Roe Winnett
1855-1934

Siblings



Anna May Winnett Statham
1878-1955

Children



Kate Winnett Candy
1908-1975

Created by: Bernard Johnson

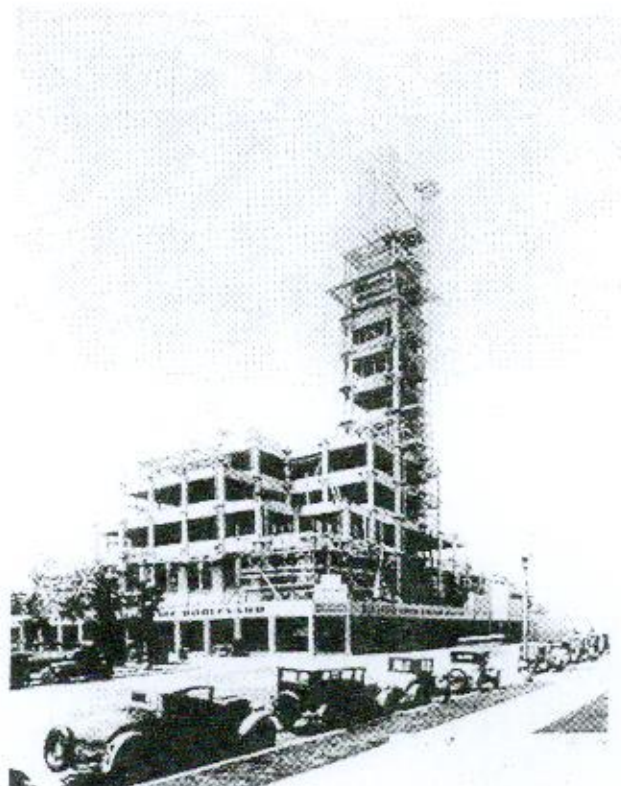
Margaret Leslie Davis

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Bullocks Wilshire: The Genius Team Who Created Los Angeles' Famed Art Deco Masterpiece

BY MARGARET LESLIE DAVIS

This elegant book chronicles the efforts of the impressive team of international architects, designers and businessmen who created Los Angeles' famed Art Deco masterpiece.



Pomona Progress Bulletin (Newspaper) - November 13, 1973, Pomona, California Ranch is available; does Walnut want to develop it? By LANGE WINCKLER P-B Staff Writer WALNUT — When fog's little cat feet pad through the valleys this hilly community takes on the aspect of an English moor, the fallen fences of Win-nett Ranch become stage props of a ghostly tableau. Behind unhinged gates solitary horses nibble at dried tufts of grass, wandering into deserted stalls to peer out suddenly through half doors that once held the pride of P.G. Winnett's jumping and racing stables. To visit the ranch today is to walk into a bygone, gracious era. City officials hope to gather community support for a bond election to buy the ranch and convert it into an 80-acre park of trails, picnic areas, and multiple other uses. Parks and Recreation Commission Chairman Al Bobrow says the buildings of the ranch might be used for a community meeting hall, little theater, barn dance area, arts and crafts center, 4-H projects center, day care program, and possibly rental stables for those in town who could not keep a horse at home. Cost of the project has been estimated at more than \$700,000 — about \$500,000 to buy the property, plus an estimated \$200,000 required to improve the structures and perform minimal work on the land. Officials indicate the place would be kept in a "natural" state, to be expanded in future years as developers work on surrounding acreage. Purpose of the project is to maintain the city's "rural" atmosphere, says Bobrow, and provide for adequate open space as the community fills in. "Walnut is in a unique position," he said as he trod across parched, cracked earth in a former thoroughbred paddock. "We can obtain a place like this that will be a legacy to our community before we have to fight against shopping centers and bulldozers for a little spot to breathe." His attitude is not shared by J.P. "Pete" Bourdet, the city's first mayor, who was born on the Winnett Ranch. He said the place is "too big—too much for the city to take on." Bourdet was born on the place when it was known as the Sentous Ranch, an 1,800-acre spread bounded on two sides by similar ranches owned by the brothers of Exupary Sentous. The three were split in 1906 from one large ranch founded by the brothers in the early 1890s, according to Bourdet. Sentous died in the early part of this century, Bourdet said, and his widow maintained the place as a hay and grain farm in one area and as sheep pasture in the center until 1935 or 1936. At that time, she lost it through foreclosure on loans and P.G. Winnett bought the land. At first, Winnett, a founder of the Bullock's chain of department stores, kept jumping and hunting horses on the area. Another former mayor, Leonard Westhoff, who lived across La Puente Road from the ranch, remembered trails winding through the property set up something like a steeplechase. "He gave me permission to ride around out there," recalled Westhoff, "and I would come to gates set up so riders could open them from the saddle." "Winnett had a guy named Fox in charge of his horses. He was an Englishman who had been a groom for some nobility in England, and whenever he rode with Winnett, he never rode alongside—always a length or so behind. "Winnett was a wonderful horseman. He could jump into a corral, then before the horse had gone a step or two, jump out again. Westhoff and Bourdet remembered occasions when Winnett held a hunt, the riders arrayed in bright costumes, horns, and barking dogs. Bourdet indicated it was an annual affair at the ranch. After a time, Winnett changed over to keeping racing horses at the ranch. There were always about "a dozen" horses around, said Bourdet, but Winnett got rid of them when Fox died. There were also cattle, cared for by a hired hand named Milton Reyes. Occasionally Westhoff would go out riding with one of the hands, whom he remembered as an Italian cowboy. Craftsmen worked at raising two large

barns, several corrals, and a "foaling stable" on the Winnett Ranch, as is evident in the fine details of the buildings. Bobrow likened the place to a Kentucky breeding farm, buildings designed for maximum convenience and utility. Most of the structures, though covered now by leaky roofs, are built of heavy oak and redwood beams. Fences, mostly broken and some burned in a brush fire a few years ago, are marked by water pipes and sprinkler heads. Spigots mouth their silent exclamations every few yards. Three wells remain, one working and the others cannibalized. Several tenants have used the property since Winnett died in 1968 and willed it to Cal Tech, Occidental College and Claremont Men's College. Some, said Bobrow, left with "everything that wasn't nailed down." Bobrow has rented the place at times also to keep his horses. There are some horse owners now renting paddocks, too. Both houses are rented, one by a college student who keeps up the spread. Student Doug Knudson remarked, "If you close your eyes, you see the ranch the way it was—beautiful." That is the atmosphere. It is one the city would like to renew, to be shared by all in the community. PATHS OF THE PAST SILENT STABLES STALKING A PARK Water flows from a mudhole in what was once a path between paddocks on the Winnett Ranch in Walnut. Plans to use the ranch as a park call for some of the paddocks to be improved, while others would be replaced with picnic areas, recreation fields, and "plain old grassy spots," says a city official. Beams, rafters, and shafts of light crosshatch the interior of a foaling stable at the Winnett Ranch. Although the roof's tarpaper is long gone, supporters of using the ranch as a park point out the structures are still basically sound. There are two barns and this stable on the land. At Bobrow, chairman of the city Parks and Recreation Commission, confesses a proprietary feeling toward the Winnett Ranch. He declares the place should be turned over to the city to be used as a community park, rather than turned over to "fast-buck artists" for commercial development.

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Bullock's BOARD OPENS PROXY FIGHT JUNE 5, 1964

P. G. Winnett, spearheading one of the hottest proxy fights on the business scene, isn't letting it interfere with his habitual close scrutiny of the daily operations of Bullock's, Inc., the \$100 million department store organization that he heads.

"Every day I have lunch at a different store," the silvery-haired chairman says. "I go around the store, and I make it a point to shake hands with every one of the buyers. A man in this game has to know how to handle women. They like a pat on the back—anything but inattention."

This might be less noteworthy but for the fact that Mr. Winnett is pursuing the practice at the age of 83. A great-grandfather 15 times over, the short, stocky executive has the vigor of a man in his 50's and probably even more zeal for merchandising than when he went into the business here 68 years ago.

He is the lone member of Bullock's board of directors opposing the blue-chip concern's proposed merger, through an exchange of stock, into the huge Midwestern-based Federated Department Stores Corporation. Counterbarrages of appeals to some 9,300 stockholders are the prelude to a special meeting here July 17 to decide the issue.

Proponents of the merger — including Mr. Winnett's son-in-law, Walter W. Candy Jr., president—contend that stockholders will make a profit on the exchange of shares and that Bullock's—comprising 7 Bullock's and 17 I. Magnin & Co. stores on the West Coast—will gain "geographical diversification of risk."

Mr. Winnett contends that his adversaries' accounting is fallacious and illusory, that Bullock's assets would only be diluted in the deal, that the stores' identity and autonomy would be lost and that the merger might well be nullified by Federal antitrust action.

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The company's largest stockholder, Mr. Winnett owns 72,878 of 2,520,472 votable shares and controls another 71,128 in a trust fund of his late wife. Far from being a "minority" in the merger battle, he insists, he is "a majority," since all 12 other directors together hold only 7,010 shares. To go through, the merger must be approved by holders of two-thirds of the stock.

Last week, Mr. Winnett's forces suffered a severe blow when a California Superior Court Judge, Clarke E. Stephens, ruled that 110,416 shares of stock held by a trust could be voted in favor of the merger. The trustee for the estate of the late Margaret S. Bullock, Bruce Gilreath—who is also a director of the company—was given freedom to vote the stock as he chooses and he has indicated that it will be voted for the merger.

Calm and soft-spoken, with twinkling-eyed flashes of wry humor, Mr. Winnett resembled a well-dressed, slimmed-down Scattergood Baines as he reminisced.

Bullock's, with him as merchandise manager, opened its first store in 1907, at the bottom of a severe depression.

He had come to Los Angeles from his native Canada as a youth just out of grammar school. He got a messenger job at Arthur Letts's Broadway store. John Bullock, a buyer, was detailed by Mr. Letts to open a satellite store under his own name.

Eleven years later, he continued, "Letts invited us out to dinner at his home. And when I left, I had a quarter of a million dollars worth of stock in the operation."

The opening of the second Bullock's store—today's imposing mercantile cathedral on Wilshire Boulevard—coincided with the 1929 crash.

Mr. Winnett became president on Mr. Bullock's death in 1933.

Married to a Los Angeles woman, he has three children. A son, John, is a retired Bullock's executive. One daughter is Mrs. Kenneth Boocock of New York. His daughter Kate married Mr. Candy.

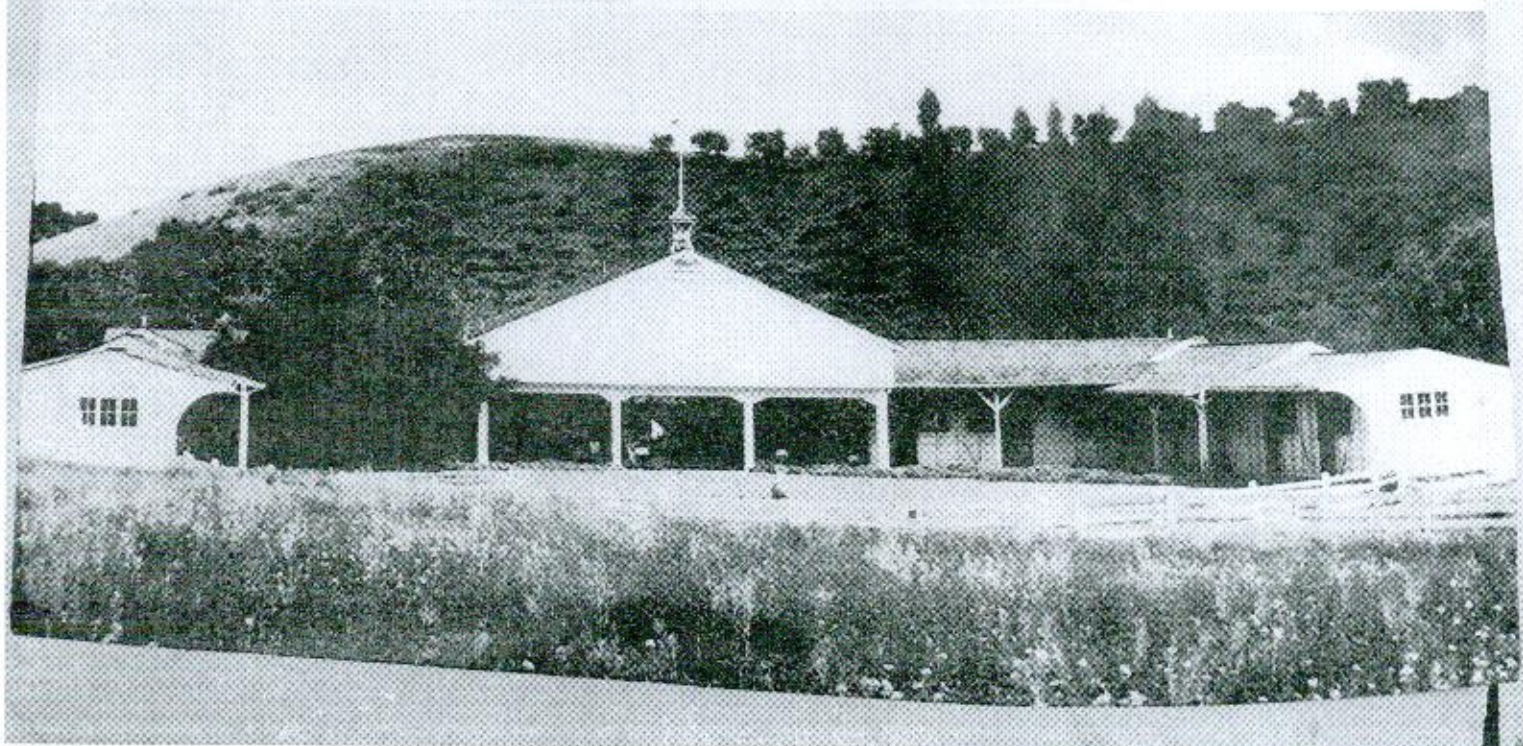
A widower for 10 years, Mr. Winnett lives in a midtown apartment and weekends drives his Cadillac convertible, with the top down, to his 80-acre ranch in exurban Walnut. It is the nucleus of an 1,800-acre spread where he once raised horses. Now, he says, "I get my enjoyment gardening and picking oranges and grapefruit, and bringing them in to the people in the office."



BEAUTIFUL old ranch house (top) at P. G. Winnett farm; designed for comfort and utility. Another view (center left) of home, sheltered by giant pepper trees. Commodious broodmare barn (bottom) backed by a sheltering hill.

Rancho San Vicente

Photos by Robt. Hopper



PERSONAGES of the business and financial world almost invariably turn to the outdoors for relaxation and recreation. Man's love for horses, a heritage from the most ancient times which was intensified by continued close association with the beautiful and temperamental animals down to the age of motor cars, has lured hundreds of successful men and women to breed them.

Among notable Californians who have succumbed to the Thoroughbred and made him their principal outdoor interest is P. G. Winnett, Los Angeles department store head. His Rancho San Vicente, in the Pomona valley near the village of Walnut, is a show-place of the district. During the last few years its fine saddle-bred horses have given way to exclusive production of Thoroughbreds, until at the present time nearly two score head roam the verdant meadows. Unlike some business men-breeders who obtain their pleasure and physical benefit from sauntering about their breed-

CAFETERIA. ranch style, Bonville, by Bon Homme and her filly foal of '46 by Craig Park.



ing paddocks, Mr. Winnett goes horsebacking at least two days a week—and for hours and hours.

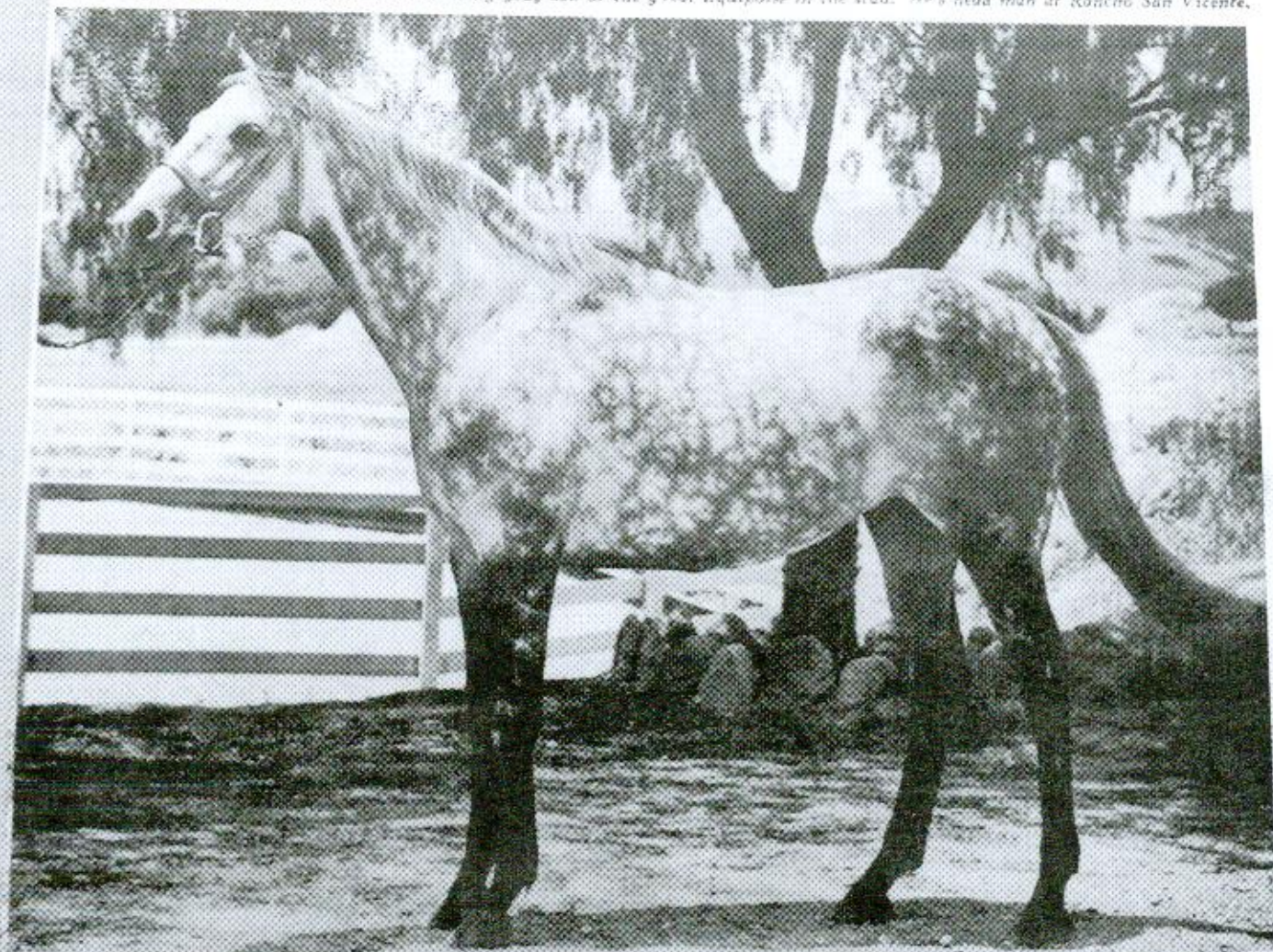
Counterbalance, beautiful gray son of Equipose-Judea, heads the stud. He is believed to be America's only gray stallion by "Ekky," fabulous "Chocolate Soldier" of ten years ago and holder of the world's record for a

mile. Counterbalance inherits his color from his dam "Judea," she by the great Roi Herode, progenitor of the "Mahmoud Stefan the Great and Royal Minstrel" line which stemmed from "The Tetrarch," "spotted wonder" of the British turf.

Manager Jack Fox is building up a

** Continued on Page Sixty-eight*

COUNTERBALANCE is believed to be the only gray son of the great Equipose in the stud. He's head man at Rancho San Vicente.



Rancho San Vicente

★ Continued from Page Nine

select group of broodmares, and already the ranch has started to produce on a sizable scale. Among the mares are Kay Em Bee, L'Ondee, Bon Justina, Bon Honest, Bon Vite, Playdema, Bon Vielle, Navy Miss and Beverly Hills, and they are by such well known sires as Bon Homme, *Bistouri, Brown Bud, and Blind Play. Unfortunately, the ranch lost the mare Flin Broom, by Brooms, but succeeded in raising her orphan filly foal by Counterbalance on a bottle.

Rancho San Vicente is situated in the most beautiful part of the rich agricultural section of the Pomona valley, towards the southern foothills. Most of the paddock have a gentle slope, but none is steep enough to be other than just what the vet ordered for the raising of first-class racing material. The condition of the mares and growing stock testify to the excellence of care exercised by Mr. Fox, as well as to the quality of the permanent pastures and the all-around suitability of the ranch for raising Thoroughbreds.

"When it comes to a horse deal even the deacon is not to be given any credit, unless the horse he has to sell corroborates in appearance and performance the qualities he claims for him."—From an old book.

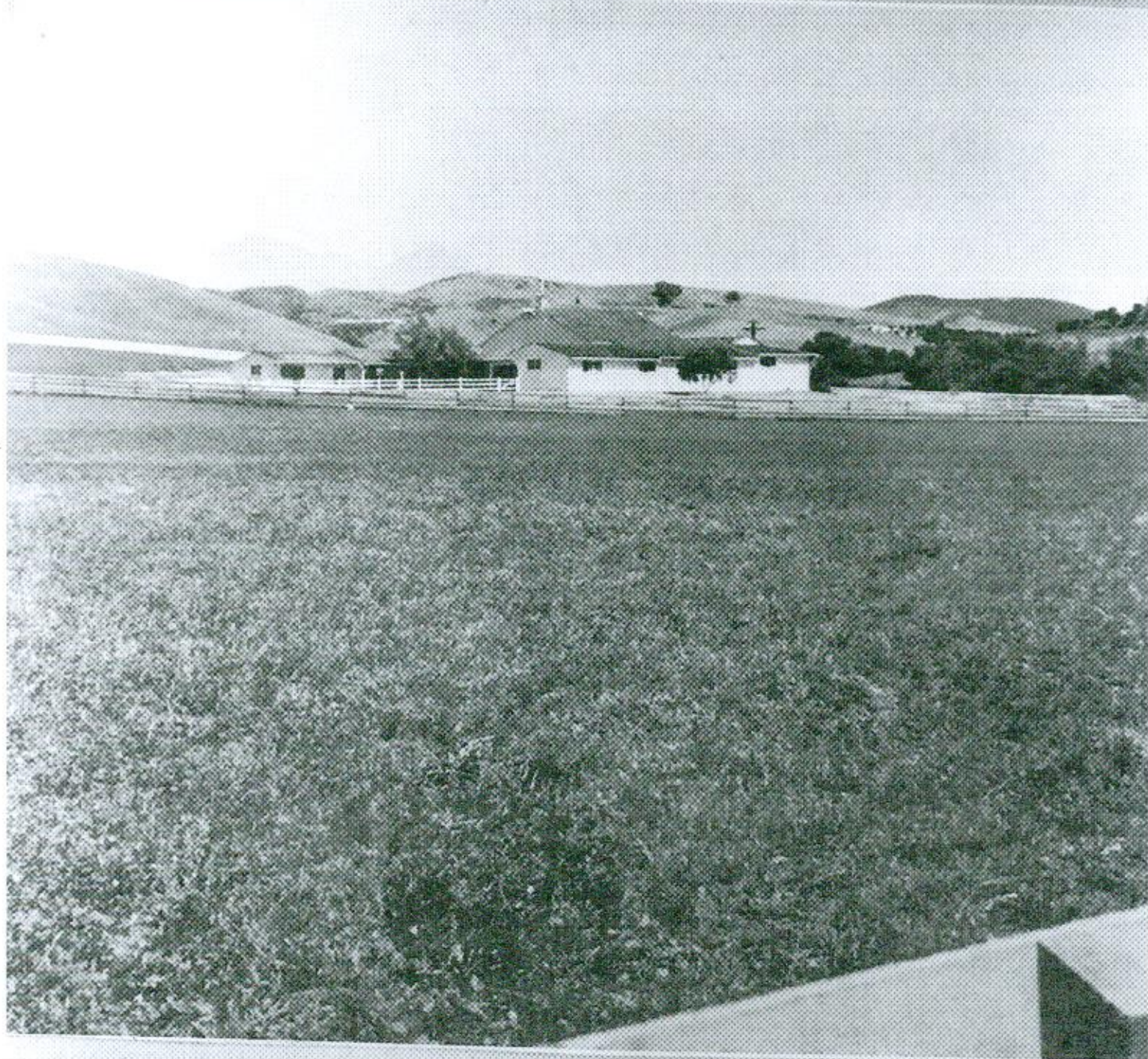
Get me up P.C.M.
from these in S.M.

H WHITE BACK

Riding at the Ranch.



VIEW OF STABLE



GARDEN

DRIVE + FRONT STEPS



Leslie
Share them to
your mother



PRIZE YEARLING — That's Truckle La, P. G. Winnett's Fair Truckle colt, which will make its racing debut during Santa Anita meet opening Dec. 26 at Arcadia track.

Truckle La Makes Debut at Arcadia

Among the prized thoroughbred yearlings to make their racing debuts at Santa Anita after the first of the year is Truckle La, bred and owned by P. G. Winnett.

The youngster, trained by Wally Dunn, has been progressing well with his schooling and broke from the gate.

Truckle La was foaled and raised at Rancho San Vicente, the 2000-acre show place at Walnut where Winnett produces thoroughbreds from a band of 16 broodmares.

The good-looking brown colt was sired by Pete Strub's Fair Truckle, the speedy Fair Trial horse that stands at Mr. and Mrs. Henry A. Aldrich's Walkinay Farm at Riverside, and out of Only Girl.

Winnett, in addition to his interest in breeding and owning thoroughbreds, serves as president of the Santa Anita Foundation, the non-profit corporation which distributes the 100% proceeds from the annual charity week of racing at Santa Anita.

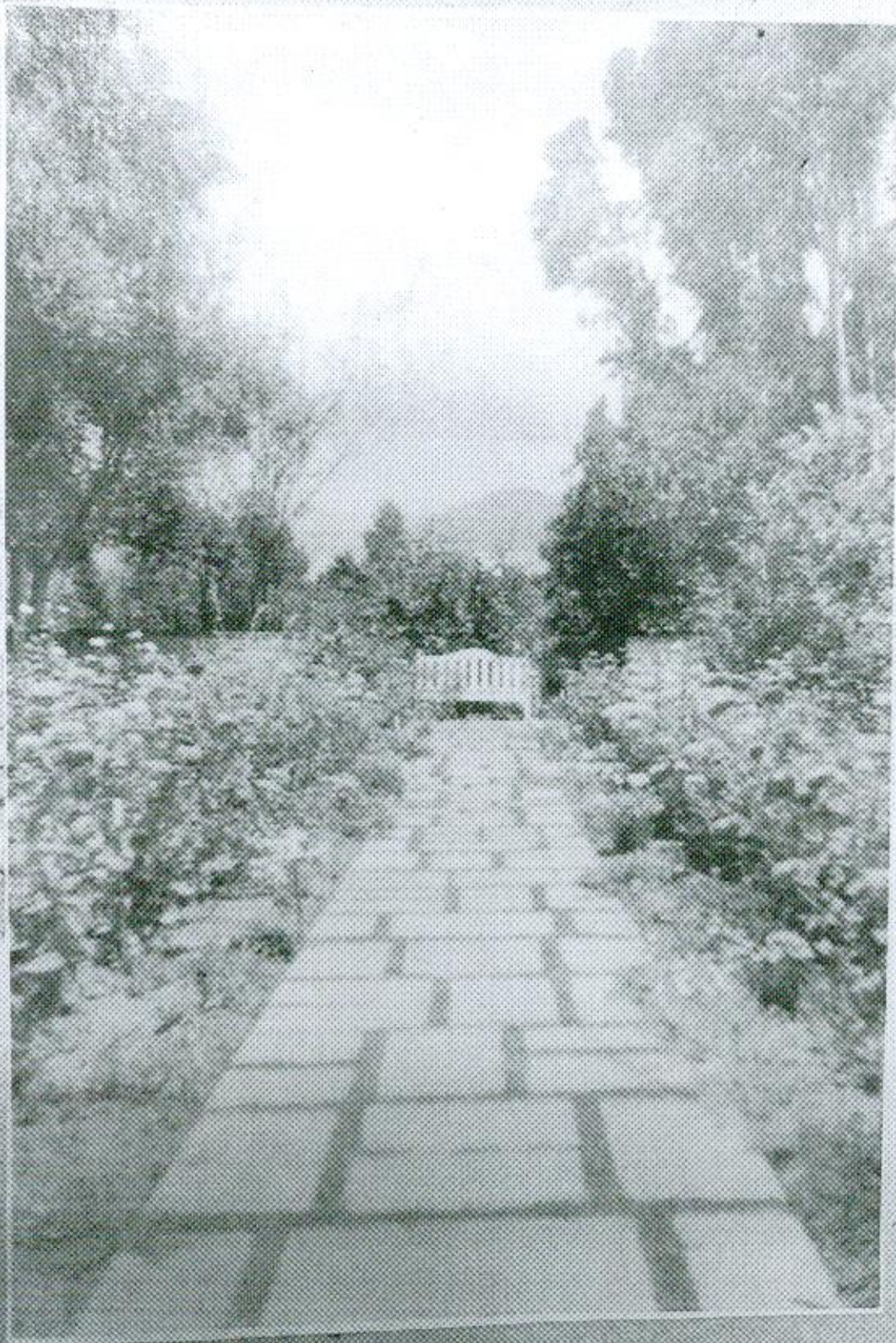
Other prominent businessmen and civic leaders who donate their time and experience to the Santa Anita Foundation are Harvey S. Mudd, vice president; George J. O'Brien, secretary-treasurer; George W. Johnson Jr., assistant secretary-treasurer; Leigh M. Britton, Edward W. Carter, Dr. Charles H. Strub and Arthur C. Stewart, directors.

View of Woodcock



other t
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terial.
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as to t
pasture
of the
breds.

GARDEN



DRIVE + FRONT STEPS



TO: Tom Weiner, Walnut City Manager
Chris Vasquez, Director Community Development
Joelle Guerra, Planning Manager

December 12, 2022

RE: BROOKSIDE - REQUEST FOR LEGAL OPINION - R-1 ZONING

Dear Tom, Chris & Joelle:

As you are aware, we have been asking for clarification of the Walnut Municipal Code Section 6.12.050 as it relates to the current R-1 Brookside Plan at 800 Meadow Pass Rd. A less formal request about this returned a brief email response (to Chris Vasquez) that Paragraph (i) did NOT apply to this property. A subsequent public records request disclosed no public information from our request. We want to document our rationale on this issue. The specific section we are questioning states:

- b. *Where a number follows the zoning symbol:*
 - i. *A gross area, including that portion, if any subject to a highway easement or other public or private easement where the owner of the servient tenement does not have the right to use the entire surface, of the number of acres shown by such number, if such number is less than 100, provided that portion of the lot or parcel of land not subject to any easement shall have an area not less than 40,000 square feet.*

We feel this paragraph, requiring lots to have an area of not less than 40,000 square feet, applies to the current Brookside Plan because:

- 1) There is a number that follows the zoning symbol (28,500)
- 2) At least 19 of the proposed lots will contain at least one easement each
- 3) The lot owner will be the servient tenement (the City being the dominant tenement)
- 4) The servient tenement will not have the right to use the entire surface (creek, trail, slope)
- 5) The acreage is less than 100
- 6) The code is still part of the WMC
- 7) The 1978 General Plan (p. 50) discusses that zoning can be used to protect natural areas and that water courses and common open spaces can have special zoning controls. This R-1 code seems to be a special zoning control and we can find no other such codes that could be considered "special." This would serve as the basis for constructing the code many years ago.

The prior Paragraph states:

- A. *Lot Area.*
 - 1. *Required Area. Each lot or parcel of land in zone R-1 shall have a minimum area of not less than:*
 - a. *Seven thousand two hundred square feet when no number follows the zoning symbol.*

We feel (a) does NOT apply because there is, in fact, a number following the zoning symbol.

Therefore, as you are aware, we are requesting a written opinion by the City Attorney as to why Paragraph (i) is not being followed for this Plan. We appreciate & thank you for your assistance.

Sincerely,

Vijay Vakil Wendy Toy Charles Isaac William Harrison Kevin Bush

TO: CITY OF WALNUT

December 20, 2022

**RE: ADDENDUM #2 – BROOKSIDE PROJECT EIR/SCOPING MEETING
COMMUNITY COMMENTARY AGAINST THE PLAN**

This morning Vijay Vakil & William Harrison walked downstream along Lemon Creek starting north of Valley Blvd. They easily found 3 Walnut homes where creek erosion was severe. The addresses were 502 Avenida Alipaz, 20207 Dickson Ct, 20210 Dickson Ct. Lack of maintenance, trash, and fencing issues were also apparent. Photos have been submitted to the City.

Additional problems along the creek are probably apparent. Their walk did not include the entire north-south expanse. Some creek portions are easily viewed, others are behind walls of properties.

This exercise reinforces our belief that development on the Brookside property will have major, negative effects well into the future and we highlight these points:

- These poorly maintained creek portions on private properties show what will occur in the future on the Brookside property
- Homeowners are simply unable to privately handle creek maintenance
- The City needs Stream Maintenance, Restoration and associated Codes to hold homeowners accountable and offer guidance for care of the creek to maintain proper water quality and quantity. Riparian Habitat guidance is also necessary to limit erosion.
- Blockages of the creek are apparent due to lack of proper maintenance
- Current residents may be unclear as to their responsibility to creek issues
- Should Brookside be developed – the impervious surfaces created will create more downstream erosion and flooding
- The watershed has more importance today than ever before with current climate issues being recognized both statewide & countywide.

The City should inspect all residences with creeks to monitor & assess condition.

This correspondence does not change our other commentaries dated 12Dec2022 & 21Nov2022 previously submitted.

Vijay Vakil William Harrison Wendy Toy

cc: Kevin Bush, Charles Isaac

ATTACHMENT – Photos sent under separate cover

From: Doreen F <doreencfang@gmail.com>
To: <iguerra@cityofwalnut.org>
Cc:
Bcc:
Date: Thu, 17 Nov 2022 09:43:44 -0800
Subject: About the Brookside Project EIR
Hi Joelle,

How are you doing?

This is the homeowner who's living in Rim Ridge Rd. I am so glad to know that our community will become more and more beautiful under your job. But I am a little confused about the Brookside project. It's too many house on Street A! Why did we choose Rim Ridge Rd property to as our home six years ago? Because we love the view of our backyard. There are many afforest and beautification! As the Illustrative Site Plan shown, there are six house (plus three house on the opposite)! This can lead to very crowding. Do you think it's ok to reduce the quantity of the house on street A, please? This is only my opinion, of course. Thank you.

Have a nice day.

Doreen
Rim Ridge Rd



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 9, 2022

Joelle Guerra
City of Walnut Community Development Department
21201 La Puente Road
Walnut, CA 91789
JGuerra@cityofwalnut.org

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Brookside Project, Los Angeles County, SCH #2022110184

Dear Ms. Guerra:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Walnut (City) for the Brookside Project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & Game Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Objective: The proposed Project requests approval of a Tentative Tract Map to allow for the development of a 28-unit single-family detached housing Project. The Project proposes a total of 11.4 acres of open space with recorded deed restrictions to preserve and maintain natural open space and Lemon Creek. Of the 11.4 acres, 9.5 acres of the open space will be owned by

Conserving California's Wildlife Since 1870

Joelle Guerra
 City of Walnut
 December 9, 2022
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individual lot owners, but deed restricted for public trail and passive open space purposes. The existing trail that traverses the site would be located primarily within these 9.5 acres of open space, which would be improved to City trail standards. The portions of open space within the private lots will be subject to the public trail easement and recorded deed restriction that would prohibit lot owners from planting vegetation, installing fencing, or otherwise developing or using the restricted open spaces areas lying within these privately-owned lots.

The Project site is on land previously occupied by the Brookside Equestrian Center, which is no longer operating. Presently on site, there are unused facilities remaining from discontinued equestrian activities. These facilities consist of two stables, one of which has a second story residential addition that is unoccupied, covered stalls, two fenced corrals, maintenance storage shed, three feed sheds within fenced areas, one outdoor arena, one covered open-air arena, and one gazebo. Implementation of the Project would remove all existing facilities.

Location: The Project site consists of 25.84 acres of developed land and is located within the City of Walnut at 800 Meadow Pass Road. The Project is comprised of Assessor's Parcel Numbers 8709-093-001, 002, and 003. On site topography consists of gradual slopes and flat areas elevated above Lemon Creek, which runs northeast to southwest.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

- 1) Coastal California Gnatcatcher (*Poliioptila californica californica*). According to the California Natural Diversity Database (CNDDDB), there are multiple occurrences of coastal California gnatcatcher (gnatcatcher) north of the Project site. In addition, the Project site is approximately one mile from critical habitat for the gnatcatcher (USFWS 2010).
 - a) Protection Status. Gnatcatcher is a California Species of Special Concern (SSC) and a species listed as threatened under the Endangered Species Act (ESA). CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065). As an ESA-listed species, gnatcatcher is considered an endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.
 - b) Surveys. In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist perform protocol-level surveys for gnatcatcher in order to determine if gnatcatcher is present. The qualified biologist should conduct surveys according to the [Coastal California Gnatcatcher \(*Poliioptila californica californica*\) Presence/Absence Survey Guidelines](#) (USFWS 1997). The protocol

Joelle Guerra
 City of Walnut
 December 9, 2022
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should be followed for all surveys unless otherwise authorized by the USFWS in writing (USFWS 1997).

- c) Disclosure and Mitigation. The DEIR should provide full disclosure of the presence of gnatcatcher and the Project's potential impact on gnatcatcher, and not deferred until a later time (i.e., preconstruction surveys). The DEIR should discuss noise impacts from the Project (e.g., duration, maximum noise level, hourly average noise level). The DEIR should be conditioned to provide measures to avoid or mitigate impacts if avoidance is not feasible. If avoidance is not feasible, mitigation may include obtaining take authorization from USFWS. In addition, the Project Applicant should provide replacement habitat to ensure no net loss. The DEIR should discuss why mitigation measures proposed would be adequate to avoid or offset impacts to gnatcatcher and habitat.
- 2) Crotch bumble bee (*Bombus crotchii*). CNDDDB has indicated a historical occurrence of Crotch bumble bee within the Project vicinity. The Project site may, therefore, support habitat for Crotch bumble bee, which includes grasslands and scrub. If Crotch bumble bee is present in the Project site, the Project could grade and/or develop habitat supporting Crotch bumble bee. The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. In addition, Project ground-disturbing activities and vegetation removal during construction and fuel modification activities may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.
- a) Protection Status. The California Fish and Game Commission accepted a petition to list the Crotch bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Consequently, if the Project or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP. In addition, Crotch bumble bee has a State ranking of S1/S2. This means that the Crotch bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch bumble bee is also listed as an

Joelle Guerra
 City of Walnut
 December 9, 2022
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invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#) (CDFW 2017).

- b) Surveys and Disclosure. CDFW recommends the City require the Project Applicant to retain a qualified biologist familiar with the species to survey the Project site for Crotch bumble bee and habitat. Surveys for Crotch bumble bee should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). The DEIR should provide full disclosure of the presence of Crotch bumble bee and the Project's potential impact on Crotch bumble bee, and not deferred until a later time (i.e., preconstruction surveys).
 - c) Mitigation. The DEIR should include measures to first avoid impacts on Crotch's bumble bee. If Crotch bumble bee is present, a qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 15-meter no-disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If the Project cannot avoid impacts, the City should require the Project Applicant to consult CDFW to determine if a CESA Incidental Take Permit (ITP) is required. In addition, the City should require the Project Applicant to provide compensatory mitigation for removal or damage to any floral resource associated with Crotch bumble bee. Floral resources should be replaced as close to their original location as is feasible.
 - d) CESA ITP. Appropriate take authorization from CDFW under CESA may include an ITP or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.
- 3) Lake and Streambed Alteration. [USGS National Map](#) has indicated a stream (Lemon Creek) flowing south in the western portion of the site. Development of the site may impact the natural flow and/or biological resources associated with or downstream of the Project site.

As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*

Joelle Guerra
City of Walnut
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- a) CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification (CDFWa 2022).
 - b) In the event the Project site may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be provided in the environmental document. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.
 - c) In Project sites that may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes. Therefore, CDFW recommends effective setbacks be established to maintain appropriately sized vegetated buffer areas adjoining ephemeral drainages. The DEIR should provide a justification for the effectiveness of the chosen distance for the setback.
 - d) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be provided and evaluated in the DEIR.
 - e) As part of the LSA Notification process, CDFW requests a hydrological modelling of the 100, 50, 25, 10, 5, and 2-year frequency storm events for existing and proposed Project conditions to provide information on how water and sediment is conveyed through the Project site. The LSA Notification should address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts on streams and associated natural communities.
- 4) Sensitive Natural Communities. A qualified biologist should map all natural communities within the Project site as well as areas subject to off-site impacts such as edge effects in accordance with established protocol (see General Comment #3b and 3c). The qualified biologist should identify and map natural communities including, but not limited to California walnut groves (*Juglans californica* Alliance) and oak forest and woodland (*Quercus* genus Alliance). CDFW considers impacts to oak woodlands and Sensitive Natural Communities to be significant (see General Comment #3a). The DEIR should fully disclose where impacts would occur, how impacts would occur, and how many acres of natural communities would be impacted. The DEIR should be conditioned to provide compensatory mitigation for impacts on Sensitive Natural Communities. Due to local/regional rarity and significance, compensatory mitigation should be higher for impacts on [Sensitive Natural Communities](#) with a State Rarity Ranking of S1 or S2 and/or a Sensitive Natural Community with an additional ranking of 0.1 or 0.2. The DEIR should discuss how compensatory mitigation

Joelle Guerra
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would be adequate to reduce the Project's impact on Sensitive Natural Communities to below a level of significance.

- 5) Nesting Birds. Review of aerial photography indicates potential nesting habitat within trees on site for avian species. The Project would require ground disturbing activities such as grading and grubbing, which may result in removal or disturbance of habitat for birds, as well as cause injury or mortality of adults, juveniles, eggs, or hatchlings. The Project proposes to develop within or adjacent to open space and natural areas that likely supports a variety of nesting avian species. Accordingly, the Project may impact nesting birds and raptors. Project activities occurring during the bird and raptor nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
 - a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
 - b) CDFW recommends the DEIR discuss the Project's impact on nesting habitat. The DEIR should disclose the acreage of nesting habitat that could be impacted and lost as a result of the proposed Project.
 - c) CDFW recommends that measures be taken to avoid impacts on nesting birds and raptors. CDFW recommends the DEIR provide a measure whereby the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
- 6) Landscaping. Figure 3, Illustrative Site Plan indicates landscaping will be a part of the residential development. CDFW recommends the DEIR provide the Project's landscaping plant palette and tree species list. CDFW also recommends using native, locally appropriate plant species for landscaping on the Project site. CDFW recommends invasive/exotic plants, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus), be restricted from use in landscape plans for this Project. A list of invasive/exotic plants that should be avoided as well as suggestions for better landscape plants can be found at [California Invasive Plant Species Council](#) website (Cal-IPC, 2022).
- 7) Tree Disease Management Plan. Project activities may include tree encroachment, tree removal, and/or new trees as a part of landscaping activities. This may have the potential to spread tree pests and diseases throughout the Project site and into adjacent natural habitat not currently exposed to these stressors. Pests and diseases include (but not limited to): [sudden oak death](#) (*Phytophthora ramorum*), [thousand canker fungus](#) (*Geosmithia morbida*), [Polyphagous shot hole borer](#) (*Euwallacea* spp.), and [goldspotted oak borer](#) (*Agilus auroguttatus*) (Phytosphere Research 2012; TCD 2020; UCANR 2020; UCIPM 2013). This could result in expediting the loss of native trees and woodlands. CDFW recommends the DEIR include an infectious tree disease management plan or a list of preventative measures, developed in consultation with an arborist, and describe how it will be implemented to avoid or reduce the spread of tree insect pests and diseases.

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General Comments

- 1) Disclosure. A DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental impact report shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.
 - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Pub. Resources Code, § 21081.6). CDFW recommends that the City prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
 - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the environmental document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the environmental document should provide an adequate, complete, and detailed disclosure about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Biological Baseline Assessment and Impact Analysis. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts, as referred in General Comment 5. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The DEIR should include the following information:

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- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a [state-wide ranking](#) of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level (CDFWb 2022);
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities](#) (CDFW 2018);
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used to inform this mapping and assessment (MCV). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
 - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the Project. CDFW's California Natural Diversity Data Base (CNDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that [CNDDB Field Survey Forms](#) be completed and submitted to CNDDB to document survey results (CDFWc 2022);
 - e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & Game Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
 - f) A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 4) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:

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- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
 - b) A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 5) Biological Direct, Indirect, and Cumulative Impacts. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:
- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - b) A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & Game Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - c) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - d) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 6) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands

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should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

- 7) Moving out of Harm's Way. The proposed Project may result in impacting habitats on and/or adjacent to the Project site that may support wildlife. To avoid direct mortality, CDFW recommends that a qualified biological monitor approved by CDFW be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, by email at Felicia.Silva@wildlife.ca.gov or (562) 292-8105.

Sincerely,

DocuSigned by:

B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Seal Beach – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang, Seal Beach – Victoria.Tang@wildlife.ca.gov
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Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQAcommentletters@wildlife.ca.gov

OPR

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

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December 12, 2022

Ref. DOC 6760418

Ms. Joelle Guerra, Planning and Code Enforcement Manager
Community Development Department
21201 La Puente Road
Walnut, CA 91789

Dear Ms. Guerra:

NOP Response to The Brookside Project

The Los Angeles County Sanitation Districts (Districts) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report for the subject project on November 16, 2022. The proposed project is located within the jurisdictional boundaries of District No. 21. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Lemon Avenue Trunk Sewer, located in Lemon Avenue at Valley Boulevard. The Districts' 18-inch diameter trunk sewer has a capacity of 7.8 million gallons per day (mgd) and conveyed a peak flow of 0.8 mgd when last measured in 2014.
2. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant (WRP) located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average recycled flow of 62.7 mgd. All biosolids and wastewater flows that exceed the capacity of the San Jose Creek WRP are diverted to and treated at the Joint Water Pollution Control Plant in the City of Carson.
3. The expected increase in average wastewater flow from the project, described in the NOP as 28 single family homes, is 7,020 gallons per day, after all structures on the project site are demolished. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits and select Will Serve Program, and click on the [Table 1, Loadings for Each Class of Land Use](#) link.
4. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743, or mandyhuffman@lacs.org.

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

MNH:mnh

From: [Daniel Yang](#)
To: [Joelle Guerra](#)
Subject: Brookside Project EIR
Date: Tuesday, December 13, 2022 3:06:40 PM

Hi Joelle and City of Walnut Council,

This is regarding the Brookside Project EIR my comments and concerns about the project.

"As a resident of Walnut and Walnut High School Class of 2017 alumni, I am deeply saddened to hear about the residential Brookside Project. Brookside is an extremely special place to the community and is a historical landmark for many folks in the community. I was a Walnut High School Cross Country and Track and Field Captain and trained on many trails and parks including Brookside. In 2019, Coach Jim Polite, A walnut community hero, passed away and we had a vigil held at Brookside because it was a very special place to our coach and the community. A place where our team would train. Please utilize this land to better our community, we don't want to see more housing as we already have lots of housing in Walnut. This land should be better utilized as a park/ scenic area as it is in the core center of the city. Please consider how important this land means to our community.
Thank you!"

Thanks,
Daniel Yang
dyang041@outlook.com

WALNUT VALLEY WATER DISTRICT



271 South Brea Canyon Road • Walnut, California 91789-3002
(909) 595-7554 • (626) 964-6551
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James D. Ciampa

December 14, 2022

Ms. Joelle Guerra
City of Walnut
Community Development Department
21201 La Puente Road
Walnut, CA 91789

RE: Notice of Preparation of Draft Environmental Impact Report
Brookside Project, 800 Meadow Pass Road
APN 8709-093-001, 002, and 003

Dear Ms. Guerra:

Thank you for the opportunity to review and provide comments to be considered for the Notice of Preparation of Draft Environmental Impact Report (DEIR) to the subject project.

The Walnut Valley Water District ("District") is a California Water District and the agency that will be supplying water to the development. The District purchases imported water from Three Valleys Municipal Water District, a member agency of the Metropolitan Water District of Southern California (MWD).

The District is completely dependent on imported water from MWD as its sole supplier of water for domestic purposes and does not guarantee specific pressures or flows. Consequently, water service for the proposed development within the District's boundary shall be subject to the availability of water from MWD. Also, the "project" or "subdivision" consists of fewer than 500 dwelling units; therefore, the requirements for reliable water supply stipulated under Senate Bills SB 221 and SB 610 do not apply. However, the District believes there to be sufficient supply for the proposed development.

The District has the following comments:

- The District has an existing 16-inch AC domestic water main on Meadow Pass Road and Lemon Avenue; an existing 24-inch Steel domestic water main on La Puente Road; and an existing 8-inch AC domestic water main on San Vicente Drive.

- The District has an existing 8" PVC recycled water main on Meadow Pass Road and Lemon Avenue; and an existing 6" PVC recycled water main on Lemon Avenue. To comply with the water conservation requirements under California State Law and Section 4.07 Water Conservation in the District's Rules and Regulations, the District intends to service the proposed development with recycled water for its landscape irrigation purposes.

If you have any questions or need additional information, please contact me at Ext. 234.

Very truly yours,

WALNUT VALLEY WATER DISTRICT

A handwritten signature in cursive script that reads "Sheryl L. Shaw".

Sheryl L. Shaw, P.E.
Director of Engineering

SLS:VD:cf

From: [Joelle Guerra](#)
To: ["Bernadette Trinidad"](#)
Subject: RE: Brookside project and plan check question
Date: Tuesday, December 20, 2022 10:41:00 AM

Hi Bernadette,

At this point, I don't know if there will be a builder, or what will be the decision by Commission and/or Council for the project.

The applicant is only proposing to subdivide the land at this time.

I'll check with the building department regarding the status of the plan check on Kamlyn (it's listed as a Kitchen Remodel).

If there was anything else, let me know!

Sincerely,

JOELLE GUERRA

Planning & Code Enforcement Manager
Community Development

P: (909) 348 – 0738
E: jguerra@cityofwalnut.org

-----Original Message-----

From: Bernadette Trinidad <bernadette.trinidad@gmail.com>
Sent: Monday, December 19, 2022 6:39 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: Re: Brookside project and plan check question

After it goes to planning commission, will there be a builder? I wanted to follow for updates.

Also, is there any chance our Kamlyn project would be ready this week before you guys go on break? I talked to someone at the city on Thursday and she said it was listed as an ADU and not a kitchen. Just wanted to see how accurate that information was.

Bernadette Trinidad

> On Dec 19, 2022, at 2:42 PM, Joelle Guerra <jguerra@ci.walnut.ca.us> wrote:

>

> Good Afternoon Bernadette,

>

> Yes, I am the project planner for the Brookside project.

>

> Currently, the applicant is proposing a subdivision of the property into 28 residential lots.

>

> The Notice of Preparation (NOP) is the first step of the environmental process, which will include the drafting of an EIR for the project proposed. The comment period for the NOP will end tomorrow (12/20).

>
> At this point, this project has not gone before the Planning Commission or City Council for review.
>
> If there were any other questions you had on the Brookside project, please do not hesitate to let me know!
>
> With regards to the kitchen remodel for Kamlyn, it is still in the building plan check process. Please note that the typical turnaround time for plan check is ten (10) working days (about 2 weeks).
>
> If there was anything else you needed, please do not hesitate to let me know!
>
> Sincerely,
>
> JOELLE GUERRA
>
> _____
> Planning & Code Enforcement Manager
> Community Development
>
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> P: (909) 348 – 0738
> E: jguerra@cityofwalnut.org
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>
> -----Original Message-----
> From: Bernadette Trinidad <bernadette.trinidad@gmail.com>
> Sent: Monday, December 19, 2022 8:56 AM
> To: Joelle Guerra <jguerra@ci.walnut.ca.us>
> Subject: Brookside project and plan check question
>
> Hi Joelle,
>
> I saw from the city's IG that you are in charge of the Brookside project and wanted to know if its still going forward for a housing project.
>
> Also, I was wondering if you had any information on the progress for our kitchen remodel that was submitted on 12/8/22 for 19271 Kamlyn Lane.
>
> Any information would be so greatly appreciated.
>
> Bernadette Trinidad
>



December 20, 2022

Joelle Guerra, Planning and Code Enforcement Manager
Community Development Department
21201 La Puente Road
Walnut, CA 91789
jguerra@cityofwalnut.org

RE: Comments on Notice of Preparation of an Environmental Impact Report for the
Brookside Project SCH#2022110184

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Mark Stanley

Dear Ms. Guerra,

On behalf of Watershed Conservation Authority (WCA), I am providing comments in response to the Notice of Preparation of an EIR for the Brookside Project. WCA is a joint powers authority of the Rivers and Mountains Conservancy and the Los Angeles County Flood Control District, whose mission is to expand the open space and recreational opportunities in the San Gabriel and Lower Los Angeles Rivers Watershed area consistent with the goals of flood protection, water supply, and groundwater recharge. WCA offers the comments below to assist the City of Walnut in undertaking an environmental review of the project and its potential impacts on local and regional environmental and hydrological resources. The comments are focused on the areas of flood control, water quality, ecosystem services, and climate change. A project alternative that accommodates high density housing on portions of the site that are least suitable to provide hydrology and ecosystem services, is proposed. This alternative addresses the need for providing housing while minimizing impact to regional natural resources.

The project site plays an important role within City of Walnut's policy to "protect scenic, historic, natural wildlife, archaeological and cultural resources of this area." This location currently serves a unique role in the Lemon Creek watershed because it is one of the only remaining large sites adjacent to Lemon Creek that continues to provide hydrological function and ecosystem benefits once provided by surrounding lands. Its gentle slope/topography is a critically important feature that allows the site to absorb and retain water, thus providing a host of ecosystem benefits: any replacement of this site's vegetated footprint with development would have impacts which are not limited to hydrology, but extend into wildlife and regional plant biodiversity, and ability to buffer current and future climate change impacts. Because this is one of the more accessible locations where public access and Walnut's natural heritage coexist, protecting Lemon Creek from continued degradation is a long-term investment in placemaking and livable communities.

Water Quality, Flood Control, and Wildlife Habitat

The Brookside site may be the largest remaining undeveloped site adjacent to Lemon Creek that is not situated on a steep hill. Sites with gentle topography are

particularly valuable in providing ecosystem services, because gentle topography allows precipitation to soak into the land to replenish base flow, filter water, and to attenuate downstream flooding. Because it is one of the only undeveloped sites of significant size adjacent to Lemon Creek, any reduction of the footprint of vegetation on this site must be carefully considered.

1) It is recommended that environmental analysis fully weigh all ecosystem services of functioning waterways. These include: wildlife access to water, the ability of the waterway to support the riparian vegetation that would provide a vegetated buffer to protect water quality, and carbon sequestration provided by a healthy riparian buffer.

Lemon Creek is a tributary to San Jose Creek, a major tributary of the San Gabriel River. The proposed development is situated along a reach of Lemon Creek that is already deeply incised and highly impacted by urban development. Channel incision is the deepening of a stream bed that accompanies development (impermeable surfaces) in the surrounding watershed. Channel incision is also referred to as 'downcutting.' Channel incision can also currently be seen to reduce the stability of the existing recreational trail, which is used by the public.

Channel incision's impacts on the ecosystem services provided by local waterways are far ranging. Incision creates distance between flowing water and the surrounding landscape. Incision prevents development of a buffer zone of floodplain vegetation that would protect water quality and provide habitat. Reduction or removal of such a buffer result in degraded water quality and wildlife habitat. Channel incision interferes with wildlife access to water, and the processes that lead to incision can even impact the availability of water for streamside vegetation.

The replacement of adjacent land which is currently vegetated with the proposed built structures (houses, roads, and driveways) can be expected to contribute to incision by increasing the peak flood volume in Lemon Creek and all downstream areas.

It has become commonplace for developers to meet current stormwater requirements by adding underground cisterns into new development. Note that the ecosystem services provided by healthy urban streams are not provided by engineered water storage solutions such as underground cisterns. Ecosystem services provided by streams include functioning vegetative buffers, floodplain, or riparian habitat. Riparian ecosystems are more effective at cleansing water, filtering and cooling air, sequestering carbon, and supporting more species than any other landscape cover. Underground cisterns do not address these criteria and have a high carbon footprint for grading and installation. Design features that sustain the functions provided by a healthy stream will provide a broad range of long term benefits that are not provided by underground cisterns.

2) County requirements may specify a minimum radius around built structures within which vegetation must be thinned. This fuel modification zone is part of the development footprint. Note that a fuel modification zone's function is different than the required setback distance of the development to the stream, which is best maintained as a fully vegetated buffer. Stream setbacks ensure the protection of stream health and water quality through the maintenance of native streamside vegetation. The habitat degradation that is associated with fuel modification is incompatible with the water quality and erosion control benefits of a streamside buffer. Note that mowed turf has fewer water retention and water quality benefits than deep rooted native vegetation. Mowed turf is thus not compatible with the function of a vegetated buffer.

3) It is recommended that the environmental study's hydrological analysis extend beyond the scale of the site to encompass downstream portions of Lemon Creek until its confluence with San Jose Creek.

4) A cumulative effects analysis considering run-on received from off-site areas into this reach of Lemon Creek as described under CEQA Guidelines section 15130 is recommended. The CEQA Guidelines within Section 15130 provides that "An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in Guidelines Section 15065(a)(3). That section defines "cumulatively considerable" to mean "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (14 C.C.R. 15065.)

Continued encroachment of development into any remaining vegetated land surrounding Lemon Creek, as well as receiving run-on from off-site areas have contributed to channel incision and degradation of the original streamside vegetation. Treating the current degraded state as a baseline contributes to continued negative impacts where standards of ecological function and public benefit become lower and lower.

5) Examine project impacts in relation to California's ADU ordinance. California's ADU ordinance and Senate Bill 9 (2022) were passed in order to address our state's housing and climate change crises. These developments suggest that a development of single family homes may potentially accommodate four times the proposed number of buildings. Not only might this added density potentially increase resource use and traffic, but it may also increase impermeable surface area on the subject site, as well as the volume of run-on from surrounding neighborhoods.

Climate change

6) It is recommended that the hydrologic analysis evaluate project impacts in light of current predictions of increased variability in precipitation patterns.

The project site is one of the largest remaining sites in the city positioned to buffer some of the effects of climate change including flooding during larger storms, and urban heat island. It is one of the last remaining areas in the city which accommodates an urban forest of significant size to provide carbon sequestration. Its gentle slope/topography are a critically important part of the site's ability to provide these benefits, thus, any replacement of this site's vegetated footprint with development would be expected to have outsize impacts on the ecosystem functions currently provided by the site.

Project Alternatives

The health of waterways is best managed by minimizing impermeable surfaces as well as maximizing native vegetation cover. The following recommendations propose cluster development as a project alternative, as well as landscape standards to be incorporated into all project alternatives.

1) High density or cluster development which groups all development into a single area is proposed as a Project Alternative. This alternative addresses the need for housing while minimizing impact to remaining biological and hydrological values. Los Angeles County Significant Ecological Area implementation guide recommends to "cluster structures and infrastructure within 25% or less of the lot area (including roads, utilities, landscaping, and fire management requirements) and maintain the

remaining portions of the site in a natural undisturbed state.” Though the project site is not within the boundary of a County SEA, the site’s biological values are an extension of some of the natural resources protected by the nearby East San Gabriel Valley SEA. High density or cluster development may limit impact to regional ecosystem function while providing the same number of residences.

Hydrological analysis may be used to determine the most effective portion of the site for the creation of a seasonal water quality basin whose design not only maximizes storage volume of seasonal surface water but which fully integrates this function with provision of ecosystem and habitat services and public enjoyment. This may be sited on the widest portion of the property, where the largest intact block of habitat will have the lowest perimeter to area ratio. Cluster development may then be situated on the portion of the property that is least suited to provide hydrological and ecosystem services.

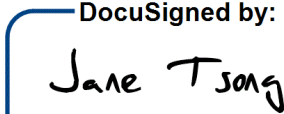
2) It is recommended that project alternatives incorporate standards for all site landscaping (including residential landscaping) to slow water to maximize water absorption and retention in the soil, minimizing further impacts to the stream. Recommended standards include:

- Promote the use of native trees and shrubs with deep roots.
- CDFW’s letter of July 26, 2018 regarding a previous project on this site, recommends as a mitigation measure that “only native trees should be planted within and adjacent to (500 feet) Lemon Creek.” Adopting this as a general standard will contribute to stream health and regional biodiversity, and will be a celebration of local natural heritage.
- Note that mowed turf, though considered permeable, has fewer water retention and water quality benefits than native vegetation under which leaf drop has been retained as mulch. Thus, turf should not be considered part of a vegetative buffer. Maximizing the amount of area in which native plant leaf drop may be retained as groundcover will optimize ecosystem health and water quality benefits.
- A minimum quota of native trees (for example, 70% of all trees planted) will contribute to the continuity of regional wildlife habitat and preservation of local natural heritage.
- Prohibit chemical fertilizers that would drain into Lemon Creek, and rodenticides that could result in direct or secondary poisoning to wildlife.
- Adhere to guidelines on protecting breeding and nesting birds.
- Protect terrestrial and aquatic habitat for all species of conservation concern that have potential to be found on site.

Thank you for your consideration of these factors. If you have any questions regarding these comments, please feel free to contact me at 626-815-1019 x103 or at jtsong@wca.ca.gov.

Sincerely

DocuSigned by:



Jane Tsong
DF3367DFC34D4F0...
Project Manager

Watershed Conservation Authority
100 N. Old San Gabriel Canyon Road
Azusa CA 91702