

FINAL | OCTOBER 2025
ENVIRONMENTAL IMPACT REPORT
SCH No. 2022110184



THE BROOKSIDE PROJECT

LEAD AGENCY:

City of Walnut
21201 La Puente Road
Walnut, California 91789
Contact: Joelle Guerra
Planning and Code Enforcement Manager
909.348.0738

PREPARED BY:

VCS Environmental
30900 Rancho Viejo Road, Suite 100
San Juan Capistrano, California 92675
Contact: Eric Turner
Director of Environmental Services
949.489.2700



FINAL

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State Clearinghouse No. 2022110184

The Brookside Project TTM 72798



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OCTOBER 2025

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SECTION 1.0 INTRODUCTION

1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and CEQA Guidelines (California Code of Regulations Section 15000 et seq.).

According to the CEQA Guidelines, Section 15132 (Contents of Final Environmental Impact Report), the FEIR shall consist of:

- a. The Draft Environmental Impact Report (DEIR) or a revision of the draft.
- b. Comments and recommendations received on the DEIR either verbatim or in summary.
- c. A list of persons, organizations, and public agencies comments on the DEIR.
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e. Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for The Brookside Project (State Clearinghouse Number [SCH No.] 2022110184) during the public review period, which began July 8, 2025 and closed August 25, 2025. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

The DEIR for the proposed The Brookside Project (herein referenced as the Project) was distributed to responsible and trustee agencies, interested groups, and organizations. The DEIR was made available for public review and comment for a period of 45 days. The public review period for the DEIR established by the CEQA Guidelines commenced on July 8, 2025 and ended August 25, 2025.

1.2 FORMAT OF THE FINAL EIR

The FEIR is organized into the following sections:

- **Section 1.0, Introduction:** Provides CEQA compliance information.
- **Section 2.0, Response to Comments:** This section includes a list of all correspondence submitted to the City of Walnut on the DEIR, each identified by a letter for later reference, together with the authors and the dates the letters were issued. Following this list, all of the letters are presented, with numbered brackets to highlight specific comments that are responded to in the next section.
- **Section 3.0, Errata:** This section identifies revisions to the DEIR to incorporate clarifications developed in response to comments on the DEIR. Additions to the text are underlined and deletions have been stricken through. None of the changes presented in the Errata present new information that would result in significant changes that either changes the conclusions of the analysis presented in the DEIR or is regarded as significant new information that would result in recirculation of the DEIR pursuant to Section 15088.5(b) (Recirculation of an EIR Prior to Certification) of the CEQA Guidelines.

- **Section 4.0, Mitigation Monitoring and Reporting Program:** This section ensures that the mitigation measures identified in the DEIR for the proposed Project are implemented.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) (Focus of Review) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible.... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204(c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204(d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204(e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5 (Proposed Response to Public Agency Comments Received by Lead Agency; Notice to Agency Commenting on Negative Declaration; Untimely Comments), copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report.

The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

SECTION 2.0 RESPONSE TO COMMENTS

Section 15088 (Evaluation of and Response to Comments) of the CEQA Guidelines requires the Lead Agency (City of Walnut) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Draft Environmental Impact Report (DEIR) and prepare written responses.

This section provides all written responses received on the DEIR and the City's responses to each comment.

Comment letters are assigned a reference number and specific comments are each assigned a reference number. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions in Section 3.0, *Errata*, of this Final Environmental Impact Report (FEIR).

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

Reference Number	Date of Comment	Commenting Agency/Person
1	7/13/2025	Ryan WH
2	7/21/2025	Gabrieleño Band of Mission Indians - Kizh Nation
3	8/4/2025	Los Angeles County Sanitation Districts
4a & 4b	8/13/2025 & 8/19/2025	Wayne Breitreutz
5a & 5b	8/15/2025 & 8/27/2025	Donna Daigle
6	8/18/2025	Walnut Valley Water District
7	8/19/2025	Vijay Vakil, Wendy Toy, Charles Isaac, William Harrison
8	8/19/2025	Jiayi Li
9	8/20/2025	California Department of Fish and Wildlife – South Coast Region
10	8/20/2025	Kenneth Hoard
11	8/20/2025	Rebecca Esparza
12	8/24/2025	Marilyn Caldwell, et al.
13	8/24/2025	Gladys Grapes
14	8/24/2025	Becki King
15	8/25/2025	Maria Vargas
16	8/25/2025	Diana Dai

COMMENT LETTER NO. 1

From: Ryan WH [REDACTED]
Sent: Sunday, July 13, 2025 8:41 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: Brookside Public Comment

My name is Ryan, I'm 18 years old, and I've walked and ran through the nature area you are attempting to get rid of numerous times to enjoy it, not survey it.

The current development plan for "The Brookside Project" is an egregious attack against Walnut's delicate culture and ecosystem. The Equestrian Center, and the surrounding wilderness is integral to Walnut's cultural background, and getting rid of that would be making Walnut just another suburb-bloated town in California. The equestrian trails are, to me, what makes Walnut special; one of the few defining traits of the city that says "Yes! You are in Walnut", and trying to get rid of the trail's hub will strip an integral part of Walnut's personality. This project is like trying to develop over Lemon Creek Park, and the William Rowland Ranch House.

Very few other cities in SoCal have spaces like this that allow nature to stay in place, unaffected. In California, where we are trying to be more sustainable, attempting to develop the sparse remaining natural areas goes completely against that mission. We need to be looking at the land that we already have used, and try to build it more efficiently, or re-wild it altogether. Conservation isn't done by adding a few more single-family homes (that sell for increasingly absurd amounts of money).

The creek aids the struggling population of wildlife in our local area. This space is their habitat. It allows these species a space to get away from people. Getting rid of this space would force coyotes, rabbits, snakes, birds, bugs, and other creatures to roam our streets because they have nowhere else to go. The creek also allows people to get away from people too. I've used the area as a walk and destination to clear my head after a stressful day, or use it as a morning walk. And I'm sure I'm not alone. I've seen many other people walking those trails, and I've taken pictures of the area that make the people I know interested in exploring there too.

The city only just developed the hill east of the Police Station, and sure, maybe it was just a hill, but this time the area you want has historical value. Just because the city sees the Equestrian Center and surrounding natural area as not having numerical value, doesn't mean it needs to be developed. That ecosystem, that hub, that historical piece, that area holds natural, psychological, and cultural value.

We don't have very many natural areas and parks left here. Please, don't get rid of this one.

1-1

1-2

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Response No. 1

Ryan WH
Resident
July 13, 2025

Comment 1-1: Commenter Ryan (age 18) states he has walked and run through the nature area multiple times for enjoyment, not to survey it. He refers to the project as “attempting to get rid of” the nature area.

Response: This comment appears to mischaracterize the existing conditions of the Project Site and what is proposed regarding natural areas and open space preservation. The existing Project Site consists of private property, zoned for residential development. The Project Site is not a public park or designated nature area. DEIR Section 3.0, *Project Description* (page 3-1) demonstrates that the Project would preserve approximately 12.2 acres (47.2%) of the 25.84-acre Project Site as open space (page 3-1). This includes preservation of approximately 9.5 acres of open space proposed along Lemon Creek and its riparian channel, which traverses the Project Site from northeast to southwest (page 3-3). The Project would also implement a comprehensive Tree Preservation/Replacement Plan (pages 3-16 through 3-19) that would remove invasive species and result in a net increase of 60 trees onsite and increase total tree canopy coverage from 46.4% to 51.1% (page 3-16). Additionally, the Project proposes to construct a new multiuse public trail that would be open to the public and connect to existing offsite trails (page 3-12), providing enhanced and officially designated recreational access compared to current conditions. The trail would generally run parallel to Lemon Creek and would be dedicated to the City of Walnut for public use (page 3-12). This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR’s environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 1-2: Commenter states the development plan for “The Brookside Project” is an “egregious attack against Walnut’s delicate culture and ecosystem.” They assert that the Equestrian Center and surrounding wilderness are integral to Walnut’s cultural background, and that removing them would make Walnut “just another suburb-bloated town in California.”

Response: In terms of potential impacts to “culture” or cultural resources, which were analyzed in the DEIR Section 5.5, *Cultural Resources*, the Project was determined not to have significant impacts under CEQA from a local perspective because the property no longer maintains “the appearance, configuration and features, and environmental setting that existed in the historic period” (page 5.5-17). Additionally, the Project Site has not functioned as an active equestrian center since 2014, when operations ceased, and the facilities have been vacant for over a decade (DEIR Section 3.1, *Project Overview*, page 3-1). The Project would provide enhanced public access through a new multi-use-trail system dedicated to the City (DEIR Section 3.4, *Project Characteristics*, page 3-12). The Project is consistent with the site’s existing Very Low Density Residential General Plan designation and zoning, with a density of 1.04 units per acre that is below the General Plan maximum of 2.0 dwelling units per acre (DEIR Section 3.4, *Project Characteristics*, page 3-7).

In terms of potential impacts to the “ecosystem” or biological resources, which were analyzed in DEIR Section 5.4, *Biological Resources*, the Project Site contains existing infrastructure and disturbed/developed habitat including stables, covered stalls, corrals, storage sheds, arenas, unimproved roads, irrigation systems, storm drains, culverts, and utility lines (DEIR Section 3.3, *Environmental Setting*, page 3-2). The Project would preserve approximately 12.2 acres (47.2%) of the Project Site as dedicated open space, including approximately 9.5 acres of open space proposed along the Lemon Creek riparian channel (DEIR

Section 3.1, page 3-1). The Project includes a Tree Preservation/Replacement Plan that would result in removal of invasive species, a net increase of 60 trees, and would increase the tree canopy coverage from 46.4% to 51.1% (DEIR Section 3.4, *Project Characteristics*, pages 3-16 through 3-19).

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 1-3: Commenter states the equestrian trails are what makes Walnut special and are “one of the few defining traits of the city that says ‘Yes! You are in Walnut.’” They believe removing the trail’s hub will strip an integral part of Walnut’s personality. The commenter compares this project to developing Lemon Creek Park and the William Rowland Ranch House.

Response: The commenter expresses concerns about the loss of equestrian character in Walnut; however, this comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. As noted in previous responses, the Brookside Equestrian Center ceased operations in 2014, and the facilities have been vacant for over a decade (DEIR Section 3.1, page 3-1). The Project Site consists of private property that has not been accessible for public equestrian use. The Project would enhance trail connectivity by constructing a new multiuse public trail system that would connect to existing offsite trails and be dedicated to and maintained by the City of Walnut for permanent public use (DEIR Section 3.4, *Project Characteristics*, page 3-12). This trail system would provide officially designated public access, which does not currently exist on the Project Site. Potential impacts to community character were analyzed in Section 5.1, *Aesthetics*, of the DEIR. No further response or action is required under CEQA.

Comment 1-4: Commenter states very few other cities in Southern California have spaces that allow nature to stay in place unaffected. They argue that in California, where there are efforts to be more sustainable, attempting to develop the sparse remaining natural areas goes against that mission. The commenter suggests looking at already used land to build more efficiently or re-wild it altogether, stating that conservation isn’t achieved by adding more single-family homes that sell for “increasingly absurd amounts of money.”

Response: The commenter expresses concerns about development of natural areas and advocates for conservation and sustainable development practices. However, this comment appears to mischaracterize the Project Site's current condition and the nature of the proposed development. The Project Site is not an undeveloped natural area but rather a previously developed site that was occupied by the Brookside Equestrian Center until 2014 (DEIR Section 3.1, *Project Overview*, page 3-1). The site contains existing infrastructure including stables, covered stalls, corrals, storage sheds, arenas, unimproved roads, irrigation systems, storm drains, culverts, and utility lines (DEIR Section 3.3, *Environmental Setting*, page 3-2). The biological analysis found that much of the site is characterized by disturbed/developed areas and vegetation heavily impacted by non-native and invasive plant species (DEIR Section 5.4.2, *Environmental Setting*, page 5.4-2). The Project Site has been designated for residential development under the City's General Plan Very Low-Density Residential land use designation and is zoned for such development. In addition, the Project would preserve approximately 12.2 acres (47.2%) of the Project Site as dedicated open space, including approximately 9.5 acres of open space proposed along the Lemon Creek riparian channel (DEIR Section 3.1, page 3-1). The commenter's policy preferences regarding housing types, pricing, or alternative development strategies are outside the scope of CEQA environmental impact analysis. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 1-5: Commenter states the creek aids the struggling population of wildlife in the local area and serves as their habitat, allowing these species a space to get away from people. They assert that getting rid of this space would force coyotes, rabbits, snakes, birds, bugs, and other creatures to roam the streets because they have nowhere else to go.

Response: The commenter expresses concerns about wildlife habitat impacts from the Project. However, this comment mischaracterizes both the Project's design and its potential impacts on wildlife. The Project would preserve approximately 12.2 acres (47.2%) of the Project Site as dedicated open space, with the majority of this preservation (approximately 9.5 acres) focused on Lemon Creek and its associated riparian channel (DEIR Section 3.1, *Project Overview*, page 3-1). The biological analysis found that areas within the Project Site with the greatest habitat value are situated along the Lemon Creek channel, which would be preserved and maintained under the Project (DEIR Section 5.4.2, *Environmental Setting*, page 5.4-7). The DEIR's biological analysis comprehensively evaluated wildlife species observed on the Project Site, including mammals, birds, reptiles, and invertebrates (DEIR Section 5.4.2, *Environmental Setting*, page 5.4-5). The analysis found that while the Project Site may serve a limited function in local wildlife dispersal and foraging, it does not function as a regional wildlife movement corridor due to surrounding urban development. The Project's preservation of the creek corridor and implementation of mitigation measures would maintain the site's role in local wildlife movement (DEIR Section 5.4.5, *Environmental Impact Analysis*, Impact BIO-4, page 5.4-24). Additionally, the Project includes enhancement measures such as replacing 430 non-native and invasive plant species with 520 native trees, which would improve habitat quality compared to existing conditions where invasive species impair biological function (DEIR 5.4.5, *Environmental Impact Analysis*, Impact BIO-5, page 5.4-25). Wildlife impacts are thoroughly analyzed in DEIR Section 5.4.5, *Environmental Impact Analysis*, with appropriate mitigation measures provided. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 1-6: Commenter states the creek also allows people to get away from people. They have used the area for walks to clear their head after stressful days and for morning walks. The commenter believes they are not alone in this use, having seen many other people walking the trails, and has taken pictures of the area that make people they know interested in exploring there too.

Response: The commenter describes recreational use of the Project Site for walking and exploring; however, the Project Site consists of private property without established public access rights (DEIR Section 5.4.2, *Environmental Setting*, page 5.4-1). The site was previously operated as the Brookside Equestrian Center, which ceased operations in 2014 with all facilities subsequently vacated and closed. The Project would enhance public recreational access by constructing a new officially designated multiuse public trail that would be dedicated to the City of Walnut for permanent public use and connect to existing offsite trails (DEIR Section 3.4, *Project Characteristics*, page 3-13). This formalized trail system would provide legal recreational access that does not currently exist on the private property. The Project would preserve approximately 12.2 acres (47.2%) of the Project Site as open space, maintaining natural landscape elements while providing legal public access through the dedicated trail system (DEIR Section 3.1, *Project Overview*, page 3-1). This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 1-7: Commenter notes the city only recently developed the hill east of the Police Station, acknowledging it was "just a hill," but states this time the area has historical value. They argue that just because the city sees the Equestrian Center and surrounding natural area as not having numerical value doesn't mean it needs to be developed. The commenter

asserts the ecosystem, hub, historical piece, and area holds “natural, psychological, and cultural value.”

Response: The commenter expresses concerns about the historical and cultural value of the Project Site. CEQA requires analysis of potential impacts to historical resources, which is provided in DEIR Section 5.5, *Cultural Resources*. A detailed historical evaluation conducted by qualified professionals determined that the Brookside Equestrian Center is not eligible for listing on the National Register of Historic Places, California Register of Historical Resources, or Local Register under any applicable criteria (DEIR Section 5.5.5, *Environmental Impact Analysis*, pages 5.5-14 through 5.5-18). The analysis found that the remaining 1938-era structures have been significantly altered and do not represent a significant contribution to local history or embody distinctive architectural characteristics. Regarding ecosystem value, the DEIR analyzes biological resources in Section 5.4, *Biological Resources*, demonstrating that the Project would preserve 47.2% of the site as open space and enhance habitat quality by removing invasive species and replanting with native vegetation. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR’s environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 1-8: Commenter states “We don’t have very many natural areas and parks left here. Please, don’t get rid of this one.”

Response: This comment raises similar issues to those addressed in Responses to Comments 1-1, 1-4, and 1-6 regarding the characterization of the Project Site as a public natural area and the Project’s impacts on natural resources. As detailed in those responses, the Project Site consists of private property without established public access rights. The Project would preserve 47.2% of the site as dedicated open space and enhance habitat quality through native species restoration while providing legal public access through a dedicated trail system. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR’s environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 2

From: Gabrieleno Administration <admin@gabrielenoindians.org>
Sent: Monday, July 21, 2025 4:35 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: Re: The Brookside Residential Project

Hello Joelle

We thank you for providing the link. We have a minor edit to the measures. Please note that Tribal Cultural Resources must be treated as a distinct element under CEQA and AB 52, separate from archaeological, paleontological, and biological resources. To fulfill these legal requirements, it is essential that Tribes be recognized as the subject-matter experts regarding their own cultural resources within their ancestral and geographic territories. We ask that you please keep Archeologists separate from Tribal cultural resources.

2-1

Best regards,
Brandy Salas

Tribal Administrative Coordinator
Gabrieleño Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



The region where Gabrieleño culture thrived for more than twelve thousand years encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing herds of livestock. The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area. That's a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived.

Response No. 2

Brandy Salas, Tribal Administrative Coordinator
Gabrieleño Band of Mission Indians - Kizh Nation
July 21, 2025

Comment 2-1: Commenter thanks for providing the link and requests a minor edit to the measures. They note that Tribal Cultural Resources must be treated as a distinct element under CEQA and AB 52, separate from archaeological, paleontological, and biological resources. They state that to fulfill legal requirements, Tribes must be recognized as subject-matter experts regarding their own cultural resources within their ancestral and geographic territories. The commenter asks that Archaeologists be kept separate from Tribal cultural resources.

Response: The comment is acknowledged and the City appreciates the commenter's input regarding the distinction between archaeological and tribal cultural resources under CEQA and AB 52. The DEIR already maintains the requested separation between archaeological and tribal cultural resources through distinct sections and mitigation measures:

- Archaeological Resources (Section 5.5, *Cultural Resources*): Managed by qualified archaeologists through Mitigation Measures CR-1 through CR-7, which require archaeological monitoring and standard archaeological protocols (pages 5.5-20 to 5.5-22).
- Tribal Cultural Resources (Section 5.18, *Tribal Cultural Resources*): Managed by tribal representatives through Mitigation Measures TCR-1 through TCR-3, which require Native American monitors "from or approved by the Gabrieleño Band of Mission Indians - Kizh Nation" with tribal authority over any discovered tribal cultural resources (pages 5.18-7 to 5.18-9).

Mitigation Measure TCR-2 establishes clear tribal authority by stating that the Tribe "will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion" (page 5.18-8). This structure recognizes tribes as subject-matter experts regarding tribal cultural resources within their ancestral territories, as required by AB 52. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 3



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

August 4, 2025

Ref. DOC 7540625

VIA EMAIL jguerra@ci.walnut.ca.us

Ms. Joelle Guerra, Deputy Director of Community Development
City of Walnut
PO Box 682
Walnut, CA 91789

Dear Ms. Guerra:

Second Response to The Brookside Project

The Los Angeles County Sanitation Districts (Districts) received a Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the subject project on July 10, 2025. Previous comments submitted by the Districts in correspondence dated December 12, 2022 (copy enclosed), still apply to the subject project with the following updated information:

1. **Section 5.19 Utilities and Service Systems, Wastewater Service Subsection**, page 5.19-15: the subsection stated that “the wastewater flow originating from the Project would discharge to a local sewer line, located in Lemon Avenue at Valley Boulevard.” As indicated in the correspondence dated December 12, 2022, 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.
2. The expected increase in average wastewater flow from the project (Alternative 3), described in the NOA as 34 single family homes, is 8,840 gallons per day, after all structures on the project site are demolished.
3. The San Jose Creek Water Reclamation Plant has a capacity of 100 million gallons per day (mgd) and currently processes an average recycled flow of 62.6 mgd.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2742, or phorsley@lacsd.org.

Very truly yours,

Patricia Horsley

Patricia Horsley
Environmental Planner
Facilities Planning Department

PLH:plh

Enclosure

DOC 7557797.D21



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

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:

3-5

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.

3-6

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.

3-7

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.

3-8

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.

3-9

DOC 6779236.D21

Ms. Joelle Guerra

2

December 12, 2022

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.

3-10

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

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

MNH:mnh

DOC 6779236.D21

Response No. 3

Mandy Huffman, Environmental Planner – Facilities Planning Department
Los Angeles County Sanitation Districts
August 4, 2025

Comment 3-1: The Los Angeles County Sanitation Districts (Districts) received a Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the subject project on July 10, 2025. They state that previous comments submitted by the Districts in correspondence dated December 12, 2022 (copy enclosed), still apply to the subject project with updated information following.

Response: The City appreciates the Los Angeles County Sanitation Districts' (Districts) review of the DEIR and their reference to previous correspondence dated December 12, 2022. The DEIR addresses wastewater service in Section 5.19, *Utilities and Service Systems*. As documented in Section 5.19.2, *Environmental Setting*, the Districts provided correspondence in September 2022 indicating that wastewater flow from the Project would discharge to a local sewer line with capacity of 7.8 million gallons per day, and would be treated at the San Jose Creek Water Reclamation Plant with capacity of 100 million gallons per day. The Project is expected to generate approximately 7,020 gallons per day of wastewater flow, and the Districts issued a "Will Serve" letter in September 2022 indicating adequate wastewater service would be available (DEIR Section 5.19.5, *Environmental Impact Analysis*, Impact USS-3, page 5.19-17).

The DEIR's analysis in Impact USS-3 (page 5.19-17) concludes that the wastewater treatment provider has adequate capacity to serve the Project's projected demand in addition to existing commitments, resulting in less than significant impacts. The commenter indicates that previous comments still apply with updated information to follow. The City looks forward to reviewing any additional specific comments or updated information the Districts may provide regarding the Project's potential impacts on wastewater infrastructure and treatment capacity.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 3-2: Section 5.19 Utilities and Service Systems, Wastewater Service Subsection, page 5.19-15: the subsection stated that "the wastewater flow originating from the Project would discharge to a local sewer line, located in Lemon Avenue at Valley Boulevard," As indicated in the correspondence dated December 12, 2022, 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.

Response: The Districts have provided a technical clarification regarding the wastewater conveyance system described in DEIR Section 5.19.2, *Environmental Setting*. The DEIR will be revised to clarify that wastewater flow from the Project would be discharged to a local sewer line (not maintained by the Districts) for conveyance to the Districts' Lemon Avenue Trunk Sewer, located in Lemon Avenue at Valley Boulevard.

DEIR Page 5.19-15, will be revised as follows:

WASTEWATER SERVICE

The Los Angeles County Sanitation District (LACSD) would provide wastewater service to the Project. According to correspondence with the LACSD (2022), the wastewater flow originating from the Project would discharge to a local sewer line (not maintained by the Districts) for conveyance to the Districts' Lemon Avenue Trunk Sewer, located in Lemon Avenue at Valley Boulevard, which has a capacity of 7.8 million gallons per day (mgd). The Project's wastewater would be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry, which has a capacity of 100 mgd. The proposed Project is expected to increase an average wastewater flow of 7,020 gallons per day. Construction connections to offsite wastewater service systems would involve excavation and minor trenching. Potential impacts would be short-term and construction BMPs would be in place to minimize construction-related impacts. The construction of the sewer utility service systems would be coordinated with the City of Walnut to ensure that wastewater service systems comply with construction standards and that adverse impacts to the environment are avoided. Therefore, less than significant impacts associated with wastewater service would occur, and no mitigation is required.

DEIR Page 5.19-17, under IMPACT USS-3, will be revised as follows:

Los Angeles County Sanitation District (LACSD) facilities provide sewer system services to the City of Walnut. According to correspondence with LACSD (2022), the wastewater flow originating from the Project would discharge to a local sewer line (not maintained by the Districts) for conveyance to the Districts' Lemon Avenue Trunk Sewer, located in Lemon Avenue at Valley Boulevard, which has a capacity of 7.8 million gallons per day (mgd). The Project's wastewater would be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry, which has a capacity of 100 mgd. The Project is expected to increase an average wastewater flow of 7,020 gallons per day. The Project's addition of 27 residential homes and the average additional 7,020 gallons per day of wastewater is not expected to notably impact LACSD's service capabilities. In September 2022, LACSD issued a "Will Serve" letter for the proposed Project, indicating adequate wastewater service would be available. Potential impacts associated with wastewater treatment and facilities would be less than significant, and no mitigation is required.

This technical correction does not affect the impact analysis or conclusions regarding wastewater service capacity, and the impact determination remains less than significant. No further response or action is required under CEQA.

Comment 3-3: Commenter states that the expected increase in average wastewater flow from the project (Alternative 3), described in the NOA as 34 single family homes, is 8,840 gallons per day, after all structures on the project site are demolished.

Response: The Districts have identified a discrepancy between the wastewater flow projections for the proposed Project versus Alternative 3 described in the Notice of Availability. The DEIR analyzes the proposed Project as 27 single-family homes, which is projected to generate 7,020 gallons per day of wastewater flow (DEIR Section 5.19.5, Impact USS-3, page 5.19-17). The commenter references Alternative 3, which involves 34 single-family homes and would generate 8,840 gallons per day of wastewater flow after demolition of existing structures.

For clarification, the environmental analysis in Section 5.19, *Utilities and Service Systems*, focuses on the proposed Project (27 units generating 7,020 gallons per day). Alternative 3 (RPD Zoning, 34 Units, No Bridge) is analyzed in Section 6.0, *Alternatives Analysis*, of the DEIR. The wastewater generation estimates provided by the Districts for Alternative 3 (8,840 gallons per day for 34 units) are noted and are

incorporated into the alternatives analysis. DEIR Page 6-19, Section 6.10.19, *Utilities and Service Systems*, will be revised as follows:

6.10.19 UTILITIES AND SERVICE SYSTEMS

Alternative 3 would involve the construction of seven more residential units than the proposed Project (34 units total) and would therefore generate approximately 8,840 gallons per day of wastewater flow after demolition of existing structures, compared to 7,020 gallons per day for the proposed Project's 27 units~~have a nominally greater demand for utilities and service systems~~. Proposed Project mitigation required under USS-1 and USS-2 would be the same for Alternative 3. Potential impacts would also be less than significant with mitigation incorporated.

The correction maintains the same impact conclusion (less than significant with mitigation incorporated) since both flow rates represent a small fraction of the available treatment capacity. No further response or action is required under CEQA.

Comment 3-4: Commenter states that the San Jose Creek Water Reclamation Plant has a capacity of 100 million gallons per day (mgd) and currently processes an average recycled flow of 62.6 mgd. They provide contact information at (562) 908-4288, extension 2742, or phorsley@lacsds.org for any questions.

Response: The Districts have provided updated operational information about the San Jose Creek Water Reclamation Plant, clarifying that while the plant has a design capacity of 100 million gallons per day (mgd), it currently processes an average recycled flow of 62.6 mgd. This additional information further supports the DEIR's conclusion that adequate wastewater treatment capacity exists to serve the Project. As analyzed in Section 5.19.5, Impact USS-3 (page 5.19-17), the proposed Project would generate approximately 7,020 gallons per day of wastewater flow, which represents a negligible fraction of both the plant's total design capacity (100 mgd) and its current processing capacity (62.6 mgd).

DEIR Page 5.19-17, under IMPACT USS-3, will be revised as follows:

Los Angeles County Sanitation District (LACSD) facilities provide sewer system services to the City of Walnut. According to correspondence with LACSD (2022), the wastewater flow originating from the Project would discharge to a local sewer line (not maintained by the Districts) for conveyance to the Districts' Lemon Avenue Trunk Sewer, located in Lemon Avenue at Valley Boulevard, which has a capacity of 7.8 million gallons per day (mgd). The Project's wastewater would be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average recycled flow of 62.6 mgd. The Project is expected to increase an average wastewater flow of 7,020 gallons per day. The Project's addition of 27 residential homes and the average additional 7,020 gallons per day of wastewater is not expected to notably impact LACSD's service capabilities. In September 2022, LACSD issued a "Will Serve" letter for the proposed Project, indicating adequate wastewater service would be available. Potential impacts associated with wastewater treatment and facilities would be less than significant, and no mitigation is required.

The operational capacity information provided does not change the environmental impact analysis or conclusions regarding wastewater treatment capacity. The impact determination remains less than significant, as the Project's wastewater generation represents less than 0.01% of the plant's design capacity and current processing levels.

The City appreciates the Districts providing their contact information (562) 908-4288, extension 2742, or phorsley@lacsdsd.org for any additional coordination that may be needed regarding wastewater service for the Project.

This comment provides helpful operational context but does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 3-5: 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. They state the proposed project is located within the jurisdictional boundaries of District No. 21 and offer comments regarding sewerage service.

Response: Comment noted. This comment was previously received during the Notice of Preparation process and is addressed in DEIR Section 2.0, *Introduction*, Table 2-1 (page 2-6), which summarizes NOP comments and identifies where issues are addressed in the DEIR. As indicated in Table 2-1, wastewater service issues are analyzed in Section 5.19, *Utilities and Service Systems*. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 3-6: Commenter states that wastewater flow from the proposed project will discharge to a local sewer line, not maintained by the Districts, for conveyance to the Districts' Lemon Avenue Trunk Sewer located in Lemon Avenue at Valley Boulevard. They note 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.

Response: Comment noted. This comment was previously received during the Notice of Preparation process and is addressed in DEIR Section 2.0, *Introduction*, Table 2-1 (page 2-6), which summarizes NOP comments and identifies where issues are addressed in the DEIR. As indicated in Table 2-1, wastewater service issues are analyzed in Section 5.19, *Utilities and Service Systems*. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 3-7: Commenter states that 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. They note that 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.

Response: Comment noted. This comment was previously received during the Notice of Preparation process and is addressed in DEIR Section 2.0, *Introduction*, Table 2-1 (page 2-6), which summarizes NOP comments and identifies where issues are addressed in the DEIR. As indicated in Table 2-1, wastewater service issues are analyzed in Section 5.19, *Utilities and Service Systems*. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 3-8: Commenter states that 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. They provide information that the Districts' average wastewater generation factors can be found at www.lacsdsd.org, under Services,

then Wastewater Program and Permits, selecting Will Serve Program, and clicking on the Table 1, Loadings for Each Class of Land Use link.

Response: Comment noted. This comment was previously received during the Notice of Preparation process and is addressed in DEIR Section 2.0, *Introduction*, Table 2-1 (page 2-6), which summarizes NOP comments and identifies where issues are addressed in the DEIR. As indicated in Table 2-1, wastewater service issues are analyzed in Section 5.19, *Utilities and Service Systems*. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 3-9: Commenter states the Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. They note this connection fee is used for capital facilities and payment may be required before the project is permitted to discharge to the Districts' Sewerage System. The commenter provides information that gives more details and provides the Connection Fee Information Sheet can be found at www.lacsd.org under Services, then Wastewater (Sewage), selecting Rates & Fees. They state the Districts will determine the user category that best represents the actual or anticipated use of the parcel(s) in determining impact and applicable connection fees. For specific information regarding connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

Response: Comment noted. This comment was previously received during the Notice of Preparation process and is addressed in DEIR Section 2.0, *Introduction*, Table 2-1 (page 2-6), which summarizes NOP comments and identifies where issues are addressed in the DEIR. As indicated in Table 2-1, wastewater service issues are analyzed in Section 5.19, *Utilities and Service Systems*. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 3-10: Commenter states that to conform to Federal Clean Air Act (CAA) requirements, the Districts' wastewater treatment facilities capacities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). They note that specific policies included in the SCAG regional growth forecast development are incorporated into clean air plans prepared by the South Coast and Antelope Valley Air Quality Management Districts to improve air quality as mandated by the CAA. The commenter explains that all Districts' facility expansions must be sized and service phased consistently with the SCAG regional growth forecast for Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial counties. They state that available treatment facility capacity will be limited to levels associated with SCAG-approved growth, and that this letter does not constitute a guarantee of wastewater service but advises the developer that the Districts intend to provide service up to legally permitted levels and informs of currently existing capacity and any proposed facility expansions.

Response: Comment noted. This comment was previously received during the Notice of Preparation process and is addressed in DEIR Section 2.0, *Introduction*, Table 2-1 (page 2-6), which summarizes NOP comments and identifies where issues are addressed in the DEIR. As indicated in Table 2-1, wastewater service issues are analyzed in Section 5.19, *Utilities and Service Systems*. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 4A

From: WAYNE BREITKREUTZ [REDACTED]
Sent: Wednesday, August 13, 2025 2:51 AM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Cc: Karen Breitkreutz [REDACTED]; H&W Toy [REDACTED]; wayne Breitkreutz [REDACTED]; [REDACTED]
Subject: Brookside Public Comment

Walnut Draft EIR for Brookside Project Comments

The Brookside property is zoned for about 12 to 14 homes if homes are approved to be built. More homes as proposed by the owner will destroy Brookside's existing historical structures and overdevelopment will impact the Walnut Creek affecting public access that walkers have enjoyed over so many years. This is the last natural gem left in our city. The prior owners of Brookside always welcomed walkers through their property along Walnut Creek.

4A-1

4A-2

Will the trails be private?

4A-3

Will the creek go under a bridge to connect the public trail?

4A-4

The Fire Station next to the Brookside homes will generate never ending complaints from those home owners due to the 24 / 7 day and night sirens. Less homes will have fewer complaints.

4A-5

Will a national home development company be used building common style homes where you always first see one or two big garage doors viewing the front of the home?

Will any or all the homes be custom homes?

4A-6

Will the homes be 5,000+ sq ft, so I've heard?

Will a number of individual home owners own Lemon Creek in segments?

Will diverting any portion of Lemon Creek into a private Koi pond be permitted by home owners?

4A-7

I see many problems if several home owners own Lemon Creek.

4A-8

How will Lemon Creek be protected by city laws from home owners poison, contamination, etc.

4A-9

Lemon Creek within the Brookside development should be protected by the city of Walnut.

4A-10

Will the Brookside developer correct the flood problems on the property and down stream?

4A-11

Response No. 4A

Wayne Breitzkreutz
Resident
August 13, 2025

Comment 4A-1: Commenter states the Brookside property is zoned for about 12 to 14 homes if homes are approved to be built.

Response: This comment appears to mischaracterize the Project Site's zoning and development potential. The Project Site is zoned RPD (28,500) -- 1.3 DU, which allows development under two scenarios: (1) conventional R-1 development with a minimum lot size of 28,500 square feet, or (2) residential planned development with a maximum density of 1.3 dwelling units per acre through a Conditional Use Permit (DEIR Section 3.3, *Environmental Setting*, pages 3-6 through 3-7).

Under the R-1 scenario with 28,500 square foot minimum lots, the 25.84-acre Project Site could accommodate significantly more than 12-14 homes. The proposed Project utilizes the R-1 option and proposes 27 homes with lot sizes meeting the 28,500 square foot minimum requirement, resulting in a density of 1.04 units per acre, which is well below the General Plan's maximum allowed density of 2.0 dwelling units per acre (DEIR Section 3.4, *Project Characteristics*, page 3-7).

Alternative 3, analyzed in Section 6.0, *Alternatives Analysis*, of the DEIR, demonstrates that under the RPD scenario, up to 34 units could be developed at the maximum allowable density of 1.3 units per acre (DEIR Section 6.10, *Alternative 3: PPD Zoning, 34 Units, No Bridge*, page 6-13).

The commenter's statement that the property is zoned for only 12-14 homes does not accurately reflect the development potential under the current zoning designation. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-2: Commenter states that more homes as proposed by the owner will destroy Brookside's existing historical structures and overdevelopment will impact the Walnut Creek, affecting public access that walkers have enjoyed over many years. They describe this as "the last natural gem left in our city" and note that prior owners of Brookside always welcomed walkers through their property along Walnut Creek.

Response: This comment raises several issues that are addressed in the DEIR analysis.

Regarding historical structures, the DEIR includes a comprehensive analysis of cultural and historical resources in Section 5.5, *Cultural Resources*. A detailed historical evaluation conducted by qualified professionals determined that the existing Brookside Equestrian Center structures are not eligible for listing on the National Register of Historic Places, California Register of Historical Resources, or Local Register under any applicable criteria (DEIR Section 5.5.5, *Environmental Impact Analysis*, pages 5.5-14 through 5.5-18). The analysis found that the remaining structures have been significantly altered and do not represent a significant contribution to local history.

Regarding Lemon Creek (the commenter refers to "Walnut Creek"), the Project would preserve approximately 12.2 acres (47.2%) of the Project Site as dedicated open space, including approximately 9.5 acres along Lemon Creek and its riparian channel (DEIR Section 3.1, *Project Overview*, page 3-1). The Project includes measures to enhance creek health through removal of invasive species and restoration activities (DEIR Section 5.4.5, *Environmental Impact Analysis*, pages 5.4-16 through 5.4-26).

Regarding public access, the Project Site consists of private property without established public access rights. The Project would provide public access by constructing a new multiuse public trail system that would be dedicated to the City of Walnut for permanent public use and connect to existing offsite trails (DEIR Section 3.4, *Project Characteristics*, page 3-12).

The Project's impacts on biological resources, including the creek environment, are comprehensively analyzed in DEIR Section 5.4, *Biological Resources*, with appropriate mitigation measures identified where necessary.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-3: Commenter asks if the trails will be private.

Response: The trails proposed by the Project would be public, not private. As described in DEIR Section 3.4, *Project Characteristics* (page 3-12), the Project proposes to construct a new multiuse trail system that would be open to the public and would connect to existing offsite trails. The proposed trail system would be designed and constructed to City standards and offered for dedication to the City of Walnut. The trail would be maintained and operated by the City as a public facility. The Project Site currently consists of private property without established public access rights. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-4: Commenter asks if the creek will go under a bridge to connect the public trail.

Response: The proposed Project includes a vehicle and pedestrian bridge over Lemon Creek with a crosswalk at the bridge providing a continuous connection along the proposed public trail system. As described in DEIR Section 3.4, *Project Characteristics* (page 3-11), the Project would construct Street B, which would terminate at a cul-de-sac and include a bridge crossing over Lemon Creek. The proposed trail system would generally parallel Lemon Creek except at two creek crossings centrally located within the Project Site, including the bridge location (DEIR Section 3.4, page 3-11).

The environmental impacts of the bridge construction are analyzed in the DEIR, particularly in Section 5.4, *Biological Resources*, and Section 5.10, *Hydrology and Water Quality*. The analysis found that with implementation of appropriate mitigation measures, impacts would be less than significant.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-5: Commenter states that the Fire Station next to the Brookside homes will generate never-ending complaints from homeowners due to the 24/7 day and night sirens. They assert that less homes will have fewer complaints.

Response: The commenter expresses concerns about potential noise complaints from future residents related to the nearby fire station. The commenter's assertion that "less homes will have fewer complaints" relates to future residents' subjective responses to existing conditions rather than environmental impacts under CEQA. CEQA requires an analysis of a project's impacts on the environment, not an analysis or speculation about the existing environment's potential impacts on a project. The compatibility of the proposed residential use is addressed in DEIR Section 5.13, *Noise*.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-6: Commenter asks if a national home development company will be used building common style homes where you always first see one or two big garage doors viewing the front of the home. They also ask if any or all the homes will be custom homes, if the homes will be 5,000+ sq ft as they have heard, and if a number of individual homeowners will own Lemon Creek in segments.

Response: These questions relate to project implementation details rather than environmental impacts under CEQA. CEQA requires analysis of a project's physical impacts on the environment, not evaluation of architectural styles, builder selection, or specific home sizes beyond what is necessary to assess environmental effects. The Project's compliance with applicable design and development standards would be reviewed through the City's Site Plan and Architectural Review process, as noted in DEIR Section 3.4 (page 3-11).

Regarding Lemon Creek ownership, as described in DEIR Section 3.4, *Project Characteristics* (page 3-12), approximately 9.5 acres of open space would be within privately owned residential lots but would be subject to recorded deed restrictions prohibiting development or use by the property owners. The new residents would not be granted water rights. These deed restrictions would be enforceable by the City to ensure protection of Lemon Creek and the public trail system.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-7: Commenter asks if diverting any portion of Lemon Creek into a private Koi pond will be permitted by homeowners.

Response: The commenter asks about diverting Lemon Creek for private use such as koi ponds. Such diversions would not be permitted under the Project design. As described in DEIR Section 3.4 (pages 3-12), open space areas containing Lemon Creek within private lots would be subject to recorded deed restrictions that specifically prohibit any use or development other than for the public trail, passive open space, and maintenance purposes. These restrictions would be enforceable by the HOA and City. Additionally, Lemon Creek is subject to regulatory oversight, including permits from the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife, as discussed in DEIR Section 5.4.3, *Regulatory Setting* (pages 5.4-9 through 5.4-11).

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-8: Commenter states they see many problems if several homeowners own Lemon Creek.

Response: As clarified in Response to Comment 4A-7, the Project includes specific legal protections to address this concern. Open space areas containing Lemon Creek within private residential lots would be subject to recorded deed restrictions that prohibit any use or development other than for the public trail, passive open space, and maintenance purposes (DEIR Section 3.4, page 3-12). These deed restrictions would be enforceable by the HOA and City in addition to future homeowners, ensuring consistent protection regardless of individual property ownership. This comment does not raise potential new

environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-9: Commenter asks how Lemon Creek will be protected by city laws from homeowners' poison, contamination, etc.

Response: The DEIR provides detailed information about the multiple layers of protection that would be in place. As described in DEIR Section 3.4 (pages 3-12), open space areas containing Lemon Creek within private lots would be subject to recorded deed restrictions that specifically prohibit any use or development other than for the public trail, passive open space, and maintenance purposes. These restrictions would be enforceable by the HOA and City.

Additionally, DEIR Section 5.10, *Hydrology and Water Quality*, analyzes water quality protection measures, including compliance with the City's Stormwater Management and Discharge Control Ordinance (Section 5.10.3, page 5.10-10) and implementation of Best Management Practices to prevent pollutants from entering Lemon Creek.

The Project would also be subject to existing federal, state, and local environmental laws that prohibit contamination of waterways, including the Clean Water Act and Porter-Cologne Water Quality Control Act, as discussed in DEIR Section 5.10.3 (pages 5.10-4 through 5.10-5).

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-10: Commenter states that Lemon Creek within the Brookside development should be protected by the city of Walnut.

Response: The DEIR demonstrates that Lemon Creek would be protected through multiple mechanisms. As described in DEIR Section 3.4 (page 3-12), the Project includes deed restrictions on open space areas containing Lemon Creek that would be enforceable by the HOA and City. Additionally, the City's existing regulatory framework provides protection through the Stormwater Management and Discharge Control Ordinance and compliance with federal and state water quality laws (DEIR Section 5.10.3, pages 5.10-10).

The Project would preserve approximately 12.2 acres (47.2%) of the Project Site as dedicated open space, including approximately 9.5 acres along Lemon Creek and its riparian channel (DEIR Section 3.1, page 3-1). The Project also includes measures to enhance creek health through removal of invasive species and implementation of Best Management Practices to prevent pollutants from entering the creek (DEIR Sections 5.4.5 and 5.10.5). In addition, and in response to comments received from CDFW, a new mitigation measure BIO-10 now requires the approximately 9.5 acres to be placed under a deed restriction, open space easement, or conservation easement (Protective Instrument) and managed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4A-11: Commenter asks if the Brookside developer will correct the flood problems on the property and downstream.

Response: The DEIR includes a comprehensive analysis of hydrology and flooding in Section 5.10, *Hydrology and Water Quality*. The analysis addresses both onsite and downstream flood conditions and demonstrates that the Project would not worsen flooding and may improve the hydrology compared to existing conditions.

As described in DEIR Section 5.10.5 (pages 5.10-13 through 5.10-24), the Project includes two water quality basins designed to manage stormwater flows and ensure that peak discharge rates do not exceed existing conditions. The analysis concluded that the Project would not result in onsite or offsite flooding and would maintain a minimum 2.5-foot freeboard between development pads and the 100-year flood elevation.

Regarding existing conditions, the DEIR notes that Culvert D is currently undersized and overtops during storm events, causing hydraulic disturbance to the creek (DEIR Section 5.10.2, page 5.10-2). The Project would remove this problematic culvert and replace it with a flow restriction that would reduce existing turbulence and improve creek stability (DEIR Section 5.10.5, pages 5.10-14 through 5.10-18).

The Project Applicant has also offered to provide the City with an improved trash rack design for the La Puente culvert, though implementation of downstream improvements would be the City's responsibility (DEIR Section 5.10.5, page 5.10-20). The La Puente culvert is not within the ownership boundary of the Project Applicant and is not a part of the Project.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 4B

From: WAYNE BREITKREUTZ [REDACTED]
Sent: Tuesday, August 19, 2025 8:32 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Cc: H&W Toy [REDACTED]
Subject: Brookside Commentary

Please add my name to the attached DEIR comments. (See below)

4B-1

Our city still has interesting birdlife even in my backyard. From time to time we get White Egrets, Blue Heron and attached is a photo of a Cooper Hawk that lands on my fence watching for lunch!

4B-2

The Brookside development to be fair should be in its own LOSMD with creek protection.

4B-3

Wayne Breitzkreutz
555 Golden Spur Circle
Walnut, CA 91789



Response No. 4B

Wayne Breitzkreutz
Resident
August 19, 2025

Comment 4B-1: Commenter requests to add their name to the attached DEIR comments and references comments below.

Response: This administrative request to add the commenter's name to the comment record is noted. All comments submitted during the public review period are included in the FEIR regardless of whether commenters specifically request to be added to any particular set of comments.

The City will review and respond to all substantive comments related to the environmental analysis in the DEIR. Any additional environmental concerns raised in the comments referred to by the commenter will be addressed in separate responses as appropriate.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4B-2: Commenter states that the city still has interesting birdlife even in its backyard. They note that from time to time they get White Egrets, Blue Heron and reference an attached photo of a Cooper Hawk that lands on their fence.

Response: The DEIR includes comprehensive analysis of wildlife resources in Section 5.4, *Biological Resources*. Cooper's Hawks are specifically discussed in the DEIR, as they were observed during biological surveys conducted for the Project (DEIR Section 5.4.5, page 5.4-17). The analysis notes that Cooper's Hawks are a Watch List species and that the pepper tree/eucalyptus woodland and sycamore willow woodlands onsite have high potential to support nesting and foraging Cooper's Hawks.

The commenter's observations support the DEIR's findings regarding local wildlife diversity. The Project would preserve approximately 12.2 acres (47.2%) of the Project Site as open space, including approximately 9.5 acres along Lemon Creek and its riparian channel, which would continue to provide habitat for birds and other wildlife (DEIR Section 3.1, *Project Overview*, page 3-1). The Project also includes a Tree Preservation/Replacement Plan that would enhance habitat quality by removing invasive species and planting 520 native trees (DEIR Section 5.4.5, page 5.4-25).

Mitigation measures in the DEIR, including protection for nesting birds (Mitigation Measure BIO-1), would ensure that construction activities do not adversely impact local bird populations.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 4B-3: Commenter states that the Brookside development to be fair should be in its own LOSMD with creek protection.

Response: The creation of special assessment districts is a policy decision for the City Council and is not an environmental impact that requires analysis under CEQA. The DEIR analyzes the environmental impacts of the Project as proposed, including comprehensive protection measures for Lemon Creek.

As described throughout the DEIR, particularly in Sections 3.4, 5.4, and 5.10, the Project includes extensive creek protection measures through deed restrictions, regulatory compliance, Best Management Practices, water quality basins, and preservation of 47.2% of the site as open space. The maintenance of creek areas and the public trail system would be addressed through the Project's design, which includes both Homeowners Association responsibilities and City oversight through deed restrictions and regulatory requirements (DEIR Section 3.4, pages 3-15 through 3-16). In addition, and in response to comments received from CDFW, a new mitigation measure BIO-10 now requires the approximately 9.5 acres to be placed under a deed restriction, open space easement, or conservation easement (Protective Instrument) and managed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 5A

From: Donna Daigle [REDACTED]
Sent: Friday, August 15, 2025 1:05 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: Draft EIR

Hello, we have spoken back when this was presented long ago, but my email and phone have changed.

I'm wondering if you can just identify any changes from the past EIR?

That would save me time!!

You can email or my phone is [REDACTED]

Donna Daigle

20150 Fuerte Dr. , Walnut

Thanks so much!

Sent from my iPhone

5A-1

Response No. 5A

Donna Daigle
Resident
August 15, 2025

Comment 5A-1: Commenter states they have spoken back when this was presented long ago, but their email and phone have changed. They ask if any changes from the past EIR can be identified.

Response: The commenter notes that their contact information has changed since previous public involvement and asks about changes from a past EIR.

As described in DEIR Section 6.6 (pages 6-3 through 6-4), the previously proposed project was denied and is not being pursued. The current Project proposes 27 single-family homes under the R-1 development option, whereas the previous project proposed 28 homes under a residential planned development scenario with different design features.

The City appreciates the commenter's continued interest in the Project and notes that all comments received during the public review period will be considered in the FEIR.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 5B

From: Donna Daigle [REDACTED]
Sent: Wednesday, August 27, 2025 4:29 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: Re: Draft EIR

Hi Joelle!

Thanks for taking your time to help me understand the latest on the EIR Draft and the Brookside Property. I would like to offer the owner my support, so I'm attaching a letter to him here. Thanks again!

5B-1

Hello Jack!

It has been awhile so I'll just say that I have written a previous letter shared with you and your team as well as the city planners back on the last efforts to get your project going. Although I understand the outcry of many in our city to try to stop your plan because of the love of Brookside, I have supported your moving forward simply because you are the private owner of it and people need to face that reality..

5B-2

I would like to pass on the thought that all the former arguments that were brought should be null and void and the new plan should not be put under open scrutiny by the residents again. They have voiced their opinions. The only concerns that should be addressed are those the city officials may have and those the EIR Draft addresses. I'm not sure if that is possible to structure the future meetings in that way, but I would hope so. You have already tried your best to win the people in the community opposed to your project and they did not listen to reason. If your team can clearly address the legitimate concerns from the previous meetings with their solutions, as well as any that the current city leaders and the EIR draft have sited, that should suffice! Maybe it would be better to write and address their concerns this time around instead of an open door to do the same as last time. That is why I am writing. I hope moving forward this will all be carefully thought through to avoid another fight on your hands.

5B-3

From what I can see, the main issue is how to care for the creek running through the properties. It sounds like the city is willing to watch and site any issues that arise with each owner (if I am remembering correctly what was said), but you obviously need a very well prepared plan for potential buyers, the city leaders and the community.

5B-4

My family of 4 children were raised here walking through and enjoying Brookside in Walnut over the past 35 years, very close to your property on Fuerte Dr. One of my daughters was married on the grounds there. So, we truly appreciate what it adds to this city. Thank you for working with us to do all you can to keep it a place we can continue to enjoy its beauty!

5B-5

I wish you the best this time around!

Mrs. Donna Daigle

Response No. 5B

Donna Daigle
Resident
August 27, 2025

Comment 5B-1: Commenter thanks for taking time to help them understand the latest on the EIR Draft and the Brookside Property. They state they would like to offer the owner their support and are attaching a letter to him.

Response: Comment noted. This comment does not pertain to the proposed Project, content, or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

Comment 5B-2: Commenter addresses Jack, stating it has been awhile and they have written a previous letter shared with Jack's team and city planners during the last efforts to get the project going. Although they understand the outcry from many in the city trying to stop the plan because of love of Brookside, they have supported moving forward simply because Jack is the private owner and people need to face that reality.

Response: The commenter expresses support for the Project based on recognition of private property rights and references previous correspondence during an earlier project proposal. The City acknowledges that there are differing opinions within the community regarding the Project and appreciates all public participation in the CEQA review process. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 5B-3: Commenter suggests that all former arguments should be null and void and the new plan should not be put under open scrutiny by residents again, as they have already voiced their opinions. They believe only concerns from city officials and those addressed in the EIR Draft should be considered. The commenter is unsure if future meetings can be structured this way but hopes so, stating that Jack has already tried to win over community opposition and they did not listen to reason. They suggest that if Jack's team can clearly address legitimate concerns from previous meetings with solutions, as well as any current city leader and EIR draft concerns, which should suffice. The commenter proposes writing to address concerns instead of an open-door format like last time, and hopes this will be carefully thought through to avoid another fight.

Response: Under CEQA, all members of the public have the right to comment on environmental documents during the designated review periods, regardless of whether they have commented on previous projects or proposals. Each CEQA document must provide opportunity for public review and comment, and agencies must consider and respond to all substantive environmental comments received. The current DEIR (SCH No. 2022110184) analyzes a new project proposal that is different from the previously denied project (SCH No. 2016051030). Public participation in the environmental review process is a fundamental component of CEQA and cannot be limited based on previous participation or opinions expressed. The City will continue to follow all applicable CEQA requirements for public participation, including providing opportunities for public comment at Planning Commission and City Council meetings as required by law. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 5B-4: Commenter states that from what they can see, the main issue is how to care for the creek running through the properties. They believe it sounds like the city is willing to watch and cite any issues that arise with each owner (if remembering correctly what was said), but note that Jack obviously needs a very well-prepared plan for potential buyers, city leaders and the community.

Response: Lemon Creek protection is a central element of the Project design. The DEIR provides detailed information about the comprehensive creek protection measures that would be implemented, as described in multiple sections:

- Section 3.4, *Project Characteristics* (page 3-12), describes the deed restrictions that would prohibit development or inappropriate use of creek areas within private lots, enforceable by the City.
- Section 5.4, *Biological Resources*, analyzes habitat protection and enhancement measures.
- Section 5.10, *Hydrology and Water Quality*, analyzes water quality protection through Best Management Practices and regulatory compliance.
- The Project includes preservation of 47.2% of the site as open space focused on the creek corridor (DEIR Section 3.1, *Project Overview*, page 3-1)

These protection measures go beyond City monitoring and citations - they include physical design features, legal restrictions, regulatory oversight from multiple agencies, and ongoing maintenance requirements that would be binding on all future property owners. In addition, and in response to comments received from CDFW, a new mitigation measure BIO-10 now requires the approximately 9.5 acres to be placed under a deed restriction, open space easement, or conservation easement (Protective Instrument) and managed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 5B-5: Commenter states their family of 4 children were raised walking through and enjoying Brookside in Walnut over the past 35 years, living very close to the property on Fuerte Dr. They note that one of their daughters was married on the grounds there, so they truly appreciate what it adds to the city. The commenter thanks Jack for working to do all he can to keep it a place they can continue to enjoy its beauty and wishes him the best this time around.

Response: Comment noted. The Project would provide public access to the property's natural features by constructing a new multiuse public trail that would be dedicated to the City of Walnut for permanent public use (DEIR Section 3.4, page 3-12). This would provide designated access for community members to continue enjoying the natural beauty of the site, particularly along Lemon Creek, which would be preserved within approximately 9.5 acres of the total 12.2 acres of dedicated open space (DEIR Section 3.1, page 3-1). The Project includes measures to maintain and enhance the site's natural character through the Tree Preservation/Replacement Plan and creek protection measures described throughout the DEIR. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 6



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WALNUT VALLEY WATER DISTRICT

271 SOUTH BREA CANYON ROAD • WALNUT, CALIFORNIA 91789-3002
(909) 595-7554 • FAX: (909) 444-5521
WALNUTVALLEYWATER.GOV

August 18, 2025

Joelle Guerra
Deputy Director of Community Development
City of Walnut
P.O. Box 682
Walnut, CA 91789-0682

RE: Draft Environmental Impact Report
The Brookside Project, 800 Meadow Pass Road, Walnut (TTM 72798)

Dear Joelle Guerra:

Thank you for the opportunity to review and provide comments to be considered for the Draft Environmental Impact Report (EIR) 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).

As you have indicated within the Draft EIR, 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 (99 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 completed the review of the EIR and has the following comments:

- The District has an existing 8" PVC recycled water line on Meadow Pass Road and on Lemon Avenue. In order 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. Recycled water will provide service for any open space landscaping that will be maintained by a Homeowner's Association (HOA).

6-1

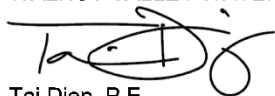
6-2

6-3

If you have any questions or need additional information, please contact Vince De La Rosa at Ext. 297.

Very truly yours,

WALNUT VALLEY WATER DISTRICT

A handwritten signature in black ink, appearing to read 'Tai Diep', with a stylized flourish at the end.

Tai Diep, P.E.
Technical Design Manager

TD:VD:cf

Response No. 6

Tai Diep, P.E., Technical Design Manager
Water Valley Water District
August 18, 2025

Comment 6-1: Commenter thanks for the opportunity to review and provide comments on the Draft Environmental Impact Report (EIR) for 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).

Response: Comment noted. The City appreciates the Walnut Valley Water District’s (WVWD) review of the DEIR and their clarification regarding the District’s water supply sources. The DEIR addresses water service in Section 5.19, *Utilities and Service Systems*. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR’s environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 6-2: Commenter notes that as indicated within the Draft EIR, 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. They state that water service for the proposed development within the District’s boundary shall be subject to the availability of water from MWD. The commenter also notes that the “project” or “subdivision” consists of fewer than 500 dwelling units (99 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.

Response: The District has provided clarifications regarding water supply dependencies and regulatory requirements. The DEIR acknowledges the District’s dependence on imported water from the Metropolitan Water District as noted in Section 5.19.2, *Environmental Setting* (page 5.19-1). However, there appears to be a discrepancy in the comment regarding the number of dwelling units. The proposed Project consists of 27 single-family homes, not 99 units as stated in the comment. This is described throughout the DEIR, including in Section 3.0, *Project Description* (page 3-1).

The District’s clarification that Senate Bills 221 and 610 do not apply is correct, as the Project proposes fewer than 500 dwelling units. The DEIR notes this in Section 5.19.3, *Regulatory Setting* (pages 5.19-7 through 5.19-8), stating “The Project does not meet any of the above criteria triggering the need for a [Water Supply Assessment] WSA.”

The District’s statement that there is sufficient supply for the proposed development is consistent with the DEIR’s analysis in Section 5.19.5, *Environmental Impact Analysis* (pages 5.19-16 through 5.19-17), which concludes that adequate water supplies would be available during normal, dry, and multiple dry-year conditions based on the District’s 2020 Urban Water Management Plan.

The District’s clarification that water service is subject to availability from MWD and that specific pressures or flows are not guaranteed represents standard utility service conditions and does not affect the DEIR’s impact analysis or conclusions.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 6-3: Commenter states the District has completed the review of the EIR and has comments. The District has an existing 8" PVC recycled water line on Meadow Pass Road and on Lemon Avenue. To comply with 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. Recycled water will provide service for any open space landscaping that will be maintained by a Homeowner's Association (HOA).

Response: The District has provided information regarding existing recycled water infrastructure and their intent to provide recycled water service to the Project for landscaping irrigation. The DEIR acknowledges that the Project Site currently uses both domestic and recycled water (DEIR Section 5.19.2, *Environmental Setting*, page 5.19-2) and that the Project would be required to comply with water conservation requirements, including the State Model Water Efficient Landscape Ordinance (DEIR Section 5.19.5, page 5.19-17).

The District's clarification that existing 8-inch PVC recycled water lines are available on Meadow Pass Road and Lemon Avenue, and that recycled water would be provided for HOA-maintained landscaping, supports the DEIR's conclusion that adequate water supplies and infrastructure are available to serve the Project.

The use of recycled water for irrigation is consistent with the Project's water conservation measures and would help reduce demand on potable water supplies. This information reinforces the DEIR's finding that water supply impacts would be less than significant.

The District's intent to provide recycled water service aligns with the Project's sustainability objectives and applicable regulatory requirements for water conservation. No further response or action is required under CEQA.

COMMENT LETTER NO. 7

TO: Joelle Guerra, Dep. Director Community Services
City of Walnut

August 19, 2025

RE: DEIR COMMENTS – THE BROOKSIDE PROJECT

Dear Joelle,

Thank you for informing us of the availability of the Draft EIR for The Brookside Project. Please accept our following commentary & questions.

Background/Developer Antagonism: The property has been under the current ownership since 2013. The first RPD plan (28 lots) submitted was denied by the Council in June, 2021 for reasons that included: Insufficient recreation space in exchange for reduced lot sizes. The developer was given an opportunity during Council discussion to reduce the number of lots from 28 to 27 and refused that opportunity. One would assume a second plan, if submitted, would seriously consider the Council feedback and submit a better plan. We find the current R-1 plan does not do that. Similarly, the Stable & Minor Barn were going to be retained in the first plan, but as soon as the developer felt community pushback, they removed both structures from the first plan. Both seem like spiteful reactions.

7-1

Community Resistance: Obtaining 500+ resident signatures on a petition against the last plan revealed that most residents did not want a residential tract built on this property. Subsequent social media comments indicate most residents today feel the same. They still enjoy the natural setting & hiking along the creek – they way it has been now for many decades.

7-2

Zoning: The current plan is to be built under (allowable) R-1, not RPD. However, in the City of Walnut no RPD zoned property has ever been built under R-1. One reason might be that most developers understand that community standards/aesthetics are important. Brookside has been a centerpiece property – a news article even referred to it as a ‘landmark’ property - perhaps because of equestrian notoriety but also because it exemplifies the pastoral setting of Walnut discussed in the General Plan.

7-3

The buildable portion of most of the lots is very small while the private open space is being used in order to attain 28.5K sf lots. Page 3-12 describes 9.5 acres of privately owned open space. But that acreage is being used in two ways: 1) to meet the minimum lot size (28.5K sf), and, 2) to create the illusion or marketing point that open space is in excess of the lots which it is not. How do small lots with large homes enhance the community?

7-4

Each lot along the creek will have a 6’ backyard wall without a gate – so residents will not have easy access to their own property. How will maintenance & safety issues be assured 24/7? Note that the creek/trail area is at a lower elevation than the buildable portion of the lots making it difficult to access under any condition.

7-5

Joelle Guerra, City of Walnut

August 19, 2025

The city has an R-1 code: 6.12.050(A)(b)(i) requiring 40K sf lots if an easement is on the property. We asked about this and were referred to code 6.24.020 that states if an RPD zoned property is built under R-1 then the designated lot size is used. How then would the 6.12.050 code ever be applied? Can you give us examples of under what conditions it has ever been applied in Walnut? Doesn't 6.12.050 denote an R-1 exception? Wouldn't a sizable creek/trail/riparian habitat easement be such an exception?

7-6

Homes built in the 1970's adjacent to Lemon Creek Park also have a creek portion in their backyards & Lemon Creek is in poor condition there. Residents have been looking to the City for maintenance assistance. The City is not responsible. This is a crystal ball into the future - the Brookside project is exactly the same so how is this going to be addressed if homeowners (individually or collectively) don't take care of the creek? In order for the creek to be maintained properly, regardless of who is responsible, a comprehensive Creek Maintenance Guide should be created. What will happen if there is a disagreement among homeowners and/or with an HOA as to the level of maintenance? What if additional funding is necessary at times? If there are no best practices, with enforceable policies, then no one will be held responsible.

7-7

Hydrology: In the last plan we were assured a 100-year flood study was not needed, but in this plan, they added a 2nd water quality basin at the south end after additional studies. In the first plan the developer would not give up 1 lot but they gave up one lot very quickly in the current plan to create this basin. Therefore, the 100-year study was necessary. How do we know that will be sufficient given the flooding occurrences across LaPuente Rd into Vons' parking lot over the last 2 years?

7-8

Pollutant runoff was not found in the EIR report but was mentioned in Appendix H-1 Technical Study as not being significant. How many acres of impervious surfaces will be added with development? Unlike equestrian use where pollutants originate from the ground, stormwater pollutants from buildings can migrate to a waterway in greater concentrations over a shorter period of time. How is Lemon Creek regularly monitored for pollutants? How will it be done after development?

7-9

If developed, what future modifications could be made should flooding occur on the Brookside site where the quality basins & other infrastructure might prove to be insufficient? How will erosion adjacent to the creek be monitored & might backyards be affected? Who will ultimately be responsible for major damages? This is a known collection point of the natural watershed. What liabilities may the City sustain?

7-10

Was water warming studied? To what extent will water temperature warming occur due to increased pavement on site? Tree shade currently on the property may produce enough shade to reduce water temperatures by 30%. Many of the non-native trees will be removed so the landscape will be sparse for many years.

7-11

Joelle Guerra, City of Walnut

August 19, 2025

There is an error on Page 5.10-13 – It states under “Proposed Onsite Conditions” that 25 homes will be accessed via Meadow Pass Rd & 2 homes from San Vicente. Actually, it should state 24 homes through Meadow Pass & 3 from San Vicente.

7-12

Creek/Trail: While we appreciate that the trail will remain for public use, what will happen if hikers step off the trail to look at the creek or plant life – will homeowners take exception & call the police for trespassing? Will all of the “private open space” areas be subject to an easement or just the trail itself?

7-13

What happens if there is an emergency with someone on the trail? Is access from Lemon Ave feasible (given that residents will not be able to build gates into their backyard walls)?

7-14

What is the public’s liability/responsibility for accessing “private” open space? Will such responsibility be created to deter hiking completely? In all of memorable history, the public has informally known this property as open space because of the graciousness of former owners – how can the public be assured of the continuation of this sentiment?

7-15

Wildlife: Pages 5.4-22 & 5.4-24 - It was rather shocking that, unlike the previous study, the current study did not actually find any special status species – only the potential of significant impact to: Nesting birds (Cooper’s hawk, yellow warbler, Vaux’s swift, Lawrence’s goldfinch, least Bell’s vireo), roosting bats (silver haired, hoary, western mastiff, pallid), Crotch’s Bumble Bee, monarch butterfly, burrowing owl, & southwestern pond turtle.

7-16

The report states the Project Site does not lie within a designated wildlife corridor: How can this creek/riparian habitat, where the property has been dormant of use, not constitute a wildlife corridor given that species were found previously & are potentially significant currently? The last paragraph on p. 5.4-7 states that the site “offers cover & suitable habitat for dispersing wildlife species” & that “Lemon Creek...which runs through the Project Site provide a useful area for local wildlife movement.” How can it be a suitable habitat and useful wildlife area but then conclude it’s not because of the developed surroundings (offsite)? Lemon Creek is part of the larger watershed & has been subject to a restoration project south of the Project Site. That would not have happened if the site were deemed not important. How does that site differ in importance from the Brookside property?

7-17

Appendix D page 19 states that a Least Bell’s Vireo was detected 4/10/22 & draws the conclusion that it was a migrant. EIR page 5.4-5 mentions eight special status species were observed including the LBV. Why is this data seemingly downplayed and not mentioned at all in the Executive Summary?

7-18

What extra steps were taken to find wildlife? How did they go above & beyond while surveying?

7-19

Joelle Guerra, City of Walnut

August 19, 2025

This property is a one-of-a-kind – there is no other property in Walnut comparable. What will happen if protected species are found during development? Will construction stop & for how long? How will such a loss be quantified & restored? How much loss will be tolerated? Is there a point where the project might stop completely? If so & structures are already demolished, how do you quantify, restore & rectify that loss? Once the structures are demolished & grading starts the property simply cannot be returned to its previous state. Mitigation in and of itself can prove to be counterproductive. What strategies will be implemented to avoid unintended consequences?

7-20

It seems unbelievable that gnatcatchers have been seen in close proximity but none were noted on this site. Is that correct?

7-21

On the morning of 7/18/25 someone posted (Walnut Buzz) a photograph taken that morning of a Great Egret on Istik Bridge (attached – permission granted). Istik Bridge is just off the property – so we are to believe that a resident can find a protected species (Migratory Bird Treaty Act) but the professionals could not find any just a few feet away?

7-22

NOTE: Within Appendix D there is an Appendix B that lists many pages of Wildlife Species Observed – and the Great Egret is mentioned! There is no mention found of Egrets in the EIR. The last 2 paragraphs on EIR p. 5.4-5 casually mentions 8 special status species seen during focus surveys but why are all sightings deemed inconsequential?

History/Cultural Resources: It became apparent while reviewing the DEIR & Appendix E that the previous historic study was used for reference. The current study’s historians did not collect new data but simply reviewed and commented on that data. In doing so, four errors/omissions were noted:

7-23

- 1) Page 5.5-5 states the Brookside property maintained two historic-era buildings, the Main Barn & Stables (1938) and the Minor Stables (1938). Figure 5.5-1 also shows as “Existing Structures” the Main Stable & Minor Barn dated 1935. However, the Table on page 5.11-1 does not depict those structures at all. (Blueprints/permits exist from the Santiago Riding Club ownership (1970’s) indicating the Stable & Minor Barn as original.)
- 2) Page 5.5-15 states that Winnett owned the property until the 1980s. That is not true. He died in the late 1960s and willed the property to 3 colleges. They sold it to the Santiago Riding Club who planned improvements but never built them. Santiago sold to Keith Walton in the 1980s.
- 3) Page 6 of Appendix E – the two paragraphs under Section 1.2 “Undertaking” details 28 home lots and that two Winnett Ranch/Walton structures would be retained. The two paragraphs are a copy & paste from the original RPD plan submitted years ago when the structures were, in fact, in the plan. This data has no basis in the current plan.
- 4) We find no reference to the actual name of Winnett’s ranch, that is, Rancho San Vicente.

7-24

7-25

7-26

The above-mentioned errors make us uncomfortable with all of the data in this DEIR. One has to wonder about the errors we don’t find.

7-27

Joelle Guerra, City of Walnut

August 19, 2025

Page 5.5-17 states that in the 1980s many historic-era buildings were removed. The only building of importance that was removed in the 1980s would have been Winnett's weekend house.

7-28

Page 5.5-17 mentions the hill behind the Main Stable is gone. While that is true, that topographical point is not part of this property. It was probably removed with improvements to Meadow Pass Rd and/or the building of homes/tracts outside of this property. Are you saying the hill has more importance than the structures themselves?

7-29

Page 5.5-17 denies a single characteristic as a 'familiar visual feature.' The main Stable has been used in all photographs of this property & is definitely a familiar visual feature. If you compare to the Winnett family photo of the Stable from the 1940s, there is no doubt that Walton improved the Stable by remaining true to its original appearance save for the addition of a second story home accessed from the back of the structure. Please expand upon your argument that this is not a familiar visual feature.

7-30

As noted in previous correspondences, we have done extensive research especially into the Winnett ownership. Repeatedly (& on 21Nov2022 correspondence) we pointed out the Stable & Minor Barn reflect the City's heritage/culture and have distinguishing architectural characteristics and create a familiar visual, the property is identified with a nationally known person and is in a unique central Walnut location – only one of those criteria is needed for historic consideration.

7-31

With regard to P.G. Winnett himself – Page 5.5-16 argues that the historic "Bullocks Wilshire building...better represents Winnett's legacy." But history is about people. So, if his professional accomplishment (i.e., the building) is a legacy, then how is his life not a legacy? It makes no difference whether the remaining relics are primary residences or not. How many people in 1938 could afford to buy 1800 acres of land and build a ranch? How many people built a large-scale thriving (department store) business and ran that business for decades? Why does the Lucky Baldwin cottage (not a primary residence) & Coach Barn on the Arboretum property in Arcadia have historic value when there is no historic Baldwin primary residence?

7-32

Had the City been given the opportunity to obtain a formal historic designation, we are certain that would have been easily accomplished. Yet the historical review of this property denies what is so obvious. We understand that formal historic designation never took place but it seems there is a gross under-emphasis placed on the Brookside structures & the site itself. This is a very important property to the Walnut community.

7-33

Joelle Guerra, City of Walnut

August 19, 2025

LOSMD: We feel all new homes should be subject to landscape fees as the expansive landscape on major/minor arterials throughout the city is an important feature & impresses all future homebuyers. Staff informs us that LOSMD will be assessed for lighting services only.

7-34

Contrary to this in Appendix D page 3: It states that the 12.2 acres of open space will be maintained by LOSMD through a new zone, the City (for the trail), the flood control district, another public agency, and/or the HOA. This data was not found in the body of the EIR (only in the Appendix). That is a very indeterminate statement – when/by whom will this be decided? This includes creek management and should not be considered lightly.

7-35

Alternatives: We find it unfortunate that Alternatives 2&3 are unreasonable – neither creates a bridge. Therefore, use of the trail for hiking would be compromised. Where else has this been allowed in the City of Walnut? Trail continuity was always a key community feature that was revisited again & again. This is yet another example of insincerity. Alternatives that respected the Council’s previous decision and created a neighborhood deserving of the Walnut community should have been considered.

7-36

Should another RPD project be considered (Alternative 3) – why would we consider 34 units? There was nothing mentioned in this alternative about giving back to the community for smaller lots.

7-37

Conclusion: We feel strongly that all developers should be giving back to the community.

7-38

The current plan will not enhance our community and could actually cause future liability to the City. As stated above, alternatives 2&3 actually degrade the community. The community deserves a meaningful project or alternative that enhances the community, is practical, and adheres to the guidelines of the General Plan.

7-39

Mitigation measures will impact the environment, many of which cannot be reversed. What commitment will be made to fully & strategically implement the long list of mitigation measures and through what accountable measure will the public be able to track these?

7-40

The further we read through the EIR data, the more we questioned its reliability. The data in the Appendices did not carry forward to the EIR content clearly, and much of it did not carry forward to the Executive Summary at all. It did not provide clear, easy-to-find information upon which to make an informed decision. The errors/omissions that were detected leave questions as to those that were not found, and all irregularities could impact the conclusions that were drawn. As such, this plan and its associated data simply doesn’t feel right. Consequently, at this time, we prefer Alternative 1 – No Project.

7-41

Sincerely,
Vijay Vakil Wendy Toy Charles Isaac William Harrison

attached: Egret Photo 7/18/25

3:13 82° 66%

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Response No. 7

Vijay Vakil, Wendy Toy, Charles Isaac, William Harrison
Residents
August 19, 2025

Comment 7-1: Commenter states the property has been under current ownership since 2013. The first RPD plan (28 lots) submitted was denied by the Council in June 2021 for reasons including insufficient recreation space in exchange for reduced lot sizes. The developer was given an opportunity during Council discussion to reduce the number of lots from 28 to 27 and refused that opportunity. The commenter notes that one would assume a second plan, if submitted, would seriously consider the Council feedback and submit a better plan, but finds the current R-1 plan does not do that. Similarly, the Stable & Minor Barn were going to be retained in the first plan, but as soon as the developer felt community pushback, they removed both structures from the first plan. The commenter characterizes both as “spiteful reactions.”

Response: Comment noted. This comment does not pertain to the proposed Project, content, or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

Comment 7-2: Commenter states that obtaining 500+ resident signatures on a petition against the last plan revealed that most residents did not want a residential tract built on this property. Subsequent social media comments indicate most residents today feel the same. They note that residents still enjoy the natural setting and hiking along the creek the way it has been for many decades.

Response: Comment noted. The environmental impacts of the proposed Project have been analyzed in the DEIR. This comment does not raise new environmental impacts or pertain to the content or adequacy of the DEIR that require additional CEQA analysis. Public opposition to a project does not constitute a CEQA impact. No further action or response is required under CEQA.

Comment 7-3: Commenter states the current plan is to be built under (allowable) R-1, not RPD. However, in the City of Walnut no RPD zoned property has ever been built under R-1. They suggest one reason might be that most developers understand that community standards/esthetics are important. The commenter notes that Brookside has been a centerpiece property, with a news article referring to it as a ‘landmark’ property, perhaps because of equestrian notoriety but also because it exemplifies the pastoral setting of Walnut discussed in the General Plan.

Response: The commenter correctly identifies that the Project proposes R-1 development within an RPD zone. As documented in Section 3.4, *Project Characteristics*, under subheading Zoning (page 3-7), the Project has specifically elected the R-1 alternative permitted under Walnut Municipal Code Section 6.24.030 A1, which allows conventional R-1 single-family development with a 28,500 square foot minimum lot size. This is a legally permissible option under the RPD zoning that does not require a Conditional Use Permit or adherence to planned development standards. The DEIR confirms this approach is explicitly allowed by the municipal code and meets all applicable R-1 development standards including setbacks, density (1.04 units/acre), and height requirements.

The characterization of Brookside as a “landmark” property requires clarification based on the comprehensive cultural resources analysis provided in Section 5.5. The professional historical evaluation

(pages 5.5-14 – 5.5-18) definitively concluded that the property does not qualify for historical landmark designation under any applicable criteria:

- Not eligible for National Register of Historic Places
- Not eligible for California Register of Historical Resources
- Not eligible for Local Register of Historical Resources

While the property was listed in the City’s 2018 General Plan as a “Historical and Culturally Significant Site,” the DEIR reveals this listing lacked supporting documentation or formal evaluation. A qualified historian’s analysis found the remaining 1938 structures are “typical” barn examples that have been “significantly altered” and do not meet significance thresholds. No further action or response is required under CEQA.

Comment 7-4: Commenter states that the buildable portion of most of the lots is very small while the private open space is being used to attain 28.5K sf lots. Page 3-12 describes 9.5 acres of privately owned open space, but that acreage is being used in two ways: 1) to meet the minimum lot size (28.5K sf), and 2) to create the illusion or marketing point that open space is in excess of the lots which it is not. The commenter asks, “How do small lots with large homes enhance the community?”

Response: According to Section 3.4, *Project Characteristics*, under subheading Zoning (page 3-7), the Project does create 27 lots with a minimum size of 28,500 square feet to comply with RPD zoning requirements. The DEIR confirms in the Open Space Plan (page 3-12) that approximately 9.5 acres of the total open space along Lemon Creek would be “within lots owned by individual homeowners and maintained by the Project’s Homeowners Association (HOA).” In response to comments received by the California Department of Fish and Wildlife (CDFW), a new mitigation measure BIO-10 now requires the approximately 9.5 acres to be placed under a deed restriction, open space easement, or conservation easement (Protective Instrument) and managed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.

The DEIR further specifies that this privately owned open space would be “deed restricted to prohibit any use or development other than for the public trail, passive open space, and maintenance purposes.” The deed-restricted areas within lots count toward the 28,500 square foot minimum while being unavailable for homeowner use or development.

DEIR Section 5.11, *Land Use and Planning*, page 5.11-2, states that with respect to zoning standards, the Project Site is located in a Residential Planned Development (RPD) zone, with a zoning designation of RPD (28,500) - 1.3 DU. The City’s RPD zoning regulations are found in Chapter 6.24 of the WMC. Despite its title, the RPD zone does not solely require the development of a *residential planned development*. Rather, the RPD Zone allows development in two different ways. Specifically, one alternative is a conventional R-1 single-family development, subject to R-1 development standards and a minimum 28,500 square foot lot size (see WMC Section 6.24.030 A1).

The Project design places development on buildable portions of lots while preserving the creek channel and surrounding habitat areas. The RPD zoning allows this lot configuration to achieve environmental protection objectives. The Project must comply with all applicable building setbacks, height limits, and other development standards within the buildable portions of each lot. The open space areas serve both the zoning compliance function noted by the commenter and the environmental protection function of preserving habitat along the Lemon Creek corridor. No further action or response is required under CEQA.

Comment 7-5: Commenter states that each lot along the creek will have a 6-foot backyard wall without a gate, so residents will not have easy access to their own property. They ask how

maintenance and safety issues will be assured 24/7. The commenter notes that the creek/trail area is at a lower elevation than the buildable portion of the lots making it difficult to access under any condition.

Response: According to Section 3.4, *Project Characteristics*, under subheading Wall and Fence Plan (page 3-20), the Project proposes that “residential yards and the open space portion of residential lots would be separated by a 6-foot-tall view fence.” Except for the public trail, the open space area within residential lots is intended for passive open space only, meaning that neither public nor private use of the area would be allowed. Individual lots would be deed restricted to prohibit the property owner from using the open space area. General access is not proposed from individual residential properties but rather through the proposed designated public multi-use trail. Please note, however, that in response to comments received from CDFW, the approximately 9.5-acre open space area that falls within some residential yards is now required to be protected by a deed restriction, open space easement, or conservation easement (Protective Instrument) and managed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment, as described in new mitigation measure BIO-10. No further action or response is required under CEQA.

Comment 7-6: Commenter states the city has an R-1 code: 6.12.050(A)(b)(i) requiring 40K sf lots if an easement is on the property. They asked about this and were referred to code 6.24.020 that states if an RPD zoned property is built under R-1 then the designated lot size is used. The commenter asks how the 6.12.050 code would ever be applied and requests examples of under what conditions it has ever been applied in Walnut. They ask if 6.12.050 denotes an R-1 exception and whether a sizable creek/trail/riparian habitat easement would be such an exception.

Response: The comment raises a question about the relationship between WMC Section 6.12.050(A)(b)(i) and Section 6.24.030 A1. As documented in Section 3.4, *Project Characteristics*, under subheading Zoning (page 3-7), the Project has elected the R-1 development option specifically permitted under the RPD zone (WMC 6.24.030 A1), which establishes a 28,500 square foot minimum lot size. The City’s legal analysis concludes that properties within RPD zones are governed by the specific provisions of Chapter 6.24 (RPD Residential Planned Development Zone), which provides its own R-1 development standards including lot size requirements. WMC 6.12.050 (Standards of Development) applies to properties in standard R-1 zones, not to R-1 development within RPD zones, which are controlled by the more specific RPD provisions. No further action or response is required under CEQA.

Comment 7-7: Commenter states that homes built in the 1970’s adjacent to Lemon Creek Park also have a creek portion in their backyards and Lemon Creek is in poor condition there. Residents have been looking to the City for maintenance assistance, but the City is not responsible. The commenter describes this as “a crystal ball into the future” since the Brookside project is exactly the same, and asks how this will be addressed if homeowners don’t take care of the creek. They state that for the creek to be maintained properly, a comprehensive Creek Maintenance Guide should be created. The commenter asks what will happen if there is disagreement among homeowners and/or with an HOA as to the level of maintenance, and what if additional funding is necessary at times. They conclude that if there are no best practices with enforceable policies, then no one will be held responsible.

Response: The proposed Project addresses the commenter’s maintenance concerns through mechanisms that are not present in the 1970s developments that were referenced as examples. Unlike those older developments that rely on individual homeowners or HOAs, the Project’s approximately 9.5 acres of creek habitat will be protected under a deed restriction, open space easement, or conservation easement

(protective Instrument) per new mitigation measure BIO-10, which was included in response to comments received from CDFW. BIO-10 requires the approximately 9.5 acres to be managed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment. This Protective Instrument, combined with maintenance access through the public trail system rather than private properties, ensures enforceable stewardship standards and removes the potential for homeowner disagreements or inadequate funding that have created problems in existing developments. No further action or response is required under CEQA.

Comment 7-8: Commenter states that in the last plan they were assured a 100-year flood study was not needed, but in this plan, they added a second water quality basin at the south end after additional studies. In the first plan the developer would not give up one lot but they gave up one lot very quickly in the current plan to create this basin. Therefore, the commenter concludes the 100-year study was necessary. They ask how they know that will be sufficient given the flooding occurrences across La Puente Road into Vons' parking lot over the last 2 years.

Response: The current Project includes a comprehensive 100-year flood study as documented in Section 5.10, *Hydrology and Water Quality*, of the DEIR (pages 5.10-4, 5.10-22 and 5.10-23), which was conducted due to the Project Site's location in FEMA Zone D ("area of undetermined but possible flood hazards") where no previous flood mapping had been established (page 5.10-4).

The Hydrology Report (Appendix H1) includes detailed analysis of 2-year, 5-year, 25-year, 50-year, and 100-year storm events (DEIR page 5.10-22). The study concluded that the proposed Project would not result in any onsite or offsite flooding, with water quality basins designed to maintain peak discharge rates at or below existing conditions (DEIR page 5.10-14). The analysis shows that proposed residential pads would maintain a minimum 2.5-foot elevation buffer above the 100-year flood level (DEIR page 5.10-22).

The two water quality basins (Basin 1 in the northern portion and Basin 2 in the southern portion of the Project Site) serve multiple functions: treating stormwater runoff to reduce pollutant loading by 23-95% across all analyzed constituents (Table 5.10-5, *"Before Project" vs. "After Project As-Proposed" Pollutant Discharges to Lemon Creek*, page 5.10-17), detaining increased runoff volumes, and maintaining peak discharge rates that do not exceed existing conditions (page 5.10-25).

The DEIR acknowledges existing flooding issues near the La Puente Road culvert entrance, noting these are caused by debris restricting flow at the City's trash rack system on City property adjacent to but not on the Project Site (page 5.10-20). The Hydrology Report confirms this is an existing condition unrelated to the proposed Project. As a cooperative gesture, the Project applicant has provided the City with an improved trash rack design, though implementation would be the City's responsibility (page 5.10-20). No further action or response is required under CEQA.

Comment 7-9: Commenter states that pollutant runoff was not found in the EIR report but was mentioned in Appendix H-1 Technical Study as not being significant. They ask how many acres of impervious surfaces will be added with development. The commenter notes that unlike equestrian use where pollutants originate from the ground, stormwater pollutants from buildings can migrate to a waterway in greater concentrations over a shorter period of time. They ask how Lemon Creek is regularly monitored for pollutants and how it will be done after development.

Response: The DEIR addresses pollutant impacts through a comprehensive water quality analysis detailed on page 5.10-16 and in Table 5.10-5, *"Before Project" vs. "After Project As-Proposed" Pollutant Discharges*

to *Lemon Creek*, (page 5.10-17), which demonstrates that the proposed Project would reduce pollutant loading in Lemon Creek by 23-95% across all analyzed constituents (Coliform, Dissolved Solids, Suspended Solids, Phosphorus, Nitrogen, and Copper) compared to existing conditions, achieved through two water quality basins designed to capture, treat, and detain stormwater runoff from newly developed impervious surfaces in accordance with Los Angeles County Low Impact Development Standards Manual requirements.

According to the Low Impact Development Plan (DEIR Appendix H2), the existing Project Site has a relatively small amount of impervious land cover, consisting of approximately 6% of the total area or 1.6 acres (DEIR Appendix H2, page 2-3). The proposed Project would increase the impervious area onsite by approximately 5.9 acres, bringing the proposed total, as compared to existing conditions, to approximately 28% of the total Project Site or 7.5 acres (DEIR Appendix H2, page 2-9). The City is unaware of any regular water quality monitoring for Lemon Creek and no regular water quality monitoring is required by Federal, State or City regulations. No change in this circumstance would occur if the Project Site were to be developed. No further action or response is required under CEQA.

Comment 7-10: Commenter asks if developed, what future modifications could be made should flooding occur on the Brookside site where the quality basins and other infrastructure might prove to be insufficient. They ask how erosion adjacent to the creek will be monitored and might backyards be affected, and who will ultimately be responsible for major damages. The commenter notes this is a known collection point of the natural watershed and asks what liabilities the City may sustain.

Response: The commenter speculates on the potential hypothetical and unanticipated need for future creek modifications and the potential for property damage and liabilities. CEQA does not require an analysis of these items.

The hydrology analysis in Section 5.10, *Hydrology and Water Quality*, demonstrates that the proposed water quality basins are engineered using established standards and regulatory requirements. The analysis evaluated storm events up to the 100-year flood level and concluded that the infrastructure would maintain peak discharge rates at or below existing conditions (DEIR, page 5.10-22). The residential pads are designed with a minimum 2.5-foot elevation buffer above the 100-year flood level (DEIR, pages 5.10-19 to 5.10-20).

The DEIR includes an erosion potential analysis concluding that any potential erosion would be “localized and not significantly impact Lemon Creek or present a hazard to nearby properties or people” (DEIR, page 5.10-19). The Project includes removal of Culvert D, which currently causes erosion issues under existing conditions, thereby improving overall creek stability.

The Project must comply with all applicable National Pollutant Discharge Elimination System (NPDES) requirements, Los Angeles County Low Impact Development (LID) requirements, and ongoing regulatory oversight. The approximately 9.5-acre proposed open space along Lemon Creek would be protected under a new mitigation measure BIO-10, which was included in response to comments received from CDFW. BIO-10 requires a deed restriction, open space easement, or conservation easement (Protective Instrument) and management by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.

The proposed infrastructure is expected to be sufficient based on the engineering provided in the Lemon Creek Hydrology & Hydraulics Report (DEIR Appendix H1) and the Low Impact Development Plan (DEIR Appendix H2). The DEIR demonstrates that the proposed infrastructure meets current engineering and regulatory standards for the analyzed conditions. No further action or response is required under CEQA.

Comment 7-11: Commenter asks if water warming was studied and to what extent water temperature warming will occur due to increased pavement on site. They note that tree shade currently on the property may produce enough shade to reduce water temperatures by 30%. The commenter states that many of the non-native trees will be removed so the landscape will be sparse for many years.

Response: Water temperature impacts were not analyzed as part of the DEIR, as such an analysis is not required under CEQA. The hydrology analysis focused on water quality parameters regulated under the Clean Water Act and Basin Plan beneficial uses, including pollutants such as bacteria, nutrients, sediments, and metals.

As discussed in the DEIR on page 5.4-7, no fish were observed in Lemon Creek during the biological surveys. According to review of the CNDDDB records, no fish species have been historically recorded in this area or within a two-mile radius of the Project Site. In addition, the City of Walnut does not include Essential Fish Habitat (EFH) according to review of the National Oceanic and Atmospheric Administration's EFH database.

The Project includes a comprehensive Tree Preservation/Replacement Plan detailed in Section 3.4, *Project Characteristics*, (pages 3-12 to 3-19, including Figures). While 460 non-protected trees would be removed (249 non-native species, 181 invasive species, and 30 native species), the Project would plant 520 new California native trees, resulting in a net increase of 60 trees on the Project Site (page 3-16). The tree replacement plan projects an increase in total tree canopy coverage from 46.4% (12 acres) to 51.1% (13.2 acres), representing a net 4.7% increase in canopy coverage (page 3-16). The replacement trees include species such as White Alder, California Sycamore, Holly Leaf Cherry, Western Redbud, Toyon, and Madrone, which would provide long-term shading benefits (page 3-16). Additionally, approximately 1,416 existing trees would be preserved in place, including all City-protected walnut and oak trees (page 3-16).

While there may be a temporary reduction in shading during the tree establishment period, the long-term tree canopy plan demonstrates that total site coverage would ultimately exceed existing conditions with appropriate native species that are better suited to the local environment than the current mix of non-native and invasive vegetation. No further action or response is required under CEQA.

Comment 7-12: Commenter identifies an error on Page 5.10-13, stating that under "Proposed Onsite Conditions" it states that 25 homes will be accessed via Meadow Pass Road and 2 homes from San Vicente. The commenter notes it should actually state 24 homes through Meadow Pass and 3 from San Vicente.

Response: The commenter is incorrect about the access distribution. Based on Section 3.0, *Project Description*, Figure 3-4 (*Conceptual Illustrative Plan*), the DEIR correctly states that 25 homes (Lots 1-25) would be accessed via Meadow Pass Road through the internal street system (Streets A and B), and 2 homes (Lots 26-27) would be accessed from San Vicente Drive. Lot 25's driveway clearly connects to the internal street network that leads to Meadow Pass Road. The DEIR accurately describes the access configuration on page 5.10-13. The commenter's suggested revision to "24 homes through Meadow Pass and 3 from San Vicente" does not reflect the actual Project design as shown in the conceptual plans. No further action or response is required under CEQA.

Comment 7-13: Commenter appreciates that the trail will remain for public use but asks what will happen if hikers step off the trail to look at the creek or plant life - will homeowners take exception and call the police for trespassing? They also ask if all of the "private open space" areas will be subject to an easement or just the trail itself.

Response: The Project proposes a public multi-use trail that would be dedicated to the City of Walnut for operation and maintenance (Section 3.4, *Project Characteristics*, page 3-12). Once dedicated as a public

trail, it would be subject to the same access rules and enforcement as other City trails. The trail design includes defined boundaries, and users would be expected to remain on the designated pathway as is standard practice for a public trail system. According to Section 3.4, *Project Characteristics*, under subheading Open Space Plan (page 3-12), the approximately 9.5 acres of privately owned open space within residential lots would be “deed restricted to prohibit any use or development of the private property other than for the public trail and passive open space purposes.” The deed restrictions apply to the entire open space area, excluding just the trail corridor itself. Additionally, new mitigation measure BIO-10 requires a deed restriction, open space easement, or conservation easement (Protective Instrument) and management by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.

The deed restriction or other Protective Instrument would be “enforceable by the City in addition to future homeowners” (Section 5.10, *Hydrology and Water Quality*, page 5.10-14). This legal framework establishes clear boundaries and enforcement mechanisms for the open space areas to protect Lemon Creek’s habitat value and protect the public from trespass and potential injury.

The combination of City trail dedication and deed restriction (or other Protective Instrument) creates a comprehensive framework for maintaining public access while defining appropriate use boundaries. This structure is designed to prevent the access conflicts the commenter envisions. No further action or response is required under CEQA.

Comment 7-14: Commenter asks what happens if there is an emergency with someone on the trail and whether access from Lemon Avenue is feasible, given that residents will not be able to build gates into their backyard walls.

Response: Section 3.4, *Project Characteristics*, under the subheading Trails (page 3-12) states that the proposed multi-use trail would connect to existing trails “with connections at Meadow Pass Road and at a City-owned property near the southwest portion of the Project Site near Lemon Avenue and La Puente Road.” Emergency access would be available from multiple points, including the Lemon Avenue connection. The DEIR notes that “both offsite and onsite trail segments would be designed and constructed to City standards and offered for dedication to the City of Walnut” (page 3-12). City trail standards typically include provisions for emergency vehicle access where feasible, or at minimum, emergency personnel access on foot from multiple entry points. The commenter correctly identifies that individual homeowners would not have gates through their backyard walls into the open space areas, as these areas would be deed-restricted and/or protected by an open space easement or conservation easement under new measure BIO-10. However, emergency access would rely on the designated trail entry points rather than access through private properties. The trail’s connection to existing City trail systems and multiple access points (Meadow Pass Road and Lemon Avenue area) would provide emergency responders with standard access options comparable to other public trails in the City’s system. Once dedicated to the City, emergency access protocols would be the City’s responsibility as part of standard trail management and public safety planning. No further action or response is required under CEQA.

Comment 7-15: Commenter asks what the public’s liability/responsibility is for accessing “private” open space and whether such responsibility will be created to deter hiking completely. They note that in all of memorable history, the public has informally known this property as open space because of the graciousness of former owners, and ask how the public can be assured of the continuation of this sentiment.

Response: The Project Site is currently private property with no existing public access rights. The approximately 9.5 acres of open space within residential lots would be deed-restricted for “passive open

space purposes” (Section 3.4, *Project Characteristics*, under the subheading Open Space Plan, page 3-12) and managed under a Protective Instrument. The Protective Instrument would create legal protections to preserve the habitat value of Lemon Creek. The creation of a dedicated multi-use public trail would create legal public access rights within the designated trail pathway. The deed restrictions specifically prohibit homeowners from fencing or restricting these areas, ensuring they remain accessible for passive open space use and preventing conflicts over public access. No further action or response is required under CEQA.

Comment 7-16: Wildlife: Pages 5.4-22 & 5.4-24 - It was rather shocking that, unlike the previous study, the current study did not actually find any special status species – only the potential of significant impact to: Nesting birds (Cooper’s hawk, yellow warbler, Vaux’s swift, Lawrence’s goldfinch, least Bell’s vireo), roosting bats (silver haired, hoary, western mastiff, pallid), Crotch’s Bumble Bee, monarch butterfly, burrowing owl, & southwestern pond turtle.

Response: The commenter’s characterization requires clarification. The biological resources analysis in Section 5.4, *Biological Resources*, follows established survey protocols and regulatory requirements for special status species assessment. The identification of “potential” impacts to the listed species represents standard environmental impact analysis methodology under CEQA, which requires evaluation of both actual occurrences and potential habitat suitability. Biological surveys are conducted based on species-specific protocols, seasonal timing requirements, and habitat assessment criteria established by regulatory agencies and biological resource professionals. The absence of direct species observations during survey periods does not necessarily indicate species absence, as many special status species have specific detection windows, behavioral patterns, or low detection probabilities even when present. CEQA requires analysis of potential impacts to special status species based on habitat suitability and known ranges, not solely on direct observations during limited survey periods. The DEIR’s evaluation of potential impacts to nesting birds, roosting bats, and other species listed reflects appropriate analysis based on habitat characteristics and known species distributions in the region. Differences between biological studies may reflect varying survey timing, methodologies, seasonal conditions, species activity levels, or changes in site conditions over time. The current analysis provides appropriate impact assessment and mitigation measures (BIO-1 through BIO-9) to address potential impacts to special status species regardless of direct observation confirmation. The biological impact analysis meets CEQA requirements for evaluating potential effects on special status species and their habitats. No further action or response is required under CEQA.

Comment 7-17: The report states the Project Site does not lie within a designated wildlife corridor: How can this creek/riparian habitat, where the property has been dormant of use, not constitute a wildlife corridor given that species were found previously & are potentially significant currently? The last paragraph on p. 5.4-7 states that the site “offers cover & suitable habitat for dispersing wildlife species” & that “Lemon Creek...which runs through the Project Site provide a useful area for local wildlife movement.” How can it be a suitable habitat and useful wildlife area but then conclude it’s not because of the developed surroundings (offsite)? Lemon Creek is part of the larger watershed & has been subject to a restoration project south of the Project Site. That would not have happened if the site were deemed not important. How does that site differ in importance from the Brookside property?

Response: A wildlife corridor is typically defined as a linear landscape feature that connects larger habitat areas and facilitates wildlife movement, migration, and genetic exchange between populations. Such corridors are formally designated based on factors such as habitat connectivity, minimal human disturbance, adequate width for target species movement, and links between core habitat areas or

protected lands. The biological analysis in Section 5.4, *Biological Resources*, correctly distinguishes between local habitat value and formal wildlife corridor designation. While Lemon Creek provides habitat and movement opportunities for wildlife locally, it does not meet the criteria for designation as a formal wildlife corridor due to surrounding urban development and fragmentation. Under CEQA, the analysis appropriately focuses on the Project's impacts to biological resources within and immediately adjacent to the Project Site. The Project would preserve the entire Lemon Creek channel within an approximately 9.5-acre Protective Instrument and includes habitat restoration measures, which would maintain and potentially enhance the local ecological function. The DEIR is not required to analyze or be responsible for watershed-scale connectivity issues or restoration efforts that occur upstream or downstream from the Project Site. The biological analysis appropriately evaluates how the Project affects the onsite habitat and immediate biological resources, concluding that impacts would be less than significant with mitigation measures. The biological analysis meets CEQA requirements by focusing on Project-specific impacts and appropriate mitigation measures. No further action or response is required under CEQA.

Comment 7-18: Commenter notes that Appendix D page 19 states that a Least Bell's Vireo was detected 4/10/22 and draws the conclusion that it was a migrant. EIR page 5.4-5 mentions eight special status species that were observed including the LBV. The commenter asks why this data is seemingly downplayed and not mentioned at all in the Executive Summary.

Response: The commenter is correct that a Least Bell's Vireo (LBV) was detected on April 10, 2022, and documented in the biological technical report (DEIR, Appendix D). The DEIR appropriately includes this observation in the biological resources analysis (Section 5.4, *Biological Resources*, page 5.4-5) as part of the comprehensive species inventory and impact assessment. Under CEQA Guidelines Section 15123, the Executive Summary must provide a brief summary of the proposed Project and its significant environmental effects, along with proposed mitigation measures. The Executive Summary is not required to catalog individual species observations or provide detailed biological inventories. Instead, it summarizes the overall finding that biological resource impacts would be less than significant with implementation of Mitigation Measures BIO-1 through BIO-9.

The detection of special status species like the least Bell's vireo supports the biological analysis conclusion that the site provides habitat value, which is why the DEIR includes comprehensive mitigation measures for nesting birds, including pre-construction surveys and seasonal work restrictions. The species observation strengthens rather than contradicts the impact analysis and mitigation framework. The DEIR properly analyzes the significance of special status species detections through the impact assessment and mitigation measures in Section 5.4.7, *Mitigation Measures*, (pages 5.4-27 to 5.4-31) while the Executive Summary appropriately focuses on overall impact conclusions rather than detailed species inventories. This approach meets CEQA requirements for both comprehensive analysis and executive-level summarization. The biological analysis appropriately incorporates the least Bell's vireo detection into the overall impact assessment and mitigation framework. In addition, new mitigation measure BIO-1b has been added to require pre-construction surveys for least Bell's vireo. No further action or response is required under CEQA.

Comment 7-19: Commenter asks what extra steps were taken to find wildlife and how they went above and beyond while surveying.

Response: The biological surveys conducted for the DEIR followed established protocols required by regulatory agencies including the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS). Section 5.4, *Biological Resources*, documents that surveys were conducted during appropriate seasonal timing windows for target species detection. CEQA requires biological surveys to follow accepted scientific methodologies and agency protocols. The surveys included habitat assessment, focused species surveys during appropriate seasons, and evaluation of potential for special status species

occurrence based on habitat suitability. The detection of eight special status species indicates that survey efforts were adequate to document species presence. The biological technical report (DEIR Appendix D) documents the specific survey methodologies, timing, weather conditions, and effort expended. The surveys met regulatory requirements for detecting the species groups identified as having potential to occur on the site. Under CEQA, biological surveys must be adequate to identify potential impacts and develop appropriate mitigation measures. The DEIR meets CEQA requirements. The surveys successfully identified special status species presence and habitat value, leading to comprehensive mitigation measures (BIO-1 through BIO-9) that address potential impacts to all identified species groups. No further action or response is required under CEQA.

Comment 7-20: Commenter states this property is one-of-a-kind with no other property in Walnut comparable. They ask what will happen if protected species are found during development, will construction stop and for how long, how such a loss will be quantified and restored, and how much loss will be tolerated. The commenter asks if there is a point where the project might stop completely, and if so with structures already demolished, how would you quantify, restore and rectify that loss. They note that once structures are demolished and grading starts the property simply cannot be returned to its previous state. The commenter states that mitigation in and of itself can prove to be counterproductive and asks what strategies will be implemented to avoid unintended consequences.

Response: The DEIR addresses the mitigation measures that will be implemented if protected species are found in Section 5.4.7, *Mitigation Measures*, through Mitigation Measures BIO-1 through BIO-9 (pages 5.4-27 to 5.4-31) and newly added mitigation measures BIO-1b and BIO-11, which include pre-construction surveys, biological monitoring during construction, and specific protocols for species discoveries. The mitigation measures require pre-construction surveys to identify any nesting birds or other sensitive species. If protected species are found during development, construction activities in affected areas would temporarily halt while qualified biologists assess the situation and implement appropriate protection measures. The DEIR provides the required analysis of potential biological impacts and establishes mitigation measures to reduce impacts to less than significant levels. The regulatory framework provides mechanisms for addressing unforeseen discoveries through agency consultation and adaptive management. No further action or response is required under CEQA.

Comment 7-21: Commenter states it seems unbelievable that gnatcatchers have been seen in close proximity but none were noted on this site, and asks if that is correct.

Response: The biological surveys documented the species observed during the specific survey periods and conditions. The absence of California gnatcatcher detections on the Project Site during the survey efforts does not necessarily indicate the species never uses the area, as detection can be influenced by numerous factors including survey timing, weather conditions, seasonal movement patterns, and individual bird behavior. However, CEQA analysis is based on the formal survey results conducted according to established protocols during the appropriate survey windows. The biological analysis evaluates both actual species detections and habitat suitability. If the site contains suitable gnatcatcher habitat characteristics (coastal sage scrub vegetation, appropriate elevation, etc.), this would be factored into the impact assessment even without direct observations during surveys. Mitigation Measures BIO-1 through BIO-9 (pages 5.4-27 to 5.4-31) are designed to address potential impacts to special status species that may be present but were not detected during formal survey efforts.

As also discussed in the DEIR on page 5.4-22, no California gnatcatcher (CAGN) or CAGN habitat (i.e., coastal sage scrub habitat) was found onsite. California gnatcatchers are obligate breeders of coastal sage scrub vegetation communities which are dominated by a variety of low shrubs (mostly 3-6 feet tall). There is no suitable habitat for CAGN anywhere within the Study Area or surrounding habitat, primarily due to lack of

coastal sage scrub habitat. Based on review of aerial imagery, the nearest open space that may contain coastal sage scrub is approximately 1 mile to the north of the Study Area. The Study Area is partially developed with vegetation communities dominated by native and ornamental trees and non-native grassland, which are not suitable for CAGN foraging or breeding. No further action or response is required under CEQA.

Comment 7-22: Commenter states that on the morning of 7/18/25 someone posted (Walnut Buzz) a photograph taken that morning of a Great Egret on Istik Bridge (attached with permission granted). Istik Bridge is just off the property, so they question believing that a resident can find a protected species (Migratory Bird Treaty Act) but the professionals could not find any just a few feet away. The commenter notes that within Appendix D there is an Appendix B that lists many pages of Wildlife Species Observed, and the Great Egret is mentioned, but there is no mention found of Egrets in the EIR. They note that the last 2 paragraphs on EIR p. 5.4-5 casually mentions 8 special status species seen during focus surveys but ask why all sightings are deemed inconsequential.

Response: Not all bird species protected by the Migratory Bird Treaty Act (MBTA), including the great egret, are considered special status species. Many bird species are protected under the MBTA, including more common species that were detected on the Project Site and that were disclosed and listed in Appendix B of the Biological Technical Report (DEIR Appendix D). Examples of such species observed on the Project Site include great egret, common crow, common raven, Vaux's swift, mourning dove, and Anna's hummingbird. Bird species that are not protected by the MBTA include nonnative species introduced by humans, such as the house sparrow, European starling, and rock pigeon, and native species that do not fall under the MBTA's jurisdiction, such as the grouse, quail, and turkey (upland game birds).

The great egret is not a special status species in that it is not considered threatened or endangered under the Federal Endangered Species Act or the California Endangered Species Act. The DEIR does not provide an exhaustive list and discussion on these more common bird species as the analysis is intended to be commensurate with the significance level of the potential impact, not because they are "inconsequential". Potential impacts to birds protected under the MBTA were discussed in the DEIR page 5.4-24 (Impact BIO-4) and were appropriately mitigated using mitigation measure BIO-1. More specific attention and discussion was dedicated to the eight (8) special status species discussed in the DEIR because of their special status and appropriate mitigation was included where applicable. No further action or response is required under CEQA.

Comment 7-23: Commenter states that it became apparent while reviewing the DEIR and Appendix E that the previous historic study was used for reference. The current study's historians did not collect new data but simply reviewed and commented on that data. In doing so, four errors/omissions were noted.

Response: The DEIR Section 5.5, *Cultural Resources*, addresses the commenter's concern directly. As documented on pages 5.5-13 to 5.5-14, the current historical evaluation was conducted specifically because the 2015 Daly & Associates study had concluded the property was ineligible, but the property was subsequently included on the City's 2018 General Plan list of "Historical and Culturally Significant Sites" without supporting documentation.

The DEIR discusses that due to its inclusion on the list of Historical and Culturally Significant Sites, the Project Site may be regarded as a presumptive historical resource and that a new historical evaluation of the Brookside property was prepared to assess whether the property is eligible for designation and listing under the criteria of the CRHR and the Local Register (DEIR page 5.5-15).

The current analysis involved applying established federal, state, and local historical significance criteria (NRHP, CRHR, and Local Register standards) to evaluate the Project Site under multiple scenarios, including association with historical events, persons, architectural significance, and information potential (pages 5.5-15 to 5.5-18). This represents an independent professional evaluation using standard historical assessment methodologies rather than simply commenting on previous work. No further action or response is required under CEQA.

The commenter's comment regarding "four errors/omissions" are discussed under Comments 7-24 through 7-27 below.

Comment 7-24: Commenter states that Page 5.5-5 indicates the Brookside property maintained two historic-era buildings, the Main Barn & Stables (1938) and the Minor Stables (1938). Figure 5.5-1 also shows as "Existing Structures" the Main Stable & Minor Barn dated 1935. However, the Table on page 5.11-1 does not depict those structures at all. The commenter notes that blueprints/permits exist from the Santiago Riding Club ownership (1970's) indicating the Stable & Minor Barn as original.

Response: The commenter has identified a minor inconsistency in the DEIR's historical documentation that requires clarification. Figure 5.5-1, Existing Structures Locations, needs to be revised to reflect the correct date of 1938 rather than 1935. The commenter also notes that blueprints/permits exist from the Santiago Riding Club ownership (1970's) indicating the Stable & Minor Barn as original; however, does not provide a source for these blueprints/permits.

The City's historian/architectural historian for this Project (Urbana) identified two historic-era buildings on the Project Site, the Main Barn & Stables (1938) and the Minor Stables (1938). The DEIR references this on page 5.5-5, and they are shown on the map prepared by Urbana (Figure 5.5-1 in the DEIR); however, these structures were incorrectly labeled as being built in 1935 rather than 1938 on Figure 5.5-1. After purchasing the Project Site in 1938, Winnett constructed additional structures for use as a ranch/hobby farm. Newspaper articles indicate that at the time of purchase, only the Ranch House was preserved, with plans for new construction. Aerials from 1938, show the Ranch House (1890) and the Horse Barn (1938). By 1946, the next available aerial, the Ranch House (1890), Winnett Ranch House (1938), Horse Barn (1938), Main Barn & Stables (1938), Minor Stables (1938), and Corral (1938), are visible; therefore, it would be correct to state that the Main Barn & Stables and the Minor Stables were constructed sometime between 1938 and 1946.

Table 5.11-1 shows "Summary of Historical Land Uses." This table was prepared by Group Delta in 2022 and references one residential structure dating to 1938. Table 5.11-1, *Summary of Historical Land Uses* (page 5.11-1) from the Phase I Environmental Site Assessment (Appendix G1, prepared by Group Delta) provides a general land use timeline but does not include a detailed structural inventory. This table notes "small residential structures" in 1938 and "multiple equestrian-related facilities" from 1989 onward, but does not specifically mention the Main Barn & Stables or Minor Stables that are central to the historical evaluation. The purpose of the Phase I Environmental Site Assessment is not to evaluate or document potential historical resources. The purpose of the Phase I is for potential hazards and hazardous materials.

The Final EIR will include a revised Figure 5.5-1 to show the correct dates as 1938 (or after) and newly obtained aerial image. The 1938 date was chosen as dates of construction, based on available aerials and newspaper records that indicate that Winnett was planning construction after purchase.

The minor correction discussed above and that will be made in the Final EIR does not represent new or substantial information and does not have any bearing on the DEIR's mitigation, significance determinations, or findings. No additional response or actions are required under CEQA.

Comment 7-25: Commenter states that Page 5.5-15 indicates that Winnett owned the property until the 1980s, which is not true. They note that he died in the late 1960s and willed the property to 3 colleges. The colleges sold it to the Santiago Riding Club who planned improvements but never built them. Santiago sold to Keith Walton in the 1980s.

Response: Section 5.5, *Cultural Resources*, page 5.5-15 states that, “Winnett altered the property for use as a horse breeding and training facility, and as a weekend ranch. The property was used for this purpose until the 1980s when it became the Brookside Equestrian Center.” This language refers to the use of the property continuing until the 1980s, not Winnett’s personal ownership continuing until that time. On page 5.5-4, the DEIR states, “During Winnett’s ownership period, 1938-1968, roughly 1,720 acres were further subdivided and sold and developed leaving roughly 80 acres of the original holding to a group of private colleges who maintained ownership through 1983.” In addition, the Historical Report (Attachment D to Appendix E) clearly states that Winnett passed away in 1968 and bequeathed the property to the three colleges (page 22).

The DEIR does not claim that Winnett personally owned the property until the 1980s. The text indicates that the property’s use as a horse breeding and training facility (the use that Winnett established) continued under subsequent owners until it transitioned to the Brookside Equestrian Center in the 1980s. This is consistent with the commenter’s timeline of Winnett’s death in the late 1960s, followed by college ownership, then Santiago Riding Club, and finally Keith Walton’s purchase leading to the Brookside Equestrian Center. For clarification purposes, the sentence below from DEIR on page 5.5-4 has been revised as follows:

During Winnett’s ownership period, 1938-1968, roughly 1,720 acres were further subdivided and sold and developed leaving roughly 80 acres of the original holding to a group of private colleges, after Winnett’s death in 1968, who maintained ownership through 1983.

The minor clarification discussed above that will be made in the Final EIR does not represent new or substantial information and does not have any bearing on the DEIR’s mitigation, significance determinations, or findings. No additional response or actions are required under CEQA.

Comment 7-26: Commenter states that Page 6 of Appendix E under Section 1.2 “Undertaking” details 28 home lots and that two Winnett Ranch/Walton structures would be retained. The two paragraphs are a copy and paste from the original RPD plan submitted years ago when the structures were, in fact, in the plan. This data has no basis in the current plan. The commenter also notes they find no reference to the actual name of Winnett’s ranch, that is, Rancho San Vicente.

Response: The Cultural Resources Report (Appendix E) was prepared in September 2023 and contains Project details that predate the current proposal. The Project Description was subsequently modified, but the cultural resources appendix was not updated to reflect these changes. The presence of outdated Project details in Appendix E does not alter the CEQA analysis or conclusions of the Cultural Resources Report because the purpose of that report is not to describe the Project but to evaluate cultural resources. The environmental impact analysis in Section 5.5, *Cultural Resources*, of the DEIR is based on the current Project Description detailed in Section 3.0, *Project Description*, which accurately describes the proposed 27-home development with complete demolition of existing structures. The cultural resources impact analysis - that no significant historical resources would be affected - is correct. No further action or response is required under CEQA.

In response to the comment, reference to Rancho San Vicente has been added to the sentence on page 5.5-4 as follows:

In 1938, 1,800 acres of the original 3,500-acre Sentous family land holding was sold to P.G. Winnett who established a hobby farm and recreational equestrian ranch ("Rancho San Vicente").

Comment 7-27: Commenter states that the above-mentioned errors make them uncomfortable with all of the data in this DEIR. They note that one has to wonder about the errors they don't find.

Response: Under CEQA, an EIR does not require technical perfection but rather adequacy, completeness, and a good-faith effort at full disclosure for the purpose of providing information. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) The DEIR meets that standard. The commenter's identified issues consisted of minor consistency corrections and clarifications that have been adequately addressed as described above, and as stated, do not represent new or substantial information and do not have any bearing on the DEIR's mitigation, significance determinations, or findings. No further action or response is required under CEQA.

Comment 7-28: Commenter states that Page 5.5-17 indicates that in the 1980s many historic-era buildings were removed. The only building of importance that was removed in the 1980s would have been Winnett's weekend house.

Response: It is accurate to state that many historic-era buildings were removed. The term "historic-era" means at least 45 to 50 years old (i.e., built earlier than 1978 at the time of creating the documentation) but not necessarily evaluated and determined to be significant. A "contemporary period" building would be one that was built after 1978 or is less than 45 to 50 years old. As stated in the DEIR (page 5.5-17), "the acreage of the [original] property was significantly reduced when sold in the 1980s, and many of the original Winnett-era buildings, including the main Ranch House and Horse Barn, were lost in the subsequent renovation." No further action or response is required under CEQA.

Comment 7-29: Commenter states that Page 5.5-17 mentions the hill behind the Main Stable is gone. While that is true, that topographical point is not part of this property. It was probably removed with improvements to Meadow Pass Road and/or the building of homes/tracts outside of this property. The commenter asks if they are saying the hill has more importance than the structures themselves.

Response: The removal of the hill was mentioned in addition to noting the other changes to the original 1,800-acre Winnett property. The property's acreage has been reduced substantially, buildings have been removed, added, or altered, and the topography has been changed. These factors all point to a change in the property's appearance and integrity compared to as it would have appeared during Winnett's ownership.

Section 5.5, *Cultural Resources*, page 5.5-28, under Local Register Criterion 7 states, "During the Winnett Ranch era, the property spanned approximately 1,800 acres before being reduced to 80 acres by the 1960s. The current property is approximately 25 acres. In the 1980s, many of the historic-era buildings were removed. Further, the topography was altered and leveled during the 1980s renovation campaign. Notably, the hill that was previously behind the Main Barn and Stables building was leveled." The topographical changes are discussed as one of several factors that affected the property's historical integrity, along with building removals, acreage reduction, and surrounding development. This is standard practice in historical evaluations to assess how physical changes impact a property's ability to convey its historical character.

The DEIR's analysis of topographical changes is one component and appropriate for evaluating historical integrity. No further action or response is required under CEQA.

Comment 7-30: Commenter states that Page 5.5-17 denies a single characteristic as a 'familiar visual feature.' The main Stable has been used in all photographs of this property and is definitely

a familiar visual feature. If you compare to the Winnett family photo of the Stable from the 1940s, there is no doubt that Walton improved the Stable by remaining true to its original appearance save for the addition of a second story home accessed from the back of the structure. The commenter asks to expand upon the argument that this is not a familiar visual feature.

Response: The DEIR's analysis in Section 5.5, *Cultural Resources*, under Local Register Criterion 7 on page 5.5-17 states that the property "does not qualify as a unique location or singular physical characteristic, and its existence as a familiar property to those interested in the equestrian activities that occurred in the contemporary period, does not constitute a 'familiar visual feature' that could be asserted eligible under this criterion." The evaluation applies the established criterion that requires a property to have "a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City." The analysis considers the broader context that the property has been significantly altered from its historic appearance, with substantial acreage reduction (from 1,800 acres to 25 acres), building removals, and surrounding suburban development that has "compromised the former ranch and hobby farm property such that it is a remnant of what it once was" (page 5.5-17).

While the commenter notes the Main Stable appears in photographs and has been maintained, the historical evaluation considers whether the structure functions as a familiar visual feature within the broader community context, not just within the immediate property. The analysis concludes that the changes to the property's setting, scale, and context have diminished its role as a community landmark. The determination of what constitutes a "familiar visual feature" under historical designation criteria requires professional judgment about community-wide recognition and significance, not just visibility or photographic documentation. The evaluation concluded that despite the structure's presence, the overall property changes prevent it from meeting this specific criterion for historical designation.

To further expand upon the Main Stable, specifically, the second story alteration, which included an interior remodel of the previous hayloft to a residential space, included a new large center window unit comprised of French doors, matching sidelights, and a Syrian arched window unit with segmented lights was added to replace the original hay loft doors. The balconette at the front elevation was added at this time. Additional alterations include a new, wider center steeple and skylight added, the stable wings widened by approximately 8 feet, the balcony, entry doors, and awning were added at the rear, an awning added at the second story front window, and the roof replaced with fire retardant shingles. Further, the stone siding at the center elevation of the building is likely not original, and during the 2023 survey, several of the buildings and doors had been boarded shut with the condition of the openings unknown. While the second story residential unit is only accessible from the rear, it is clearly visible from the front. This alteration is clearly noticeable when comparing historic and current photos.

No further action or response is required under CEQA.

Comment 7-31: Commenter notes that as stated in previous correspondences, they have done extensive research especially into the Winnett ownership. Repeatedly (and on 21Nov2022 correspondence) they pointed out the Stable & Minor Barn reflect the City's heritage/culture and have distinguishing architectural characteristics and create a familiar visual, the property is identified with a nationally known person and is in a unique central Walnut location. The commenter states that only one of those criteria is needed for historic consideration.

Response: The current DEIR includes a comprehensive historical evaluation conducted by qualified professionals in 2023 that systematically analyzed the property against all applicable federal, state, and local criteria.

The commenter's assertion that "only one of those criteria is needed for historic consideration" is correct regarding the threshold for evaluation. However, meeting the basic criteria is only the first step - properties must also retain sufficient historical integrity to convey their significance. The historical analysis in Section 5.5, *Cultural Resources*, evaluated each criterion the commenter mentions:

- Heritage/Culture and Architectural Characteristics (Criteria 1, 4): The analysis found the buildings are "typical barn and stable structures" that have been "significantly altered from their original form" (page 5.5-17).
- Association with Notable Person (Criterion 2): The evaluation concluded the property would not be "the property most closely associated with Winnett's life" and was used as a weekend retreat rather than primary residence (page 5.5-16).
- Unique Location/Visual Feature (Criterion 7): The analysis determined the property no longer maintains "the appearance, configuration and features, and environmental setting that existed in the historic period" (page 5.5-17).

The DEIR's conclusion is based on established professional historical evaluation standards applied by qualified architectural historians. The DEIR has relied upon formal professional assessment using recognized historical significance criteria and integrity standards. It should also be noted that these findings were verified independently by two non-affiliated architectural historian consultants. No further action or response is required under CEQA.

Comment 7-32: Commenter states that with regard to P.G. Winnett himself, Page 5.5-16 argues that the historic "Bullocks Wilshire building...better represents Winnett's legacy." However, they argue that history is about people, so if his professional accomplishment (the building) is a legacy, then how is his life not a legacy. The commenter states it makes no difference whether the remaining relics are primary residences or not. They ask how many people in 1938 could afford to buy 1800 acres of land and build a ranch, and how many people built a large-scale thriving department store business and ran that business for decades. The commenter questions why the Lucky Baldwin cottage (not a primary residence) and Coach Barn on the Arboretum property in Arcadia have historic value when there is no historic Baldwin primary residence.

Response: Historical designation criteria require more than personal wealth or business success - they require demonstrable significance within established frameworks and sufficient integrity to convey that significance. The DEIR's reference to the Bullock's Wilshire building (page 5.5-16) illustrates the standard historical principle that properties most directly associated with a person's significant contributions typically have stronger historical value. Winnett's primary legacy was his retail industry leadership, making his business headquarters more historically significant than a recreational property. While the commenter correctly notes that non-primary residences can have historical value, the evaluation must consider the totality of factors including the person's significance, the property's role in their life, architectural merit, and integrity. The analysis found that this weekend retreat property, while reflecting Winnett's wealth, does not rise to the level of significance required for formal designation. The Baldwin cottage example illustrates that each property must be evaluated individually based on its specific historical context, architectural significance, and integrity. Different properties achieve significance through different pathways. Historical designation requires meeting established criteria through professional evaluation, not simply demonstrating that a wealthy or notable person owned a property.

According to the National Register bulletin, "Each property associated with an important individual should be compared to other associated properties to identify those that best represent the person's historic

contributions. The best representatives usually are properties associated with the person's adult or productive life." The Bullocks Wilshire building best represents Winnett's productive life as it was constructed as he was rising through the ranks of the company, and based on historical research, he had a significant hand in the construction of the building. Ideally, the nomination for the Wilshire building would be updated to reflect Winnett's contribution.

Further, if the Project Site is considered eligible for its association with Winnett, it would not be considered to have integrity to the period of significance. The original property has undergone significant alterations, including the removal and addition of ancillary structures, and alterations to historic buildings. The original property is only a fraction of what had been under Winnett's ownership. The original property had been 1,800 acres when he purchased it, and had been reduced to 80 acres after his death. The current property (Project Site) has been reduced further to 25 acres.

The comprehensive analysis in DEIR Section 5.5 applied these standards systematically and concluded the property does not meet the threshold for historical protection under CEQA. No further action or response is required under CEQA.

Comment 7-33: Commenter states that had the City been given the opportunity to obtain a formal historic designation, they are certain that would have been easily accomplished. Yet the historical review of this property denies what is so obvious. They understand that formal historic designation never took place but believe there is a gross under-emphasis placed on the Brookside structures and the site itself. The commenter concludes that this is a very important property to the Walnut community.

Response: The DEIR documents that the City has established procedures for historic designation under Municipal Code Chapter 6.104 (Historical Preservation). As stated in Section 5.5, *Cultural Resources*, page 5.5-13, any person or group may request designation by submitting written documentation to the Community Development Department, with the owner's consent, showing how the property meets the established criteria. The comprehensive historical analysis in Section 5.5 systematically evaluated the property against all applicable federal (NRHP), state (CRHR), and local register criteria using established professional standards. The evaluation examined the property's associations with historical events, persons, architectural significance, and information potential across pages 5.5-14 through 5.5-18, concluding it does not meet the significance thresholds under any criteria. In addition, the City is unaware of any person or group having requested designation with the owner's consent pursuant to the Municipal Code Chapter 6.104 (Historical Preservation).

The DEIR documents that the property was previously evaluated in 2015 and found ineligible for historical designation (page 5.5-15). The property's subsequent inclusion on the City's 2018 General Plan list occurred "without available supporting documentation" and "had not all been formally evaluated for inclusion on the City's official Local Register of Historical Resources" (page 5.5-15). Although it is acknowledged that people in the community have personal connections to the Project Site and its previous uses, under CEQA, the determination of historical significance must be based on objective application of established criteria. The DEIR's analysis applied recognized historical evaluation standards and concluded that the Project Site does not constitute a significant historical resource under CEQA Guidelines Section 15064.5. The historical evaluation was conducted according to established professional standards and regulatory requirements, supporting the conclusion that no significant impacts to historical resources would occur. No further action or response is required under CEQA.

Comment 7-34: Commenter states they feel all new homes should be subject to landscape fees as the expansive landscape on major/minor arterials throughout the city is an important feature

and impresses all future homebuyers. Staff informs them that LOSMD will be assessed for lighting services only.

Response: The commenter appears to be referring to a Landscape and Open Space Maintenance District (LOSMD) assessment. This comment appears to relate to municipal financing and fee structures rather than environmental impacts under CEQA. The DEIR analyzes the environmental effects of the proposed Project, including impacts to aesthetics, community character, and visual resources, but does not typically address municipal fee structures or financing mechanisms for ongoing landscape maintenance. Questions about landscape maintenance fees, assessment districts, and municipal service financing are typically addressed through the City's municipal services and financing policies rather than through CEQA environmental review. These administrative and financing matters are generally handled separately from the environmental impact analysis. No further action or response is required under CEQA.

Comment 7-35: Commenter states that contrary to this, in Appendix D page 3 it states that the 12.2 acres of open space will be maintained by LOSMD through a new zone, the City (for the trail), the flood control district, another public agency, and/or the HOA. This data was not found in the body of the EIR (only in the Appendix). The commenter describes this as “a very indeterminate statement” and asks when/by whom this will be decided. They note this includes creek management and should not be considered lightly.

Response: The commenter correctly identifies that the Biological Technical Report was prepared at a time when the specific maintenance agreement structure had not yet been finalized. This explains why Appendix D presents multiple potential maintenance scenarios rather than a single definitive arrangement. At the time of the biological report preparation, the Project team was evaluating various maintenance mechanisms to ensure adequate long-term stewardship of the open space area adjacent to Lemon Creek. The multiple options listed in Appendix D (LOSMD, City, flood control district, other agencies, and/or HOA) represent the range of viable maintenance structures being considered to ensure the open space areas would be properly managed. Since the biological report was prepared, the Project Description has been refined to specify that the approximately 9.5 acres of open space along Lemon Creek would be managed by the HOA subject to a deed restriction; however, in response to comments received from CDFW, a new mitigation measure BIO-10 now requires the approximately 9.5 acres to be placed under a deed restriction, open space easement, or conservation easement (Protective Instrument) and managed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment. This represents the evolution of the maintenance framework from the initial multiple-option approach to a more specific structure. The environmental impact analysis remains valid regardless of the specific maintenance mechanism, as the key requirement is ensuring adequate long-term stewardship of the biological and water quality resources. The various maintenance options all provide mechanisms to achieve this environmental protection objective. No further action or response is required under CEQA.

Comment 7-36: Commenter states they find it unfortunate that Alternatives 2 & 3 are unreasonable as neither creates a bridge. Therefore, use of the trail for hiking would be compromised. They ask where else this has been allowed in the City of Walnut. The commenter notes that trail continuity was always a key community feature that was revisited again and again, calling this “yet another example of insincerity.” They state that alternatives that respected the Council's previous decision and created a neighborhood deserving of the Walnut community should have been considered.

Response: This response requires clarification as the assumption about the trail being “compromised” under these alternatives is inaccurate. Alternatives 2 and 3 would not impede or cut off access of the proposed multi-use trail. The Alternatives Analysis in Section 6.0 explains that Alternatives 2 and 3 would

rather eliminate the proposed vehicle bridge to achieve greater avoidance of Lemon Creek and reduce potential impacts to jurisdictional waters (pages 6-7 and 6-20). In other words, the bridge being eliminated from the design would not impact the functionality of the multi-use trail. This design modification was made to reduce biological impacts, which is a standard CEQA alternatives approach. Under CEQA Guidelines Section 15126.6, alternatives must avoid or substantially lessen significant environmental effects while feasibly achieving most Project Objectives. The “no bridge” alternatives were selected because they reduce impacts to biological resources and jurisdictional waters, which represents a valid environmental trade-off to better internal vehicle access and circulation within the Project Site. No further action or response is required under CEQA.

Comment 7-37: Commenter states that should another RPD project be considered (Alternative 3), they question why 34 units would be considered. There was nothing mentioned in this alternative about giving back to the community for smaller lots.

Response: Alternative 3 proposes 34 units because it utilizes the RPD zoning’s residential planned development option, which allows up to 1.3 dwelling units per acre without minimum lot size requirements (Section 6.10, *Alternative 3: RPD Zoning, 34 Units, No Bridge*, page 6-13). With the 25.84-acre site, this density limit results in approximately 34 units maximum under the RPD planned development scenario. Alternative 3 would provide seven additional housing units, which contributes to regional housing supply. The analysis does not detail giving back to the community as this is not a potential impact under CEQA. Under CEQA, alternatives are primarily evaluated based on their ability to reduce environmental impacts while achieving Project Objectives. The analysis shows that Alternative 3 would have greater impacts in multiple categories (air quality, energy, utilities, etc.) due to the additional units, but potentially lesser biological impacts due to eliminating the bridge. No further action or response is required under CEQA.

Comment 7-38: Commenter concludes that they feel strongly that all developers should be giving back to the community.

Response: Comment noted. Under CEQA, environmental impact analysis focuses on evaluating and mitigating the environmental effects of proposed projects rather than assessing community benefit contributions. This comment does not raise new environmental impacts or pertain to the content or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

Comment 7-39: Commenter states that the current plan will not enhance their community and could actually cause future liability to the City. As stated above, Alternatives 2 & 3 actually degrade the community. The community deserves a meaningful project or alternative that enhances the community, is practical, and adheres to the guidelines of the General Plan.

Response: The commenter’s concerns about community enhancement and their assessment that the proposed Project and alternatives do not adequately serve community interests are acknowledged. Under CEQA, the environmental analysis evaluates whether the proposed Project and alternatives would result in significant environmental impacts, not whether they optimally enhance community character or provide maximum community benefits. The DEIR concludes that all alternatives, including the proposed Project, would result in less than significant environmental impacts with mitigation measures. The Land Use and Planning analysis in DEIR Section 5.11 concludes that the proposed Project is consistent with the City’s General Plan Very Low Density Residential designation and RPD zoning requirements. This comment does not raise new environmental impacts or pertain to the content or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

Comment 7-40: Commenter states that mitigation measures will impact the environment, many of which cannot be reversed. They ask what commitment will be made to fully and strategically implement the long list of mitigation measures and through what accountable measure will the public be able to track these.

Response: Under CEQA, mitigation measures become legally binding conditions of project approval once adopted. The City has regulatory authority to require compliance with all mitigation measures and can withhold permits, stop construction, or impose penalties for non-compliance. Each mitigation measure includes specific performance standards, timing requirements, and responsible parties. CEQA Guidelines Section 15097 requires lead agencies to adopt monitoring and reporting programs to ensure mitigation measure compliance. The City has included a mitigation monitoring and reporting program (MMRP) that specifies:

- Implementation timing and milestones
- Responsible parties for each measure
- Monitoring methods and frequency
- Reporting requirements
- Compliance verification procedure

While specific public tracking mechanisms vary by jurisdiction, the MMRP is typically a public document available for review. Many cities provide compliance updates through planning department reports, city council meetings, or online databases. The commenter could request information about the City's standard MMRP procedures and public reporting practices.

In addition, multiple agencies including the City, Regional Water Quality Control Board, and California Department of Fish and Wildlife have ongoing oversight authority as Responsible Agencies to ensure mitigation compliance throughout the Project lifecycle and permit requirements. No further action or response is required under CEQA.

Comment 7-41: Commenter states that the further they read through the EIR data, the more they questioned its reliability. The data in the Appendices did not carry forward to the EIR content clearly, and much of it did not carry forward to the Executive Summary at all. It did not provide clear, easy-to-find information upon which to make an informed decision. The errors/omissions that were detected leave questions as to those that were not found, and all irregularities could impact the conclusions that were drawn. As such, this plan and its associated data simply doesn't feel right. Consequently, at this time, they prefer Alternative 1 – No Project.

Response: Environmental Impact Reports necessarily contain different levels of detail across sections. Technical appendices contain comprehensive data and methodologies, while the main DEIR text summarizes key findings and conclusions. The Executive Summary, per CEQA Guidelines Section 15123, provides a high-level overview of significant impacts and mitigation measures rather than detailed technical information. The environmental impact conclusions are based on established methodologies including air quality modeling, traffic analysis, hydrological studies, and biological surveys conducted according to regulatory and professional standards. These technical assessments form the foundation for the impact determinations. Environmental documents contain complex technical information that can be interpreted differently by various reviewers. The DEIR presents the analysis according to CEQA requirements and professional standards, though readers may have different perspectives on the findings.

The commenter's preference for the No Project Alternative is noted. As analyzed in Section 6.8, *Alternative 1: No Project, Current General Plan and Zoning*, this alternative would avoid the development impacts but

would not achieve Project Objectives such as housing provision, creek improvements, or formal public trail dedication. All comments have been addressed in the FEIR to provide additional clarification and ensure the document serves its intended purpose for informed decision-making. As discussed in the responses to comments above, clarifications have been made that address the commenter's comments, all of which the City has determined to be minor in nature for clarification purposes and do not affect the impact analysis, mitigation, or findings made in the DEIR. No further action or response is required under CEQA.

COMMENT LETTER NO. 8

From: Jiayi Li [REDACTED]
Sent: Tuesday, August 19, 2025 2:58 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: Public Comment Opposing the Brookside Project – Environmental and Community Concerns

Dear Ms. Guerra,

I am writing to express my strong opposition to the proposed Brookside Project as outlined in the Draft Environmental Impact Report (EIR). While I understand the City of Walnut's efforts to accommodate growth, I have serious concerns regarding the environmental and community impacts of this development.

8-1

1. Noise Pollution

The construction and eventual increase in vehicle traffic would significantly increase noise levels in what is currently a quiet and peaceful residential area. This is particularly concerning for nearby families, elderly residents, and those who work from home. The Draft EIR underestimates the long-term impact of sustained construction activity and future residential noise.

8-2

2. Air Pollution

Construction dust, vehicle emissions, and additional pollutants from increased traffic will degrade the air quality in the area. This poses health risks to residents, especially children and those with respiratory conditions. The project does not appear to provide adequate mitigation measures for minimizing particulate matter and other air quality impacts.

8-3

3. Environmental and Recreational Loss

One of the proposed development areas is land that local residents frequently use for outdoor activities such as dog walking and casual recreation. This open space has become an informal community gathering area and contributes to the mental and physical well-being of residents. Developing this land into residential lots would permanently eliminate a valuable and irreplaceable green space.

8-4

For these reasons, I respectfully request that the City of Walnut reconsider the current proposal and explore alternative solutions that do not jeopardize the environmental quality, public health, and community resources of the area.

8-5

Thank you for considering these comments.

Sincerely,
Jiayi Li

Response No. 8

Jiayi Li
Resident
August 19, 2025

Comment 8-1: Commenter expresses strong opposition to the proposed Brookside Project as outlined in the Draft Environmental Impact Report (EIR). While they understand the City of Walnut's efforts to accommodate growth, they have serious concerns regarding the environmental and community impacts of this development.

Response: Comment noted. The commenter expresses opposition to the Project and indicates they have concerns about environmental and community impacts. The DEIR provides comprehensive analysis of potential environmental impacts across 20 topic areas as required by CEQA, including impacts to biological resources, hydrology and water quality, cultural resources, and other areas of environmental concern. The analysis identifies appropriate mitigation measures where potential impacts are identified and concludes that all impacts would be reduced to less than significant levels with mitigation incorporated. This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 8-2: Commenter states that the construction and eventual increase in vehicle traffic would significantly increase noise levels in what is currently a quiet and peaceful residential area. This is particularly concerning for nearby families, elderly residents, and those who work from home. The commenter believes the Draft EIR underestimates the long-term impact of sustained construction activity and future residential noise.

Response: The DEIR provides comprehensive analysis of noise impacts in Section 5.13, *Noise*. This analysis is based on detailed noise measurements taken at the Project Site and quantitative modeling using Federal Highway Administration and Federal Transit Administration methodologies.

- Construction Noise: The DEIR analyzes construction noise impacts in Section 5.13.5, *Environmental Impact Analysis* (pages 5.13-8 through 5.13-12) using conservative assumptions, including modeling all construction equipment as operating simultaneously at the center of the Project Site. The analysis found that construction noise levels would not exceed Federal Transit Administration standards, with maximum levels of 73 dBA at the nearest residences during grading activities, which is below the 80 dBA significance threshold. Construction would be limited to permitted daytime hours (7:00 AM to 8:00 PM on weekdays) as required by City Municipal Code Section 3.40.030(A).
- Operational Traffic Noise: The DEIR analyzes long-term traffic noise impacts in Section 5.13.5 (pages 5.13-10 through 5.13-12). The analysis shows that the Project's maximum contribution to roadway noise would be +0.3 dBA, which is well below established significance thresholds. This increase would be barely perceptible, as noise changes of less than 3 dBA are generally not noticeable to the human ear.

The DEIR provides quantitative analysis based on established methodologies and significance thresholds. The analysis concludes that noise impacts would be less than significant for both construction and operational phases.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 8-3: Commenter states that construction dust, vehicle emissions, and additional pollutants from increased traffic will degrade the air quality in the area. This poses health risks to residents, especially children and those with respiratory conditions. The commenter believes the project does not appear to provide adequate mitigation measures for minimizing particulate matter and other air quality impacts.

Response: The DEIR provides comprehensive analysis of air quality impacts in Section 5.3, *Air Quality*. This analysis is based on detailed air quality modeling using California Emissions Estimator Model (CalEEMod) and American Meteorological Society/EPA Regulatory Model (AERMOD) methodologies in accordance with South Coast Air Quality Management District (SCAQMD) guidelines.

- Construction Air Quality: Section 5.3.5, *Environmental Impact Analysis* (pages 5.3-11 through 5.3-13) analyzes construction emissions including dust and diesel particulate matter. The analysis shows that maximum construction emissions would be 31.4 pounds per day for carbon monoxide, well below the SCAQMD significance threshold of 550 pounds per day. For particulate matter (PM₁₀), the maximum would be 7.81 pounds per day, below the 150 pounds per day threshold. The Project includes mandatory compliance with SCAQMD Rule 403 (Fugitive Dust Control), which requires specific dust control measures including watering exposed areas, covering haul trucks, and restricting grading during high winds.
- Operational Air Quality: Section 5.3.5, *Environmental Impact Analysis* (pages 5.3-11 through 5.3-13) analyzes long-term traffic and residential emissions. The Project's maximum operational emissions would be 9.0 pounds per day for carbon monoxide and 1.72 pounds per day for PM₁₀, both well below significance thresholds of 550 and 150 pounds per day, respectively.
- Health Risk Assessment: The DEIR includes a detailed health risk assessment (Table 5.3-5, page 5.3-15) analyzing cancer risk from diesel particulate matter exposure to sensitive receptors including nearby homes. The maximum cancer risk would be 3.4 per million persons, well below the 10 per million significance threshold.
- Sensitive Receptors: The analysis specifically considers impacts to children and vulnerable populations by evaluating effects at the nearest residences, church, and school locations.

The Project includes appropriate mitigation through mandatory compliance with SCAQMD regulations and design features that result in emissions well below all significance thresholds.

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 8-4: Commenter states that one of the proposed development areas is land that local residents frequently use for outdoor activities such as dog walking and casual recreation. This open space has become an informal community gathering area and contributes to the mental and physical well-being of residents. The commenter believes that developing this land into residential lots would permanently eliminate a valuable and irreplaceable green space.

Response: The Project Site consists of private property that has been privately owned throughout the period described by the commenter. The Project Site is not a designated park or recreation area and is

zoned for residential development under the City's General Plan Very Low Density Residential designation and RPD zoning.

The DEIR acknowledges the site's natural qualities and addresses recreational impacts in Section 5.16, *Recreation*. The analysis found that while informal use may have occurred, the Project would provide designated public access by providing permanent public recreational opportunities that do not currently exist. The Project would construct a new multiuse public trail system along Lemon Creek that would be dedicated to the City of Walnut for permanent public use and connect to existing offsite trails (DEIR Section 3.4, page 3-12). This designated trail system would provide legal access for community members to enjoy the site's natural features. The Project would preserve approximately 12.2 acres (47.2%) of the Project Site as dedicated open space, including approximately 9.5 acres along the Lemon Creek channel and riparian areas (DEIR Section 3.1, page 3-1).

This comment does not raise potential new environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 8-5: Commenter respectfully requests that the City of Walnut reconsider the current proposal and explore alternative solutions that do not jeopardize the environmental quality, public health, and community resources of the area. They thank you for considering these comments.

Response: The City appreciates the commenter's participation in the CEQA review process. The purpose of the DEIR is to provide decision-makers and the public with comprehensive analysis of potential environmental impacts to inform the decision-making process. The DEIR provides detailed analysis across 20 environmental topic areas and concludes that all potential impacts would be reduced to less than significant levels with implementation of identified mitigation measures. No significant unavoidable environmental impacts were identified. Section 6.0, *Alternatives Analysis*, of the DEIR evaluates three alternatives to the proposed Project, including a No Project alternative, as required by CEQA. The alternatives analysis provides decision-makers with options that could avoid or reduce potential impacts while considering the Project's Objectives. This comment expresses policy preferences but does not raise potential environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 9

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 20, 2024

Joelle Guerra
City of Walnut
21201 La Puente Rd
Walnut, CA 91789
jguerra@ci.walnut.ca.us

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BROOKSIDE PROJECT, SCH NO. 2022110184, LOS ANGELES COUNTY, CA

Dear Joelle Guerra:

The California Department of Fish and Wildlife (CDFW) reviewed Draft Environmental Impact Report (DEIR) from the City of Walnut (City) for the Brookside Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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, CDFW appreciates 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.

9-1

CDFW 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 & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (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 (Fish & G. Code, § 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 fish and wildlife resources.

9-2

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

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regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

9-2

PROJECT DESCRIPTION SUMMARY

Proponent: Spring Meadows Homes, LLC

Objective: The Project is a Tentative Tract Map (TTM) for the development of 27 single-family detached homes. The Project proposes a total of 12.2 acres of open space within the Project site. Approximately 9.5 acres of that open space would be within lots owned by individual homeowners and maintained by the Project’s Homeowners Association (HOA). Another 2.7 acres of open space would be owned and maintained by the HOA and/or Los Angeles County Flood Control District.

Location: The Project site consists of 25.84 acres 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.

Biological Setting: The Project site is on land previously occupied by the Brookside Equestrian Center, which is no longer operating. Presently, there are unused facilities remaining on site from discontinued equestrian activities. These facilities consist of two stables, one of which has a second story residential additional 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. Non-native grasslands and ornamental vegetation dominate most of the Project site, with some riparian woodland within Lemon creek.

9-3

According to the Biological Technical Report (BTR) the following surveys were conducted at the Project site:

- General biological survey in September 2022
- Bat habitat assessment and three focused surveys in July 2022
- Burrowing owl habitat assessment and four focused surveys from April to June 2022
- California gnatcatcher habitat assessment in March 2023
- Eight least Bell’s vireo focused surveys from April to July 2022
- Southwestern pond turtle habitat assessment and four focused surveys from July to August 2022

² “Take” is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.”

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- Five Crotch's bumble bee surveys from March to August 2023

Observed species from the surveys include but are not limited to California black walnut (*Juglans californica*; California Species of Special Concern (SSC)), Cooper's hawk (*Accipiter cooperii*; SSC), yellow warbler (*Setophaga petechia*; SSC), Vaux's swift (*Chaetura vauxi*; SSC), Lawrence's goldfinch (*Spinus lawrencei*; United States Fish and Wildlife Service (USFWS) designated Bird of Conservation Concern), least Bell's Vireo (Endangered Species Act (ESA) – Endangered, California Endangered Species Act (CESA) – Endangered), hoary bat (*Lasiurus cinereus*; SSC), and Crotch's bumble bee (*Bombus crotchii*; CESA Candidate). Per the BTR, additional species with moderate or high potential to occur include but are not limited to: Monarch butterfly (*Danaus Plexippus*; ESA Candidate), pallid bat (*Antrozous pallidus*; SSC), western mastiff bat (*Eumops perotis californicus*; SSC), and western yellow bat (*Lasiurus xanthinus*; SSC). The DEIR includes measures regarding nesting birds, bats, Crotch's bumble bee, monarch butterfly, burrowing owl, southwestern pond turtle, jurisdictional waters, and trees.

9-3

Project History: CDFW reviewed the Notice of Preparation (NOP) of the DEIR from the City for this Project and provided comments on December 9, 2022.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Walnut in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Least Bell's Vireo

Issue: The Project could impact least bell's vireo, a CESA-listed and federal ESA-listed species.

9-4

Specific impact: The proposed Project may impact least Bell's vireo by operating equipment, human disturbance, and grading activities within the Project area. The DEIR does not adequately address impacts to least Bell's vireo.

Why impact would occur: During the focused surveys in 2022, one least Bell's vireo was observed within the Project site. The DEIR states that the individual was a migrant, and that the potential for least Bell's vireo to occupy the site is low. The DEIR also states that with the incorporation of Mitigation Measure BIO-1 regarding nesting season, potential temporary construction impacts to least Bell's vireo would be less than significant. CDFW disagrees with the DEIR, as least Bell's vireo has been documented nesting in degraded riparian areas and even non-riparian areas³ (Kus and Miner 1989).

³ https://www.fs.usda.gov/psw/publications/documents/psw_gtr110/psw_gtr110_f_kus.pdf

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Construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from construction activities, generators, and heavy equipment may disrupt vireo mating calls or songs, which could impact reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009), and songbird abundance and density was significantly reduced in areas with high levels of noise (Bayne et al. 2008). Additionally, noise exceeding 70 dB(A) may affect feather and body growth of young birds (Kleist et al. 2018). Despite the recent observation of least Bell's vireo within the Project site, the DEIR does not include avoidance and minimization measures for least Bell's vireo, such as updated protocol level surveys or compensatory mitigation for known least Bell's vireo occurrences. Without updated protocol level surveys, the Project may result in missed detection of the species and adverse impacts. Adverse impacts that may occur to least Bell's vireo include but are not limited to direct injury, direct mortality by heavy machinery, or entrapment.

Evidence impact would be significant: There are only a few populations and breeding pairs of least Bell's vireo remaining in Los Angeles County. Project construction and activities resulting in loss of breeding pairs or nestlings or habitat supporting least Bell's vireo may result in the Project potentially causing a wildlife population to drop below self-sustaining levels; threatening to eliminate an animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065). Accordingly, unless the City provides alternatives or mitigation measures that would substantially lessen or avoid impacts, impacts on least Bell's vireo may require a mandatory finding of significance (CEQA Guidelines, § 15065).

9-4

CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. Inadequate avoidance, minimization, and mitigation measures for impacts on the least Bell's vireo will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a wildlife species identified as special status by CDFW and USFWS.

As to 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). 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.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

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Mitigation Measure #1: Least Bell's Vireo Surveys - The Project proponent shall retain a qualified biologist to conduct updated protocol level surveys for least Bell's vireo. The qualified biologist shall conduct surveys according to the United States Fish and Wildlife Service's [Least Bell's Vireo Survey Guidelines](#)⁴ (USFWS 2001). Per protocol, all potential least Bell's vireo habitat shall be surveyed at least eight times during the period from April 10 through July 31. CDFW and USFWS shall be notified of survey findings, including negative findings, within 45 calendar days following the completion of protocol-level surveys.

9-4

Mitigation Measure #2: Incidental Take Permit - The Project proponent shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

COMMENT # 2: Crotch's Bumble Bee

Issue: The Project may impact suitable habitat for Crotch's bumble bee.

Specific impact: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat for Crotch's bumble bee. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impact would occur: During the focused surveys in 2022, one Crotch's bumble bee was observed foraging within the Project site. The DEIR states that with the implementation of Mitigation Measure BIO-3, impacts would be less than significant. CDFW disagrees with the DEIR, as pre-construction surveys and avoidance buffers will help avoid individuals, but the Project will still impact habitat utilized by the species. Crotch's bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch's bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Without sufficient avoidance, minimization, or mitigation measures, the residence development and trail restoration activities may result in undisclosed and unmitigated temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

9-5

⁴ <https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf>

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Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list the Crotch's 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. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without taking into account the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the proposed Project site. Crotch's bumble bee is listed as an invertebrate of conservation priority under the [California Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)⁵ (CDFW 2017).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

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Mitigation Measure #3: Crotch's Bumble Bee Surveys - The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct updated focused surveys. Focused surveys shall follow CDFW's [Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species](#)⁶ (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.

Mitigation Measure #4: Incidental Take Permit – The Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.

COMMENT # 3: Impacts to Bat Species

Issue: The Project may impact several bat species, including western mastiff bat, western yellow bat, and pallid bat.

Specific impact: The BTR states that there is potential for these species to occur within the Project area. The western mastiff bat, western yellow bat, and pallid bat are all designated California Species of Special Concern. Project activities include ground disturbing activities that may disturb areas that provide foraging habitat and therefore have the potential for the direct loss of bats. Indirect impacts to bats and roosts could

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⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

⁶ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities (e.g., staging, mobilizing, and grading), and vibrations caused by heavy equipment.

Why impact would occur: The removal of vegetation may potentially result in the loss or disturbance of foraging and roosting habitat for bats. Construction activities will temporarily increase the disturbance levels as well as human activity in the Project area. The DEIR states that with the implementation of Mitigation Measure BIO-2 for bat protection, impacts would be less than significant. CDFW disagrees with the DEIR, as a single pre-construction survey is not sufficient to properly assess impacts to bats in the Project site. Without updated focused surveys, Project activities may result in missed detection of bats and adverse impacts. Adverse impacts that may occur to bats include but are not limited to direct injury, direct mortality by heavy machinery, or entrapment. Additionally, without sufficient avoidance, minimization, or mitigation measures, Project activities may result in undisclosed and unmitigated temporal or permanent loss of bats, and suitable nesting and foraging habitat.

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Unless the City provides alternatives or mitigation measures that would substantially lessen or avoid impacts, take of California Species of Special Concern could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

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Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #5: Bat Surveys - Prior to construction activities, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings shall be provided to the City and CDFW. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the City and CDFW prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of habitat for bats.

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Mitigation Measure #6: If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).

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COMMENT # 4: Impacts to Lemon Creek

Issue: The Project will permanently impact streams.

Specific impact: The DEIR states the Project will permanently impact streams.

Why impact would occur: Grading, excavation, and construction to conduct Project activities will permanently and temporarily impact streams. These activities may also cause deposition or debris and refuse in the area that may end up in the drainages. Project implementation may directly affect water quality downstream. Lastly, these actions may also result in changes to the stream, altering hydrologic and geomorphic processes that may impact plant and wildlife species. CDFW appreciates the implementation of Mitigation Measures BIO-7 and BIO-8 to obtain permits and mitigate impacts to Waters of the State, but recommends the DEIR include discussion of Fish and Game Code 1602.

Evidence impact would be significant: Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

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- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

The Project may adversely affect the existing hydrology pattern of the Project site. This may occur through the alteration of flows in the stream, which absent specific mitigation, could result in substantial erosion or siltation on or off site of the Project. In addition, associated riparian plant communities are present downstream of the Project site. Accordingly, the Project may substantially adversely affect the existing stream pattern and geomorphologic processes of the Project site through the alteration of drainages on site. Direct filling of drainages would impact sensitive vegetation communities and wildlife habitat downstream.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #7: The Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. Based on this notification

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and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's [Lake and Streambed Alteration Program](#)⁷ webpage for information about LSA Notification and online submittal through the [Environmental Permit Information Management System \(EPIMS\) Permitting Portal](#)⁸.

Mitigation Measure #8: Best Management Practices (BMP) shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

Recommendation #1: CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report should also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.

Recommendation #2: CDFW's issuance of an 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 CEQA document from the County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA 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.

To compensate for any on- and off-site impacts to wetlands or riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

9-7

⁷ <https://wildlife.ca.gov/Conservation/LSA>

⁸ <https://epims.wildlife.ca.gov/index.do>

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COMMENT # 5: Compensatory Mitigation

Issue: The Project proponent does not propose appropriate compensatory mitigation to offset Project impacts on biological resources.

Specific impact: Project development would result in permanent grading, compacting, and altering of 25 acres, which will result in a direct loss of habitat for wildlife and plant species. In addition, trail development and use of hillside trails following build out may result in degradation of natural habitat and encroachment on rare plant populations and breeding and/or foraging habitat for wildlife.

Why impact would occur: The Project proposes to have 12.2 acres preserved for open space. This average includes lemon creek and surrounding slopes. The DEIR states that 9.5 acres of the preserved open space would be privately owned and maintained by the HOA. The privately owned open space would be deed restricted to prohibit any use or development of the private property other than for the public trail and passive open space purposes. Additionally, another 2.7 acres of open space would be provided that would be maintained and owned by the HOA and/or Los Angeles County Flood Control District. These 2.7 acres also would be deed restricted to prohibit any development other than for flood control/basin, landscaping, and maintenance purposes.

9-8

CDFW disagrees that preserving 12.2 acres of the 25-acre Project site is sufficient to mitigate impacts. This proposal results in a net loss of habitat that is known to be occupied by special status species such as least Bell's vireo and Crotch's bumble bee. There are only a few populations and breeding pairs of least Bell's vireo remaining in Los Angeles County. Project construction and activities resulting in loss of breeding pairs or nestlings or habitat supporting least Bell's vireo may result in the Project potentially causing a wildlife population to drop below self-sustaining levels; threatening to eliminate an animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, § 15065). Given that the current compensatory mitigation proposal will result in a net loss of suitable habitat for least Bell's vireo and Crotch's bumble bee, the DEIR may require a mandatory finding of significance (CEQA Guidelines, § 15065).

Secondly, CDFW disagrees that the HOA can effectively manage and maintain conserved open space in perpetuity, for the benefit of biological resources. The primary objective of an HOA is to manage and serve their residential community, not to meet mitigation obligations from the construction of the development. Over time, as HOA management changes and guidance documents are revised, it has been CDFW's experience that documentation of on-site mitigation gets lost and remains unimplemented. Often these areas are subject to unanticipated fuel modifications, landscaping, or grading for stormwater control.

Lastly, CDFW disagrees that a deed restriction is the appropriate land protection instrument to preserve open space areas in perpetuity.. Deed restrictions are easily

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dissolved and do not have monitoring oversight. To ensure that impacts to biological resources are mitigated to below significant, it is essential that the land intended to offset Project impacts is protected at the highest level, which includes a conservation easement, and managed in perpetuity by land managers and endowment. Without managing the land appropriately, habitat degradation and human encroachment would ensue on the open space resulting in impacts that are not mitigated to a level less than significant.

In further support of recording a conservation easement, deed restrictions may not be acceptable land protection instruments for the purpose of acquiring a CESA Incidental Take Permit (ITP). To meet CESA's Fully Mitigated Standard, any compensatory mitigation associated with an ITP must be protected in perpetuity, which can be accomplished under a biological conservation easement, with an accompanying endowment for its monitoring and maintenance

Evidence impact would be significant: Mitigation is mandated under CEQA whenever a Project may result in a significant impact to the environment. CEQA Guidelines §15370(e) states that mitigation includes compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements. The open space is not proposed to be protected by a conservation easement or managed in perpetuity by a land manager. Without appropriate management of open space by a qualified organization, Project impacts on special-status species continue to be considered significant and unmitigated.

9-8

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #9: Conservation Easement - The Project proponent shall protect the open space in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Government Code § 65967(c). Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment shall be provided for long-term monitoring and management of mitigation lands.

Mitigation Measure #10: There shall be no net loss of suitable habitat for least Bell's vireo and Crotch's bumble bee. CDFW recommends that the City offset impacts on habitat for least Bell's vireo and Crotch's bumble bee at no less than 1:1 so there is no net loss of suitable habitat.

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ADDITIONAL COMMENTS

Coordination. As outlined in Mitigation Measure #7, the Project proponent shall submit an LSA notification for impacts to streams within the Project area. The Project proponent may also need to obtain an ITP for impacts to Crotch's bumble bee and least Bell's vireo. CDFW welcomes coordination with the City and Project proponent prior to certification of the DEIR to lessen significant impacts to the maximum extent feasible.

9-9

Injured or Dead Wildlife. If any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

9-10

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

9-11

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](https://wildlife.ca.gov/Data/CNDDDB)⁹ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

9-12

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit)¹⁰.

⁹ <https://wildlife.ca.gov/Data/CNDDDB>

¹⁰ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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The City of Walnut should ensure data collected for the preparation of the DEIR is properly submitted.

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FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

9-13

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist City of Walnut in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City of Walnut has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Andrew Aitken¹¹, Environmental Scientist.

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

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ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

ec: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Steve Gibson, CESA Senior Environmental Scientist (Supervisory)
Andrew Aitken, Environmental Scientist

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

¹¹ Phone: 562-525-9688; Email: Andrew.Aitken@wildlife.ca.gov

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Least Bell's Vireo Surveys - The Project proponent shall retain a qualified biologist to conduct updated protocol level surveys for least Bell's vireo. The qualified biologist shall conduct surveys according to the United States Fish and Wildlife Service's Least Bell's Vireo Survey Guidelines ¹² (USFWS 2001). Per protocol, all potential least Bell's vireo habitat shall be surveyed at least eight times during the period from April 10 through July 31. CDFW and USFWS shall be notified of survey findings, including negative findings, within 45 calendar days following the completion of protocol-level surveys.	Prior to Project activities	Project Proponent
Mitigation Measure #2: Incidental Take Permit - The Project proponent shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.	Prior to Project activities	Project Proponent

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¹² <https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf>

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Mitigation Measure	Timing	Responsible Party
Mitigation Measure #3: Crotch's Bumble Bee Surveys - The Project proponent shall retain a qualified biologist with the appropriate handling permits to conduct updated focused surveys. Focused surveys shall follow CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species ¹³ (CDFW 2023). Focused surveys shall also be conducted throughout the entire Project site and during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. Survey results, including negative findings, shall be submitted to CDFW and the City prior to implementing Project ground-disturbing activities.	Prior to □ Project □ activities	Project Proponent
Mitigation Measure #4: Incidental Take Permit – The Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground-disturbing activities and vegetation removal.	Prior to □ Project □ activities	Project Proponent
Mitigation Measure #5: Bat Surveys - Prior to construction activities, CDFW recommends a qualified bat specialist conduct bat surveys within these areas (plus a 100-foot buffer as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. CDFW recommends	Prior to □ Project □ activities	Project Proponent

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¹³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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Mitigation Measure	Timing	Responsible Party
the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings shall be provided to the City and CDFW. Depending on the survey results, a qualified bat specialist shall discuss potentially significant effects of the Project on bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat specialist shall be completed and submitted to the City and CDFW prior to any Project-related ground-disturbing activities or vegetation removal at or near locations of habitat for bats.		
Mitigation Measure #6: If maternity roosts are found, to the extent feasible, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are yet ready to fly out of the roost (March 1 to September 30).	Prior to ☐ Project ☐ activities	Project Proponent
Mitigation Measure #7: The Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program ¹⁴ webpage for information about LSA Notification	Prior to ☐ Project ☐ activities	Project Proponent

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¹⁴ <https://wildlife.ca.gov/Conservation/LSA>

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Mitigation Measure	Timing	Responsible Party
and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal ¹⁵ .		
Mitigation Measure #8: Best Management Practices (BMP) shall be monitored and repaired, if necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within stream areas. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.		
Mitigation Measure #9: Conservation Easement - The Project proponent shall protect the open space in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Government Code § 65967(c). Recordation of the conservation easement shall occur prior to commencement of Project activities. An appropriate endowment	Prior to ☐ Project ☐ activities	Project Proponent

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¹⁵ <https://epims.wildlife.ca.gov/index.do>

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Mitigation Measure	Timing	Responsible Party
shall be provided for long-term monitoring and management of mitigation lands.		
Mitigation Measure #10: There shall be no net loss of suitable habitat for least Bell's vireo and Crotch's bumble bee. CDFW recommends that the City offset impacts on habitat for least Bell's vireo and Crotch's bumble bee at no less than 1:1 so there is no net loss of suitable habitat.	During Project Implementation	Project Proponent
Mitigation Measure #11: Injured or Dead Wildlife - If any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project Implementation	Project Proponent
Recommendation #1: CDFW recommends the LSA Notification include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity within and downstream of the Project site. The hydrology report should also include an analysis to determine if Project activities will impact the current hydrologic regime or change the velocity of flows on site and	Prior to Project activities	Project Proponent

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Mitigation Measure	Timing	Responsible Party
downstream. CDFW also requests a hydrological evaluation of any potential scour or erosion at the project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.		
Recommendation #2: CDFW's issuance of an 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 CEQA document from the County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA 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. To compensate for any on- and off-site impacts to wetlands or riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.	Prior to adoption of the DEIR	Lead Agency

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Response No. 9

Victoria Tang, Environmental Program Manager, South Coast Region
California Department of Fish and Wildlife
August 20, 2025

Comment 9-1: The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the City of Walnut (City) for the Brookside Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. They thank for the opportunity to provide comments and recommendations regarding activities involved in the Project that may affect California fish and wildlife. CDFW also appreciates the opportunity to provide comments regarding 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.

Response: The California Department of Fish and Wildlife (“CDFW” or “Commenter”) acknowledges review of the DEIR and thanks the City for the opportunity to review aspects of the Project that relate to resources under CDFW’s purview. No further response or action is required under CEQA.

Comment 9-2: Commenter states that 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. 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. For CEQA purposes, CDFW is charged by law to provide biological expertise during public agency environmental review efforts, focusing on projects that have potential to adversely affect fish and wildlife resources. CDFW may also act as a Responsible Agency under CEQA and expects it may need to exercise regulatory authority as provided by the Fish and Game Code. The commenter notes that as proposed, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority, and to the extent implementation may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) or the Native Plant Protection Act (NPPA), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

Response: The Commentor provides a summary of their role as a Trustee Agency and Responsible Agency over fish and wildlife resources as it relates to the California Environmental Quality Act (CEQA), Fish and Game Code, lake and stream alterations, California Endangered Species Act (CESA), and the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). No further response or action is required under CEQA.

Comment 9-3: Commenter identifies the Proponent as Spring Meadows Homes, LLC. The Project objective is a Tentative Tract Map (TTM) for development of 27 single-family detached homes with 12.2 acres of open space within the Project site - approximately 9.5 acres within lots owned by individual homeowners and maintained by the Project’s Homeowners Association (HOA), and another 2.7 acres owned and maintained by the HOA and/or Los Angeles County Flood Control District. The Project site consists of 25.84 acres located within the City of Walnut at 800 Meadow Pass Road, comprised of Assessor’s Parcel Numbers 8709-093-001, 002, and 003, with topography of gradual slopes and flat areas elevated above Lemon Creek. The biological setting includes land previously occupied by the Brookside Equestrian Center with unused facilities remaining, non-native grasslands

and ornamental vegetation dominating most of the site, with some riparian woodland within Lemon creek. Various biological surveys were conducted and observed species include California black walnut, Cooper's hawk, yellow warbler, Vaux's swift, Lawrence's goldfinch, least Bell's Vireo, hoary bat, and Crotch's bumble bee, with additional species having moderate or high potential to occur including Monarch butterfly, pallid bat, western mastiff bat, and western yellow bat. The DEIR includes measures regarding nesting birds, bats, Crotch's bumble bee, monarch butterfly, burrowing owl, southwestern pond turtle, jurisdictional waters, and trees. CDFW reviewed the Notice of Preparation (NOP) of the DEIR from the City for this Project and provided comments on December 9, 2022.

Response: The Commentor provides a summary of the Project Description, location of the Project, and results of the Project's Biological Technical Report (BTR). No further response or action is required under CEQA.

Comment 9-4: CDFW offers comments to assist the City of Walnut in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment #1: Least Bell's Vireo - CDFW identifies that the Project could impact least Bell's vireo, a CESA-listed and federal ESA-listed species. The proposed Project may impact least Bell's vireo by operating equipment, human disturbance, and grading activities within the Project area, and the DEIR does not adequately address impacts to least Bell's vireo. During focused surveys in 2022, one least Bell's vireo was observed within the Project site. The DEIR states the individual was a migrant and that potential for least Bell's vireo to occupy the site is low, and with incorporation of Mitigation Measure BIO-1 regarding nesting season, potential temporary construction impacts would be less than significant. CDFW disagrees, noting that least Bell's vireo has been documented nesting in degraded riparian areas and even non-riparian areas. CDFW explains that construction during breeding season could result in incidental loss of breeding success or nest abandonment, noise from construction may disrupt vireo mating calls impacting reproductive success, and noise exceeding 70 dB(A) may affect feather and body growth of young birds. Despite recent observation within the Project site, the DEIR does not include avoidance and minimization measures for least Bell's vireo such as updated protocol level surveys or compensatory mitigation. CDFW states there are only a few populations and breeding pairs remaining in Los Angeles County, and Project construction resulting in loss of breeding pairs or habitat may cause wildlife population to drop below self-sustaining levels. CDFW considers adverse impacts to CESA-protected species to be significant without mitigation under CEQA, and take of endangered, threatened, candidate species from the Project is prohibited except as authorized by State law. CDFW requests recommendations and mitigation measures to be incorporated into the final CEQA document.

Response: The Commentor states comments and recommendations are being offered to assist the City in adequately identifying, avoiding, and/or mitigating significant or potentially significant impacts on biological resources.

Based on DEIR Section 5.4, *Biological Resources*, the Project conducted comprehensive surveys for Least Bell's Vireo (LBV), including eight protocol focus surveys performed between April 10 and July 29, 2022 (IMPACT BIO-1, page 5.4-19). During these surveys, one LBV was detected on April 10 within the Project Site; however, due to the relatively narrow riparian corridor and lack of a dense shrub layer canopy, the observed individual was determined to be a migrant rather than establishing territory, occupying the site, or breeding (page 5.4-19). Based on this assessment, the DEIR concludes that the potential for LBV to

occupy the Project Site is low (page 5.4-19). Although LBV may have been documented at other sites nesting in degraded riparian and non-riparian areas, this is less common as it is not their preferred habitat. It also does not change the results of the focus surveys, which entailed eight surveys performed at least ten days apart and determined the Project Site is not occupied. Because protocol surveys were conducted, during which no established territories, occupation, or breeding were observed, no take of LBV would occur as a result of the Project and no compensatory mitigation is required under CEQA. In general, species survey results are not considered out-of-date or no longer viable if they were performed within the past five years. These eight protocol surveys for LBV are relatively recent (i.e., performed in 2022), which is within the generally accepted timeframe for a survey to remain valid.

The DEIR's impact analysis determined that through incorporation of Mitigation Measure BIO-1, potential temporary construction impacts to LBV would be less than significant, and permanent impacts would also be less than significant due to the Project's designation of approximately 12.2 acres as open space, including approximately 9.5 acres along Lemon Creek, and the maintenance of existing healthy trees with replacement of non-native and unhealthy trees with native species (pages 5.4-19).

Mitigation Measure BIO-1 is adequate for LBV protection because it specifically addresses the primary risk to this species during construction activities (page 5.4-27). The measure requires pre-construction surveys by a qualified biologist within three days before vegetation clearing or ground disturbance if work occurs during nesting season (September 1 to February 14 for songbirds). If any active nests are detected, the measure establishes a 300 to 500-foot buffer for sensitive species (which includes LBV as a listed species) that must be maintained until the nesting cycle is complete (page 5.4-27). This approach directly addresses the potential for construction impacts (including impacts related to noise from construction activities, generators, and heavy equipment) to any LBV that might establish breeding territory on the site, despite the low probability based on habitat assessment and survey findings.

BIO-1: Nesting Birds. If feasible, vegetation removal activities shall be conducted outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds. Any construction activities that occur during the nesting season shall require that all suitable habitats be thoroughly surveyed for the presence of nesting birds by a qualified biologist within three days before commencement of vegetation clearing/ground disturbance activities depending on which season work falls within. If any active nests are detected a buffer of 500 feet of an active threatened or endangered species or raptor nest, 300 feet of other sensitive species (non-listed), and 100 feet of most common species shall be delineated, flagged, and avoided until the nesting cycle is complete.

In terms of the Project's potential permanent impacts and cumulative impacts to LBV, the proposed Project includes permanent protection of approximately 12.2 acres as open space, including approximately 9.5 acres along Lemon Creek. This open space area would remain in the post-Project condition, and therefore, retain the existing or better habitat value should LBV expand territories into the Project site for occupation/breeding purposes in the future. For these reasons, the City has determined mitigation provided under BIO-1 would reduce potential temporary direct and indirect impacts to LBV to less than significant and potential permanent impacts to LBV would be less than significant based on the Project design. No additional actions or mitigation are required under CEQA.

Nonetheless, the City has agreed to require additional mitigation based on CDFW's recommendations and to ensure pre-construction surveys are implemented before commencement of construction in those areas of the Project site that include potential LBV habitat. The following mitigation measure has been added as Mitigation Measure MM BIO-1b:

BIO-1b: Least Bell's Vireo. The Project proponent shall retain a qualified biologist to conduct two pre-construction surveys for least Bell's vireo. These surveys shall be conducted no more than 14 days before commencement of construction within those areas of the Project site that include habitat for least Bell's vireo. If the results of the surveys determine that no least Bell's vireo are present, no additional mitigation is required. If the results of the surveys determine least Bell's vireo are present and take of least Bell's vireo cannot be avoided, the Project proponent shall consult, if required and as applicable, with USFWS and CDFW to obtain appropriate take authorization from USFWS and CDFW. If applicable, the Project proponent shall comply with the mitigation measures detailed in the take authorization issued by USFWS and/or CDFW. If applicable, the Project proponent shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

Comment 9-5: Comment #2: Crotch's Bumble Bee - CDFW identifies that the Project may impact suitable habitat for Crotch's bumble bee and may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success. During focused surveys in 2022, one Crotch's bumble bee was observed foraging within the Project site. The DEIR states that with implementation of Mitigation Measure BIO-3, impacts would be less than significant. CDFW disagrees, noting that pre-construction surveys and avoidance buffers will help avoid individuals, but the Project will still impact habitat utilized by the species. CDFW explains that Crotch's bumble bee primarily nest underground in abandoned small mammal burrows from late February through late October but may also nest under perennial bunch grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs. Overwintering sites include soft, disturbed soil or under leaf litter or debris. Ground disturbance and vegetation removal during breeding season could result in incidental loss of breeding success or nest abandonment in adjacent areas. The California Fish and Game Commission accepted a petition to list Crotch's bumble bee as endangered under CESA, determining listing "may be warranted." The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair viability of populations. CDFW requests mitigation measures including: Mitigation Measure #3 requiring updated focused surveys following CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species throughout the entire Project site during appropriate flying season, with results submitted to CDFW and the City prior to ground-disturbing activities; and Mitigation Measure #4 requiring coordination with CDFW to obtain appropriate take authorization with compliance to mitigation measures detailed in the take authorization.

Response: Based on DEIR Section 5.4, *Biological Resources*, the Project conducted comprehensive surveys for Crotch's Bumble Bee (CBB), including five focused field surveys performed during the blooming period between March 4, 2023, and August 24, 2023 (IMPACT BIO-1, pages 5.4-19 & 5.4-20). During these surveys, a single CBB was observed on August 24, 2023, foraging in a non-native, ornamental Jacaranda tree near Meadow Pass Road (page 5.4-20). However, the DEIR's habitat assessment determined that ground squirrel burrows on the Project Site are occupied by ground squirrels, which precludes CBB from establishing nest colonies (page 5.4-20). The assessment also found that the Study Area contains low-quality habitat to support CBB due to few nectar sources, areas with chipped bark and leaf litter that limit nesting colony potential, and primarily disturbed soil with non-native weed species (page 5.4-20). The small size of the Study Area, the presence of low-quality habitat to support CBB, and the sparse distribution of open areas are not optimal conditions for CBB to establish nesting colonies. As such, the single CBB observed was

probably only in transit for foraging opportunities, and likely originated from a nest somewhere offsite. Therefore, the DEIR concludes that the Study Area does not contain habitat of sufficient quality to support CBB (page 5.4-20).

The DEIR recognizes that CBB is state-listed as a candidate endangered species and therefore granted full protection under the California Endangered Species Act (CESA) during its listing status period (page 5.4-20). The Project designates approximately 12.2 acres as open space, which would provide habitat preservation (page 5.4-20). The DEIR concludes that with incorporation of Mitigation Measure BIO-3, potential temporary construction impacts would be less than significant, and permanent impacts would be less than significant due to the open space designation (page 5.4-20).

Mitigation Measure BIO-3 is comprehensive and adequate because it specifically addresses CBB protection through multiple provisions detailed on pages 5.4-28 to 5.4-29: pre-construction surveys following CDFW survey considerations; methodology during appropriate survey periods to identify active nest colonies; establishment of no-disturbance buffer zones of at least 50 feet around active nest entrances; prohibition of construction activities within buffer zones until colonies are no longer active; and consultation with CDFW regarding potential take and compliance with any Incidental Take Permit requirements if avoidance is not feasible. As such, Mitigation Measure BIO-3 already includes the substantive elements of CDFW's recommended mitigation measures, such as the proposed need for additional surveys and coordination with CDFW to obtain appropriate take authorization, if applicable. In general, species survey results are not considered out-of-date or no longer viable if they were performed within the past five years. These five focus surveys for CBB are relatively recent (i.e., performed in 2023), which is within the generally accepted timeframe for a survey to remain valid.

BIO-3: Crotch's Bumble Bee mitigation includes the following (*Rincon Consultants, Inc., January 11, 2023*):

- a. Pre-construction surveys for CBB and nests shall be conducted within all suitable habitats within the Project Site prior to initial ground-disturbing activities (e.g., grubbing/removing vegetation, excavation, grading, construction). The purpose of these surveys is to identify active nest colonies inside of permanent and temporary impact areas.
- b. The pre-construction surveys shall follow the survey methodologies set out in the CDFW Survey Considerations for CESA Candidate Bumble Bee (CDFW, 2023g) or other survey methodology approved by CDFW.
- c. The pre-construction surveys shall be conducted during appropriate survey periods as either described in the CDFW Survey Considerations or otherwise approved by CDFW.
- d. If the pre-construction surveys identify active nest colonies inside of permanent and temporary impact areas within the Project footprint, an appropriate no disturbance buffer zone shall be established around the active nest colony to reduce the risk of disturbance or accidental take. The buffer distance shall be established by a qualified biologist and will provide no less than 50 feet of clearance around active nest entrances and the proponent/operator shall consult with a qualified biologist to discuss considerations and recommendations on the implementation of Project activities to avoid take of the CBB.
- e. If a no disturbance buffer zone is both (i) appropriate per Paragraph 4a above and (ii) feasible, construction activities will not occur within that buffer zone until a qualified biologist determines the previously active nest to no longer be active (i.e., no CBB are

seen flying in or out of the nest for three consecutive days indicating the colony has completed its nesting season and the next season's queens have dispersed from the colony), after which construction activities may resume within that buffer zone.

- f. If avoidance of the active nest is not feasible, the Project proponent/operator shall consult with CDFW regarding potential for Project activities to result in take of the CBB and shall comply with the avoidance, minimization, and compensatory mitigation requirements set forth in any Incidental Take Permit issued for the Project by CDFW.

Based on review of mitigation already provided under BIO-3 and in the context of the comment, the current mitigation as required would adequately reduce potential direct, indirect, temporary, permanent, and cumulative impacts to CBB. No further response or additional actions are required under CEQA.

Comment 9-6: Comment #3: Impacts to Bat Species - CDFW identifies that the Project may impact several bat species, including western mastiff bat, western yellow bat, and pallid bat. The BTR states there is potential for these species to occur within the Project area, and all are designated California Species of Special Concern. Project activities include ground disturbing activities that may disturb areas providing foraging habitat and have potential for direct loss of bats. Indirect impacts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities, and vibrations from heavy equipment. Removal of vegetation may result in loss or disturbance of foraging and roosting habitat for bats, and construction activities will temporarily increase disturbance levels and human activity. The DEIR states that with implementation of Mitigation Measure BIO-2 for bat protection, impacts would be less than significant. CDFW disagrees, noting that a single pre-construction survey is not sufficient to properly assess impacts to bats in the Project site. Without updated focused surveys, Project activities may result in missed detection of bats and adverse impacts including direct injury, direct mortality by heavy machinery, or entrapment. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment, and several bat species are considered SSC and meet the CEQA definition of rare, threatened, or endangered species. CDFW requests mitigation measures including: Mitigation Measure #5 requiring a qualified bat specialist conduct bat surveys within areas plus a 100-foot buffer to identify potential habitat and maternity roosts, using acoustic recognition technology to maximize detection, with survey results and species specific mitigation measures submitted to the City and CDFW prior to ground-disturbing activities; and Mitigation Measure #6 requiring that if maternity roosts are found, work shall be scheduled between October 1 and February 28, outside of the maternity roosting season.

Response: Based on DEIR Section 5.4, *Biological Resources*, the Project identified potential impacts to several bat species. During the 2022 focused bat surveys, two special status bat species were observed within the Project Site: silver-haired bat (medium priority of concern with the Western Bat Working Group(WBWG)) and hoary bat (CDFW designated Species of Special Concern and ranked as a medium priority with the WBWG) (IMPACT BIO-1, page 5.4-19). Additionally, three special status bat species not observed but with at least low to moderate potential to occur within the Project Site include western yellow bat, western mastiff bat, and pallid bat (pages 5.4-19 to 5.4-20).

The DEIR notes that during the 2022 focused bat survey, the silver-haired bat and the hoary bat were observed foraging and day roosting in the Project Site, but no maternity roosts were observed (page 5.4-19). However, the western yellow bat, western mastiff bat, and pallid bat were not observed during the 2022 focused bat survey. There is potential for bat roosting to occur within the Project Site primarily in the trees, human-made structures, and within the culverts associated with Lemon Creek, with potential for

foraging throughout the riparian habitat (page 5.4-19). The Project designates approximately 12.2 acres of open space, including approximately 9.5 acres along Lemon Creek, maintains existing healthy trees, and replaces non-native and unhealthy trees with native trees (pages 5.4-19 to 5.4-20).

The DEIR concludes that with incorporation of Mitigation Measure BIO-2, potential temporary construction impacts to bat species would be less than significant, and potential permanent impacts would be less than significant due to the open space designation and tree preservation/replacement (page 5.4-28). Mitigation Measure BIO-2 requires preconstruction surveys and construction avoidance measures as appropriate to manage issues related to temporary increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities, and vibrations from heavy equipment. Permanent impacts would be less than significant by Project design by protecting the open space area and tree canopy, thus retaining suitable bat roosting and foraging habitat.

Mitigation Measure BIO-2 is comprehensive and addresses bat protection through multiple survey and avoidance requirements (pages 5.4-28). The measure requires: an initial pre-construction survey in the spring prior to vegetation removal and ground disturbing activities by a qualified biologist to confirm no maternity roosts; a pre-construction survey no more than two weeks prior to initiation of vegetation removal and ground disturbing activities; implementation of species-specific measures based on survey results including potential eviction protocols for non-special status species, avoidance buffers for special status species or maternity roosts, and development of bat mitigation and exclusion plans if direct removal of habitat will occur; restriction of construction activity to daylight hours to reduce impacts to foraging bats; and phased demolition of structures and trees to provide day roosting bats opportunity to leave the site prior to complete demolition. In general, species survey results are not considered out-of-date or no longer viable if they were performed within the past five years. The bat habitat assessment and three focused bat emergence and acoustic surveys that were conducted are relatively recent (i.e., performed in 2022), which is within the generally accepted timeframe for a survey to remain valid. At this time, additional acoustic surveys are not warranted as the previous acoustic surveys already identified the species of bats that could potentially be impacted by the Project. Mitigation Measure BIO-2 provides appropriate mitigation for potential temporary construction impacts to those species as follows:

BIO-2: Bat Protection. Prior to construction, all suitable areas within the Project Site and an appropriate survey buffer shall be surveyed for the presence of bat roosts by a qualified biologist. Surveys are recommended as follows:

- (1) An initial pre-construction survey shall be conducted in the spring prior to vegetation removal and ground disturbing activities by a qualified biologist to confirm no maternity roosts, and
- (2) A pre-construction survey shall be conducted by a qualified biologist no more than two weeks prior to the initiation of vegetation removal and ground disturbing activities.

Surveys may entail direct inspection of the trees/suitable habitat or nighttime surveys. The following measures shall be implemented (as applicable) based upon the results of the surveys:

- a. If active bat roosts are present, a qualified bat biologist shall determine the species of bats present and the type of roost (i.e., day roost, night roost, maternity roost). If the biologist determines that the roosting bats are not a special- status species and the roost is not being used as a maternity roost, then the bats may be evicted from the roost by a qualified biologist experienced in developing and implementing bat mitigation and exclusion plans.

- b. If special-status bat species or a maternity roost of any bat species is present, but no direct removal of active roosts will occur, a qualified biologist shall determine appropriate avoidance measures, which may include implementation of a construction-free buffer around the active roost during the appropriate season.
- c. If special-status bat species or a maternity roost of any bat species is present and direct removal of habitat (roost location) will occur, then a bat mitigation and exclusion plan shall be developed subject to approval by the City of Walnut. As appropriate and depending on the specific findings of the survey results, this plan shall include, for example, avoidance measures such as work timing restrictions and work zone buffers, methods for relocation and/or exclusion, creation of alternative roosts, and/or construction monitoring and reporting requirements.
- d. To reduce impacts to foraging bats, all construction activity shall be limited to daylight hours. If night-time work activities must occur, night-time lighting should be restricted or avoided to avoid attracting insects and consequently bats to the site.
- e. The implementation of demolition shall be planned in phases for both structures and trees on the site to reduce potential impacts by providing day roosting bats the opportunity to leave the site prior to demolition of all structures and trees on the site.

The current mitigation as required under BIO-2 would adequately reduce potential direct, indirect, temporary, permanent, and cumulative impacts to bats and special status bats. Again, Mitigation Measure BIO-2 requires preconstruction surveys and construction avoidance measures as appropriate to manage issues related to temporary increased noise disturbances, human activity, dust, vegetation clearing, ground-disturbing activities, and vibrations from heavy equipment. Permanent impacts would be less than significant by Project design by protecting the open space area and tree canopy, thus retaining suitable bat roosting and foraging habitat. No further response or additional actions are required under CEQA.

Comment 9-7: Comment #4: Impacts to Lemon Creek - CDFW identifies that the Project will permanently impact streams, as stated in the DEIR. Grading, excavation, and construction to conduct Project activities will permanently and temporarily impact streams. These activities may also cause deposition or debris and refuse that may end up in drainages, directly affect water quality downstream, and result in changes to the stream, altering hydrologic and geomorphic processes that may impact plant and wildlife species. CDFW appreciates implementation of Mitigation Measures BIO-7 and BIO-8 to obtain permits and mitigate impacts to Waters of the State, but recommends the DEIR include discussion of Fish and Game Code 1602. Fish and Game Code section 1602 requires notification to CDFW prior to beginning activities that may divert or obstruct natural flow, change the bed/channel/bank, use material from, or deposit material into any river, stream, or lake. The Project may adversely affect existing hydrology pattern through alteration of flows in the stream, which could result in substantial erosion or siltation on or off site. Direct filling of drainages would impact sensitive vegetation communities and wildlife habitat downstream. CDFW requests mitigation measures including: Mitigation Measure #7 requiring Project applicant provide notification to CDFW pursuant to Fish and Game Code section 1600 et seq. for Lake and Streambed Alteration (LSA) Agreement determination; and Mitigation Measure #8 requiring Best Management Practices monitoring and repair for erosion, sediment, and pollution control, prohibiting use of erosion control materials potentially harmful to fish and wildlife species. CDFW also provides recommendations for the LSA Notification to include a hydrology report evaluating impacts to hydrologic activity

and analysis of storm event impacts, and notes that CDFW's LSA Agreement issuance will require CEQA compliance actions as a Responsible Agency.

Response: Based on DEIR Section 5.4, *Biological Resources*, the Project Site contains jurisdictional waters including Lemon Creek, which traverses through the central portion of the site in a north to south direction (page 5.4-9). A total of 0.42 acres (2,229 linear feet) of non-wetland Waters of the U.S. and 0.64 acres (611 linear feet) of wetland Waters of the U.S. were delineated within the Project Site. Additionally, a total of 2.81 acres (2,229 linear feet) of streambed Waters of the State and 0.64 acres (611 linear feet) of riparian Waters of the State were delineated within the Project Site (IMPACT BIO-2, page 5.4-22).

The DEIR acknowledges that these features may be regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or California Department of Fish and Wildlife (CDFW) as described in Section 5.4.3, Regulatory Setting (page 5.4-22). The regulatory setting specifically discusses California Fish and Game Code Section 1600, which requires CDFW notification prior to beginning any activity that would obstruct or divert the natural flow of, use material from, or deposit or dispose of material into a river, stream, or lake. The notification process can culminate in the issuance of a Streambed Alteration Agreement, which includes conditions that must be followed to protect and compensate for impacts to water, habitat, and species resources (page 5.4-13).

The Project has been designed to avoid impacts to Lemon Creek but would require permanent impacts for removing existing Culvert 'D', relocating one existing outlet, and constructing internal roadway bridge footings. Permanent impacts to jurisdictional waters total 0.01 acres (61 linear feet) of non-wetland Waters of the U.S., 0.03 acres (3 linear feet) of wetland Waters of the U.S., 0.12 acres (61 linear feet) of streambed Waters of the State, and 0.03 acres (3 linear feet) of riparian Waters of the State (page 5.4-23, Table 5.4-2). The portions of riparian streambed that would not be impacted would either be retained or enhanced with non-native vegetation removal.

The DEIR concludes that with implementation of Mitigation Measures BIO-7 and BIO-8, permanent impacts to jurisdictional waters would be reduced to less than significant (page 5.4-23). Mitigation Measure BIO-7 requires permanent impacts to be mitigated at a 3:1 ratio through enhancement and restoration of portions of Lemon Creek within the Project Site, or as otherwise required by regulatory agencies (pages 5.4-30 & 5.4-31) during the permitting process. Mitigation Measure BIO-8 requires the Applicant to provide evidence that all appropriate permits and authorizations have been obtained from the RWQCB, CDFW, and USACE prior to issuance of a grading permit (page 5.4-31). The DEIR notes that best management practices would reduce temporary edge effects during construction to less than significant (page 5.4-23).

BIO-7: Jurisdictional Waters. Permanent impacts to Waters of the State, Riparian/Riverine resources, and Waters of the U.S. shall be mitigated at a ratio of 3:1 through the enhancement and restoration of portions of Lemon Creek within the Project Site, or as otherwise required by the regulatory agencies (USACE, RWQCB, and CDFW) pursuant to the issuance of federal and state permits or other authorizations for impacts to these features.

If required by the regulatory agencies, enhancement shall include the one-time removal of invasive species, and restoration shall include the one-time planting of native willow (*Salix* spp.) cuttings obtained from mature individuals on-site and following standard installation procedures in replacement. Planting shall occur immediately prior to onset of the rainy season.

If required by the regulatory agencies, the Applicant shall prepare an enhancement and restoration plan, to be approved by CDFW prior to any ground disturbance within Waters of the State or Riparian/Riverine resources located on the Project Site. The Plan shall include

restoration and monitoring methods, annual success criteria, contingency actions should success criteria not be met, and long term management and maintenance goals.

BIO-8: Jurisdictional Waters. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City all appropriate permits and other authorizations have been obtained from the RWQCB, CDFW, and USACE.

The Project's potential temporary and permanent impacts to the onsite and downstream water quality and hydrology of Lemon Creek are discussed in DEIR Section 5.10. The DEIR discloses how temporary construction activities could potentially degrade surface water resulting from runoff that could be conveyed into local and regional drainage facilities. However, compliance with standard regulations including the National Pollutant Discharge Elimination System (NPDES) State General Construction Permit, implementation of a Storm Water Pollution Prevention Plan (SWPPP), and implementation of Best Management Practices (BMPs) would reduce potential short-term, construction-related impacts to water quality to less than significant (page 5.10-16).

In terms of long-term or permanent impacts to water quality and hydrology, the DEIR discloses how the Project is anticipated to reduce pollutant loading in Lemon Creek for all pollutant constituents in the range of 23% to 95% based on design and implementation of two water quality basins that would manage and treat stormwater runoff prior to release into the downstream system (pages 5.10-16 and 5.10-17). As also discussed in the DEIR, a sediment transport study was included in the Hydrology Report (Appendix H1 of the DEIR), even though, according to the LID Manual, the Project was not required to perform a sediment transport analysis as part of the hydromodification analysis, because the capital flood flow rate is less than 5,000 cubic feet per second (cfs) at 3,255 cfs. The Hydrology Report (Appendix H1 of the DEIR) included a stream stability, sediment transport, and erosion potential analysis and the report concluded that the Project would not result in streambed stability, sediment transport, or erosion issues. In addition, the report concluded grading would not encroach into the main channel bed or banks and would, therefore, not disturb the natural vegetation or the associated natural sedimentation processes of Lemon Creek (DEIR page 5.10-17).

Furthermore, a short-term erosion potential analysis showed a slight increase in the potential for erosion in the "after project" condition for one segment of Lemon Creek in the southern portion of the Project Site, during the 25-year and 50-year storm events but not in the 2-year, 5-year, or 100-year storm events. This segment is from Culvert C to the La Puente culvert entrance (identified as "Reach 5" in the Hydrology Report). Based on these results, an additional conservative analysis was prepared to analyze the maximum short term erosion potential in the 25-year and 50-year storm events. The findings of this additional analysis determined that in the event Lemon Creek were to erode in the short-term due to erosion in the 25-year or 50-year storm events, it would be localized and not significantly impact Lemon Creek or present a hazard to nearby properties or people in either the "before project" or "after project" conditions. The results of the Hydrology Report and LID Report indicate potential erosion, sedimentation, and siltation impacts would be less than significant (page 5.10-19).

Additionally, improvements would be made to the existing stormwater drainage system by removing Culvert D, which currently overtops during large storm events and creates a greater risk of erosion in the system in the "before project" condition. Therefore, the Project would have the beneficial effect of reducing existing erosion and sedimentation issues in Lemon Creek (page 5.10-19).

The substantive elements set forth in CDFW's proposed Mitigation Measure #7, Mitigation Measure #8, Recommendation #1, and Recommendation #2 already exist in BIO-7 and BIO-8 and no further mitigation is necessary. No further response or additional actions are required under CEQA.

Comment 9-8: Comment #5: Compensatory Mitigation - CDFW identifies that the Project proponent does not propose appropriate compensatory mitigation to offset Project impacts on biological resources. Project development would result in permanent grading, compacting, and altering of 25 acres, resulting in direct loss of habitat for wildlife and plant species. Trail development and use following build out may result in degradation of natural habitat and encroachment on rare plant populations and breeding/foraging habitat for wildlife. The Project proposes 12.2 acres preserved for open space, including Lemon Creek and surrounding slopes, with 9.5 acres privately owned and maintained by the HOA (deed restricted to prohibit use except for public trail and passive open space purposes) and 2.7 acres maintained and owned by the HOA and/or Los Angeles County Flood Control District (deed restricted to prohibit development except for flood control/basin, landscaping, and maintenance purposes). CDFW disagrees that preserving 12.2 acres of the 25-acre Project site is sufficient to mitigate impacts, stating this results in net loss of habitat occupied by special status species such as least Bell's vireo and Crotch's bumble bee. CDFW notes there are only a few populations and breeding pairs of least Bell's vireo remaining in Los Angeles County, and Project construction may cause wildlife population to drop below self-sustaining levels. CDFW disagrees that the HOA can effectively manage and maintain conserved open space in perpetuity for biological resources benefit, noting HOA's primary objective is managing residential community, not meeting mitigation obligations, and documentation of on-site mitigation often gets lost over time. CDFW also disagrees that deed restrictions are appropriate land protection instruments to preserve open space areas in perpetuity, stating they are easily dissolved and lack monitoring oversight. Without appropriate management, habitat degradation and human encroachment would occur. CDFW requests mitigation measures including: Mitigation Measure #9 requiring protection of open space in perpetuity under conservation easement dedicated to local land conservancy or appropriate entity with endowment for long-term monitoring and management; and Mitigation Measure #10 requiring no net loss of suitable habitat for least Bell's vireo and Crotch's bumble bee, with offset impacts at no less than 1:1 ratio.

Response: The comment incorrectly states that permanent grading, compacting, and altering of 25 acres would occur. Based on DEIR Section 5.4, *Biological Resources*, the Project Site consists of approximately 25.84 acres and has been designed to retain approximately 12.2 acres of open space (approximately 47% of the Project Site), predominantly along the channel of Lemon Creek (IMPACT BIO-4, page 5.4-24). About 19.82 acres of the approximately 25.84-acres Project Site would be temporarily or permanently impacted in total, leaving approximately 6.02 acres undisturbed (page 5.4-1). The Project Site is not mostly comprised of "Natural Habitat" or sensitive habitat under the purview of CDFW or USFWS. Most of the Project Site is characterized by non-native habitat/land-cover-types such as Annual Brome Grasslands & Ruderal Forbs (8.30 acres), Disturbed/Developed (2.75 acres), Eucalyptus/Shamel Ash/Pepper Tree Groves (7.75 acres), and Ornamental (6.24 acres). Of the sensitive habitat onsite (i.e., sensitive where native trees are present), Southern Sycamore Alder Riparian Woodland (0.72 ac), only 0.03 acre (4.2%) would be impacted. The majority of riparian and streambed areas associated with Lemon Creek, which will mostly be avoided and/or enhanced through invasive species removal and native plantings, is comprised of non-native Eucalyptus/Shamel Ash/Pepper Tree Groves. In a July 26, 2018, comment letter submitted on a draft EIR for a previously proposed development on the Project Site, the CDFW stated that Lemon Creek "is heavily impacted by invasive plant species, impairing the biological function of this riparian habitat". In addition, the DEIR states that the Project's open space designation would provide habitat preservation that could support special status species (pages 5.4-16, 5.4-21 to 5.4-24).

The DEIR acknowledges that Project development would result in impacts to biological resources but concludes that these impacts would be reduced to less than significant through various mitigation measures. For special status species like Least Bell's Vireo and Crotch's Bumble Bee, the DEIR determined that potential for LBV to occupy the Project Site is low based on the observed individual being a migrant rather than establishing territory (page 5.4-19), and that the Study Area does not contain habitat of sufficient quality to support CBB based on low-quality habitat conditions and the single observed individual likely being only in-transit (page 5.4-19). As discussed previously, the City has determined that adequate mitigation for LBV was provided in Mitigation Measure BIO-1; however, the City has agreed to include Mitigation Measure BIO-1b in response to CDFW's Comment 9-4. As also discussed previously, the City has determined that adequate mitigation for CBB is provided under Mitigation Measure BIO-3. The commenter's proposed Mitigation Measure #10 is adequately covered under current Mitigation Measures BIO-1, BIO-3, and new measure BIO-1b. There is also no standard or regulation protecting loss of suitable or potentially suitable habitat for a species under CESA or CEQA. No further response or action is required under CEQA.

Regarding management of the Open Space, the Project site is currently under private ownership, with no deed restrictions or specific protections for Lemon Creek. Designating the approximately 9.5 acres along Lemon Creek as permanent open space and placing it under the management of the HOA with development and access restrictions would constitute a more robust protection scenario compared to existing conditions. For this reason, the City has determined that a deed restriction to ensure the long-term permanent habitat value of the open space within the Project Site would be adequate, and that a conservation easement for the open space is not necessary. Moreover, CDFW has provided no evidence that an HOA is incapable of contracting with experienced and qualified biological consultants to maintain the open space. No further response or additional actions are required.

Nonetheless, the City has agreed to include an additional Mitigation Measure BIO-10 based on the commenter's proposed mitigation measures #9 and #10 to further ensure long-term protection of Lemon Creek. The new Mitigation Measure BIO-10 is as follows:

BIO-10: Protective Instrument. The Project proponent shall protect the approximately 9.5 acres of open space along Lemon Creek in perpetuity under a deed restriction, open space easement, or conservation easement (Protective Instrument) prior to occupancy of the first tenant or as otherwise required by applicable regulatory permits. The Protective Instrument will prohibit use of the 9.5 acres except for public trail and passive open space purposes, enforceable by the City. Management of the 9.5 acres shall be performed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.

Comment 9-9: CDFW states that as outlined in Mitigation Measure #7, the Project proponent shall submit an LSA notification for impacts to streams within the Project area. The Project proponent may also need to obtain an ITP for impacts to Crotch's bumble bee and least Bell's vireo. CDFW welcomes coordination with the City and Project proponent prior to certification of the DEIR to lessen significant impacts to the maximum extent feasible.

Response: The DEIR's regulatory setting specifically addresses California Fish and Game Code Section 1600, which requires CDFW notification prior to beginning any activity that would obstruct or divert the natural flow of, use material from, or deposit or dispose of material into a river, stream, or lake (page 5.4-13). The DEIR notes that this notification process can culminate in the issuance of a Streambed Alteration Agreement, which includes conditions that must be followed to protect and compensate for impacts to water, habitat, and species resources.

The DEIR already incorporates this regulatory requirement through Mitigation Measure BIO-8, which requires the Applicant to provide evidence to the City that all appropriate permits and other authorizations have been obtained from the RWQCB, CDFW, and USACE prior to issuance of a grading permit (page 5.4-31). This mitigation measure encompasses the LSA notification and agreement process with CDFW.

Regarding potential Incidental Take Permits (ITPs), the DEIR acknowledges the protected status of both species. For Crotch's bumble bee, the DEIR notes it is state-listed as a candidate endangered species and therefore granted full protection under the California Endangered Species Act (CESA) during its listing status period (pages 5.4-19 and 5.4-20). Mitigation Measure BIO-3 specifically addresses this by requiring consultation with CDFW if potential take is anticipated and compliance with any Incidental Take Permit requirements if avoidance is not feasible (pages 5.4-28 to 5.4-29). For LBV, while the DEIR determined the observed individual was a migrant with low potential for site occupancy (page 5.4-19), the species' federal and state listed status would trigger ITP requirements if occupation were observed and take were to occur. LBV is covered under mitigation measure BIO-1 and new mitigation measure BIO-1a.

No further response or additional actions are required under CEQA.

Comment 9-10: CDFW states that if any special status wildlife species are found, harmed during relocation, or a dead or injured animal is found, work in the immediate area shall stop immediately, the designated biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Response: The DEIR does not anticipate harm or loss of a special status species and includes specific mitigation measures in order to address such concerns as previously discussed; however, mitigation measure BIO-11 has been added at the request of CDFW, based on the comment. No further response or additional actions are required under CEQA.

BIO-11: If any special status wildlife species are found, harmed during relocation, or a dead or injured special status wildlife species is found, work in the immediate area shall stop immediately, the designated biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment 9-11: CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures. The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of their suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

Response: Section 5.4, *Biological Resources*, of the DEIR establishes a comprehensive mitigation framework that addresses the core regulatory requirements and species protection measures that CDFW is referencing. Three additional mitigation measures have also been added in response to CDFW's comments, including measures BIO-1b, BIO-10 and BIO-11. The Final EIR includes a Mitigation Monitoring and Reporting Program with mitigation measures across all CEQA issue areas, including those for biological resources. No further response or additional actions are required under CEQA.

Comment 9-12: CDFW states that CEQA requires information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. Accordingly, they request that any special status species and natural communities detected during Project surveys be reported to the California Natural Diversity Database (CNDDDB). The CNDDDB website provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms. In addition, information on special status native plant populations and sensitive natural communities should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form. The City of Walnut should ensure data collected for the preparation of the DEIR is properly submitted.

Response: The comment is noted. No further response or action is required under CEQA.

Comment 9-13: CDFW states that the Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final.

Response: Filing fees will be paid upon filing the Notice of Determination, which is a standard procedure. No further response or action is required under CEQA.

Comment 9-14: CDFW appreciates the opportunity to comment on the DEIR to assist City of Walnut in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City of Walnut has to their comments and to receive notification of any forthcoming hearing date(s) for the Project. Questions regarding this letter or further coordination should be directed to Andrew Aitken, Environmental Scientist. The comment includes a references section citing various studies on anthropogenic noise impacts, bumblebee behavior and conservation, avian communication, and other biological topics.

Response: The comment is noted. Responses to comments will be provided to CDFW pursuant to CEQA. No further response or action is required under CEQA.

Comment 9-15: CDFW provides Attachment A: Draft Mitigation Monitoring and Reporting Program (MMRP) that provides language to be incorporated into the MMRP for the Project.

Response: Mitigation measure modifications are previously discussed above and will be updated and incorporated into the MMRP for the Project. No further response or action is required under CEQA.

COMMENT LETTER NO. 10

Kenneth Hoard

20204 Rim Ridge Rd.

Walnut, CA, 91789

[REDACTED]

[REDACTED]

August 20, 2025

To: Joelle Guerra

Deputy Director of Community Development

City of Walnut

Subject: Comments to Draft EIR for The Brookside Project

Dear Joelle Guerra:

I am writing this as a resident whose property borders the Brookside Project. I have no objections to having the project approved. However, I do have some concerns regarding property development. Years ago, as residents, we met the developer and were advised to direct any concerns to them.

10-1

Starting on August 31, 2021, I contacted Laer Pearce regarding the trees on the Brookside Property that extended over my property, as well as those of my neighbors to the north and south, and to inquire about the possibility of having them trimmed back. My neighbors asked if I could be the one to contact Brookside. At that time, there was also concern regarding the dry brush, which had not been maintained for more than 10 years and could be considered a potential fire hazard. I also mentioned a pepper tree on my property's south side because its suckers were damaging my retaining wall. Lastly, I requested information concerning potential measures that could be implemented to address the rodent issue on the hillside. Due to rodent issue, I have lost approximately twenty plus thirty-year-old specimen plants along with my lawn. My pest control company suggested poison, but I declined because of my grandkids; electronic devices did not work either. The Pest Control company advised that the most effective strategy would be to address the rodent issue on the hillside.

10-2

On September 3, 2021, I received a response from Laer Pearce. They said they could trim trees with their arborist's help. In his response he noted that he had sent his response to

my neighbors as well. Laer also mentioned that Jack Su, would talk to his maintenance department to tackle rodent problems.

I never heard anything more. On August 17, 2023, I reached out to Mr. Su regarding the hillside issues, I never heard back. At this time, I also contacted the City of Walnut for help. On October 23, 2023, Joelle Guerra sent me an email stating that Mr. Su would address the slopes in the coming weeks. On January 17, 2024, I notified the City of Walnut that no action or follow-up had occurred.

10-2

My neighbors and I request timely responses and corrections to reasonable hillside concerns. We are requesting the trimming of branches that extend onto our properties, as well as the removal of dry brush and dead wood due to fire safety concerns. This does not entail requesting the removal or trimming of trees solely for aesthetic considerations. And in my case the removal of the pepper tree stump, on the southwest side of my property. The hillside rodents appear to no longer being present, but I would like confirmation that measures will be taken if they return.

Lastly for many years now years, raptors have consistently nested and been born in May, with the suspected nesting site being a large pine tree located on the east side of the Brookside property. If this is indeed the case, I would like to request that the nest remain undisturbed both now and in the future.

10-3

I have included the email correspondence with Brookside Properties as well as the City of Walnut.

10-4

Sincerely,



Ken Hoard

Resident

Response No. 10

Kenneth Hoard
Resident
August 20, 2025

Comment 10-1: Commenter states they are writing as a resident whose property borders the Brookside Project and have no objections to having the project approved. However, they do have some concerns regarding property development. Years ago, as residents, they met the developer and were advised to direct any concerns to them.

Response: Comment noted. This comment does not pertain to the proposed Project, content, or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

Comment 10-2: Commenter states they are a resident whose property borders the Brookside Project and have no objections to having the project approved, but have concerns regarding property development. Starting on August 31, 2021, they contacted Laer Pearce regarding trees on the Brookside Property that extended over their property and neighbors' properties, inquiring about having them trimmed back. Their neighbors asked them to contact Brookside on their behalf. At that time, there was concern regarding dry brush that had not been maintained for more than 10 years and could be considered a potential fire hazard. They also mentioned a pepper tree on their property's south side because its suckers were damaging their retaining wall, and requested information concerning potential measures to address the rodent issue on the hillside. Due to the rodent issue, they have lost approximately twenty plus thirty-year-old specimen plants along with their lawn. On September 3, 2021, they received a response from Laer Pearce saying they could trim trees with their arborist's help and that Jack Su would talk to his maintenance department to tackle rodent problems. The commenter never heard anything more. On August 17, 2023, they reached out to Mr. Su regarding the hillside issues but never heard back, and also contacted the City of Walnut for help. On October 23, 2023, Joelle Guerra sent an email stating that Mr. Su would address the slopes in the coming weeks. On January 17, 2024, they notified the City of Walnut that no action or follow-up had occurred. The commenter and neighbors request timely responses and corrections to reasonable hillside concerns, including trimming of branches that extend onto their properties, removal of dry brush and dead wood due to fire safety concerns, and in their case removal of the pepper tree stump on the southwest side of their property. The hillside rodents appear to no longer be present, but they would like confirmation that measures will be taken if they return.

Response: The commenter describes ongoing property maintenance concerns with the existing conditions on the Project Site, including tree trimming, brush management, fire safety, and rodent control issues.

The issues raised in this comment are primarily private property maintenance matters and neighbor relations concerns that are outside the scope of CEQA environmental review. The DEIR analyzes the environmental impacts of the proposed Project, not existing conditions, or ongoing maintenance disputes between private parties.

However, the comment mentions concern for the following environmental topics:

- **Fire Safety:** The DEIR addresses wildfire risks in Section 5.20, *Wildfire*. The analysis shows that only a portion of the Project Site is located within a Moderate Fire Hazard Severity Zone, with no areas in High or Very High Fire Hazard Severity Zones (DEIR Section 5.20.2, page 5.20-1). The Project would remove existing dry vegetation and dead brush through development and would be required to comply with applicable fire codes. Fire Station No. 61 is located immediately adjacent to the Project Site, providing close emergency response capability (DEIR Table 5.20-1, City of Walnut Fire Station Locations, page 5.20-1).
- **Biological Resources:** The DEIR analyzes impacts to wildlife and vegetation in Section 5.4, *Biological Resources*. The Project includes a comprehensive Tree Preservation/Replacement Plan that would remove 181 invasive tree species and replace all removed trees with 520 native species, resulting in a net gain of 60 trees and improved habitat quality (DEIR Section 5.4.5, pages 5.4-25 through 5.4-26). The Project would also preserve 12.2 acres of open space, approximately 9.5 acres of which are along Lemon Creek, to maintain wildlife habitat.

The specific property maintenance concerns raised by the commenter would need to be resolved through direct coordination between the property owners, potentially with assistance from the City's Code Enforcement division for any violations of municipal codes.

This comment addresses private property maintenance issues but does not raise environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 10-3: Commenter states that for many years now, raptors have consistently nested and been born in May, with the suspected nesting site being a large pine tree located on the east side of the Brookside property. If this is indeed the case, they would like to request that the nest remain undisturbed both now and in the future.

Response: The commenter observes raptor nesting activity in a pine tree on the Project Site and requests protection of the nest. The DEIR addresses impacts to nesting birds, including raptors, in Section 5.4, *Biological Resources*. The analysis specifically discusses Cooper's Hawks, which were observed during biological surveys and are known to nest in the pepper tree/eucalyptus woodland areas onsite (DEIR Section 5.4.5, page 5.4-18). The Project includes comprehensive protection measures for nesting birds.

- **Nesting Bird Protection:** Mitigation Measure BIO-1 requires pre-construction nesting bird surveys and establishes protective buffers around active nests. Specifically, a 500-foot buffer would be established around active raptor nests, and construction activities would be prohibited within this buffer until the nesting cycle is complete (DEIR Section 5.4.7, page 5.4-27).
- **Tree Preservation:** The Project's Tree Preservation/Replacement Plan would preserve existing healthy trees where feasible. The Project would maintain 6.8 acres of existing tree canopy and add 6.4 acres of new native tree canopy, resulting in a net increase in total tree coverage (DEIR Section 5.4.5, page 5.4-25).
- **Open Space Preservation:** Approximately 12.2 acres (47%) of the Project Site would be preserved as dedicated open space, approximately 9.5 acres primarily along Lemon Creek, providing continued nesting and foraging habitat for raptors (DEIR Section 5.4.7, page 5.4-27).

The specific pine tree referenced by the commenter would be evaluated during the required pre-construction surveys. If active nesting is confirmed, the tree and surrounding area would receive the full protection measures outlined in Mitigation Measure BIO-1.

This comment raises awareness of potential raptor nesting but does not identify deficiencies in the DEIR's environmental analysis, as the Project already includes comprehensive measures to protect nesting raptors. No further response or action is required under CEQA.

Comment 10-4: Commenter states they have included the email correspondence with Brookside Properties as well as the City of Walnut.

Response: Comment noted. This comment does not pertain to the proposed Project, content, or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

COMMENT LETTER NO. 11

Rebecca Esparza
863 N. White Horse Cir.
Walnut, CA 91789

8-20-25

Attention City Council.

I am a long term Walnut ~~Area~~ resident and want to express my concern over the Brookside Property.

I am a horse owner and have been saddened by the deterioration of the property.

I get fearful that a fire could destroy the remaining buildings, fences and trees.

I ride & walk regularly through the property and always wonder why the owner can get away with the poor maintenance of the property. Of course I was heartbroken that Walnut couldn't purchase the property, but at least management should be

11-1

enforced. I worry the
risk it puts to the city.

Thank You for your
consideration.

Rebecca Esparza

11-1

Response No. 11

Rebecca Esparza
Resident
August 20, 2025

Comment 11-1: Commenter states they are a long-term Walnut resident and want to express concern over the Brookside Property. They are a horse owner and have been saddened by the deterioration of the property. They get fearful that a fire could destroy the remaining buildings, fences and trees. The commenter rides and walks regularly through the property and always wonders why the owner can get away with the poor maintenance of the property. They note that of course they were heartbroken that Walnut couldn't purchase the property, but at least management should be enforced. The commenter worries about the risk it puts to the City and thanks for consideration.

Response: The commenter expresses concerns about the current maintenance condition of the Project Site, fire safety risks, and enforcement of property maintenance standards. The concerns raised regarding existing property maintenance conditions are outside the scope of CEQA environmental review. The DEIR analyzes the environmental impacts of the proposed Project, not existing conditions or potential code enforcement matters. Property maintenance issues would fall under the City's Code Enforcement jurisdiction rather than the environmental review process.

However, the comment mentions concern for the following environmental topics:

- Fire Safety: The DEIR addresses wildfire risks in Section 5.20, *Wildfire*. The Project would remove existing structures and unmaintained vegetation that currently pose fire risks. The Project Site is located within a Moderate Fire Hazard Severity Zone with Fire Station No. 61 immediately adjacent, providing close emergency response capability (DEIR Section 5.20.2, page 5.20-1 and DEIR Table 5.20-1, City of Walnut Fire Station Locations, page 5.20-1).
- Property Access: It should be noted that the Project Site consists of private property and is not a designated park, open space, or recreation area. The Project would create a new designated public multiuse trail system along Lemon Creek that would be dedicated to the City for permanent public use, providing legal public access that does not currently exist (DEIR Section 3.4, *Project Characteristics*, page 3-12).

This comment expresses concerns about existing conditions but does not raise environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 12

August 24, 22025

To: City of Walnut – City Council
Joelle Guerra, Deputy Director of Development

RE: Brookside Property, Walnut
Maintenance Matters

RECEIVED

2025 AUG 25 P 5:08

CITY OF WALNUT
CITY CLERKS OFFICE

This correspondence is to, once again, bring the above referenced property to the attention of the Walnut City Council. Concerns are that the property remains an eye sore to the public for lack of maintenance to the property, i.e., trees are overgrown, there are many, many weeds, bushes overgrown, no maintenance of the existing buildings, fences are damaged, etc., and it has sat that way for the past 10-years, or so. It is unbeknown to me, and I am sure the public, as to why the Council has allowed this property to remain in this condition for so long. I would appreciate a response from the Council to that comment. I don't see another property in Walnut wherein the City Council has allowed such a lack of maintenance for such a long time.

12-1

Another concern is the lack of security patrol at this property. It is imperative that the property be patrolled to insure that homeless persons are not using the property which could be a security issue for all persons, children and adults.

12-2

I hope your review of this letter will bring to your attention the need to maintain this property moving forward and to include security services. This request is to help to keep children and all people in Walnut safe. The City's lack of concern or maintenance of this property is no longer acceptable.

12-3

Your response to this correspondence will be appreciated.

Yours Truly,

Marilyn Caldwell, et al.

Marilyn Caldwell
D. Santop
Gmy Copeland
Mac Adam
Theresa Jones
Lucia Thomas
Patricia Cruz
Theresa Jones
Allen Karuk

Response No. 12

Marilyn Caldwell, et al.
Residents
August 24, 2025

Comment 12-1: Commenter brings the above referenced property to the attention of the Walnut City Council once again. Their concerns are that the property remains an eye sore to the public for lack of maintenance to the property, including trees that are overgrown, many weeds, bushes overgrown, no maintenance of existing buildings, and damaged fences, and it has sat that way for the past 10 years or so. It is unknown to them, and they are sure the public, as to why the Council has allowed this property to remain in this condition for so long. They would appreciate a response from the Council to that comment and state they don't see another property in Walnut wherein the City Council has allowed such a lack of maintenance for such a long time.

Response: The commenter expresses concerns about the current maintenance condition of the Project Site and requests a response from the City Council regarding code enforcement matters.

The concerns raised regarding existing property maintenance conditions and code enforcement are outside the scope of CEQA environmental review. The DEIR analyzes the environmental impacts of the proposed Project, not existing conditions. The CEQA process focuses on evaluating potential environmental impacts of proposed development projects and identifying appropriate mitigation measures. Issues related to current property maintenance or code enforcement policies are administrative matters that fall under the City's general governance and regulatory authority rather than environmental impact analysis.

This comment does not raise potential environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 12-2: Commenter states another concern is the lack of security patrol at this property. It is imperative that the property be patrolled to insure that homeless persons are not using the property which could be a security issue for all persons, children and adults.

Response: The concerns raised regarding current security conditions and unauthorized use of private property are outside the scope of CEQA environmental review. The DEIR analyzes the environmental impacts of the proposed Project, not existing security conditions or current property management practices. Security and trespassing issues on private property are law enforcement and property management matters that fall under the jurisdiction of the Los Angeles County Sheriff's Department and the property owner's responsibility, rather than environmental impact analysis under CEQA. This comment does not raise potential environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 12-3: Commenter hopes their review of this letter will bring to the Council's attention the need to maintain this property moving forward and to include security services. This request is to help keep children and all people in Walnut safe. The City's lack of concern or maintenance of this property is no longer acceptable. They state that a response to this correspondence will be appreciated.

Response: As noted in responses to previous comments, concerns regarding current property maintenance, security, and code enforcement are outside the scope of CEQA environmental review. It

should be clarified that the Project Site is private property, not City property. The City does not own or maintain the Project Site, and property maintenance responsibilities rest with the private property owner. The City's role is limited to enforcing applicable municipal codes when violations are reported and substantiated.

Questions about City policies, code enforcement practices, or requests for City Council responses should be directed through appropriate channels such as:

- Attending City Council meetings during public comment periods.
- Contacting City staff directly.
- Filing formal code enforcement complaints if specific violations are observed.
- Submitting written correspondence to the City Council outside of the CEQA process.

This comment requests administrative action and City Council response but does not raise environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 13

From: Gladys [REDACTED]
Sent: Sunday, August 24, 2025 5:24 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: Brookside Project

Dear Ms. Guerra,

My name is Gladys and I am a concerned community member of Walnut, CA. Below I have stated a few comments and concerns regarding the EIR Draft.

13-1

According to section EIR 5.4, the following species mentioned in the draft have been categorized as "Less Than Significant Impact With Mitigation Incorporated". Under BIO-6, it states, "A SWPT survey shall be conducted by a qualified southwestern pond turtle biologist within 30 days of vegetation removal or ground disturbance." I am concerned with the vague timeline of "within 30 days of removal/ground disturbance" because surveying the species of concern, SWPT, has a *minimum* of four surveys during the month of April-September. Why was this not emphasized in the draft? I personally have seen turtles there myself, but could not confirm if it was a SWPT.

13-2

Furthermore, I have seen a sign on Meadow Pass Rd (less than a mile away from this project site) that states that the area is habitat of the Least Bell's Vireo and is protected by the endangered species act of 1973. Can you confirm with written proof that this sign does not also correlate with the same habitat residing at the project site? I would believe that the brookside location would be a more desirable location for the Least Bell's Vireo to reside in (which it likely does since it's less than a mile from the sign). Would the same rules not apply to this same habitat? I will attach a photo of this sign in my email.

13-3

According to surveys from 2022 and 2023, there have been sightings of these species of special concern: "yellow warbler (*Setophaga petechia*), Least Bell's Vireo (one migrant; *Vireo bellii pusillus* (LBV)), silver-haired bat (*Lasionycteris noctivagans*), hoary bat (*Lasiurus cinereus*), and Crotch's Bumble Bee one in-transit; *Bombus crotchii*".

13-4

Another concern I had with the EIR Draft report is difficulty understanding "Addressee Issue" which simply provides "Sections" in response to the public comments made in 2022. I don't understand how this actually touches on the responses. I would suggest adding hyperlinks to this section so it increases efficiency to locate information requested by the public.

13-5

Ultimately, I believe that the Brookside Equestrian Center should be used as a recreational area for the community to enjoy. This project has been recently denied, why can't we put this effort into replacing the vacant Stater Brothers in Walnut? There are far more important upgrades that this city needs instead of wanting to remove one of very few wildlife corridors in Walnut.

13-6

Thank you for your time,
Gladys



Response No. 13

Gladys Grapes
Resident
August 24, 2025

Comment 13-1: Commenter identifies themselves as Gladys, a concerned community member of Walnut, CA. They state they have a few comments and concerns regarding the EIR Draft below.

Response: Comment noted. This comment does not pertain to the proposed Project, content, or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

Comment 13-2: Commenter identifies as Gladys, a concerned community member of Walnut, CA, with comments and concerns regarding the EIR Draft. According to section EIR 5.4, species mentioned in the draft have been categorized as “Less Than Significant Impact With Mitigation Incorporated.” Under BIO-6, it states “A SWPT survey shall be conducted by a qualified southwestern pond turtle biologist within 30 days of vegetation removal or ground disturbance.” The commenter is concerned with the vague timeline of “within 30 days of removal/ground disturbance” because surveying the species of concern, SWPT, has a minimum of four surveys during the month of April-September. They question why this was not emphasized in the draft and note they have personally seen turtles there but could not confirm if it was a SWPT.

Response: The commenter correctly notes that comprehensive Southwestern Pond Turtle (SWPT) surveys typically require multiple surveys during the April-September activity period. However, the DEIR’s Section 5.4, *Biological Resources* analysis and mitigation approach is based on the findings of extensive biological surveys already conducted for the Project. The DEIR is supported by comprehensive biological surveys, including four focused SWPT surveys conducted on July 5 and 25, August 12, and September 1, 2022 (DEIR Section 5.4.5, page 5.4-22). These surveys were conducted by qualified biologists during the appropriate activity season and found that although suitable habitat is present, no SWPT or other turtle species were observed or detected within the Project Site. Based on these findings, SWPT are considered absent from the Project Site. In addition, the majority of SWPT suitable habitat within the Project Site is planned to be avoided and is not located within the Project Impact Area (DEIR 5.4-27).

Mitigation Measure BIO-6 requires a pre-construction survey “within 30 days of vegetation removal or ground disturbance” as a final verification measure, recognizing that this species could potentially colonize the site between the time of the original surveys and Project implementation. This is a standard precautionary measure rather than the primary assessment tool. The mitigation measure does not specify the April-September timing because it is designed as a pre-construction verification survey that may need to occur outside the primary activity season depending on construction scheduling. If SWPT are detected during this final survey, the mitigation measure requires development of a SWPT Avoidance Plan with appropriate protection measures. The commenter’s observation of turtles onsite is noted, though species identification would require confirmation by a qualified biologist. This comment raises technical concerns about survey protocols that have been addressed through the comprehensive biological assessment already completed for the Project. No further response or action is required under CEQA.

Comment 13-3: Commenter states they have seen a sign on Meadow Pass Road (less than a mile away from this project site) that states the area is habitat of the Least Bell’s Vireo and is protected by the endangered species act of 1973. They ask for confirmation with written proof that this sign does not also correlate with the same habitat residing at the project

site. The commenter believes that the Brookside location would be a more desirable location for the Least Bell's Vireo to reside in (which it likely does since it's less than a mile from the sign) and asks if the same rules would not apply to this same habitat. They will attach a photo of this sign in their email.

Response: The commenter references a sign indicating least Bell's vireo (LBV) habitat in the area ("less than a mile away") and questions whether the same protections apply to the Project Site. The DEIR provides comprehensive analysis of LBV at the Project Site based on detailed biological surveys conducted specifically for this Project. Eight focused LBV surveys were performed between April 10 and July 29, 2022, following established protocols (DEIR Section 5.4.5, page 5.4-19). One LBV was detected during the April 10 survey within the Project Site; however, due to the relatively narrow riparian corridor and lack of a dense shrub layer canopy, the observed LBV was determined to be a migrant rather than establishing territory, occupying the site, or breeding. The biological assessment concluded that the potential for LBV to occupy the Project Site is low (DEIR Section 5.4.5, page 5.4-19). While Lemon Creek provides riparian habitat, the DEIR notes that this habitat has been "heavily impacted by invasive plant species, impairing the biological function of this riparian habitat" (DEIR Section 5.4.2, page 5.4-9). The Project would improve habitat quality by removing invasive species and planting 520 native trees. Regardless of occupancy status, the Project includes Mitigation Measure BIO-1, which requires pre-construction nesting bird surveys and establishment of a 500-foot protective buffer around any active LBV nests detected, with construction prohibited until the nesting cycle is complete. LBV is protected under the federal Endangered Species Act throughout its range. These protections apply regardless of signage and would be enforced if occupied habitat were present. The presence of suitable habitat in the broader area does not automatically mean the Project Site supports breeding populations, which is why site-specific surveys are required and were conducted. In addition, new mitigation measure BIO-1b has been added to require additional preconstruction least Bell's vireo surveys. This comment raises questions about species protection that have been thoroughly addressed through the comprehensive biological assessment conducted for the Project. No further response or action is required under CEQA.

Comment 13-4: Commenter states that according to surveys from 2022 and 2023, there have been sightings of these species of special concern: "yellow warbler (*Setophaga petechia*), Least Bell's Vireo (one migrant; *Vireo bellii pusillus* (LBV)), silver-haired bat (*Lasionycteris noctivagans*), hoary bat (*Lasiurus cinereus*), and Crotch's Bumble Bee one in-transit; *Bombus crotchii*."

Response: The commenter is correct that these five special status species were observed within the Project Site during focused surveys conducted in 2022 and 2023. The DEIR provides detailed analysis of each of these species' observations and their implications for the Project (DEIR Section 5.4.5, pages 5.4-17 through 5.4-20). The DEIR acknowledges the presence of these species and includes comprehensive mitigation measures to ensure impacts remain less than significant:

- Yellow Warbler and Least Bell's Vireo: Protected through Mitigation Measure BIO-1, which requires pre-construction nesting surveys and protective buffers during the nesting season. In addition, new mitigation measure BIO-1b has been added to require additional preconstruction least Bell's vireo surveys.
- Silver-haired Bat and Hoary Bat: Protected through Mitigation Measure BIO-2, which requires pre-construction bat surveys and appropriate avoidance measures if active roosts are found.
- Crotch's Bumble Bee: Protected through Mitigation Measure BIO-3, which requires pre-construction surveys and protective buffers around any active nest colonies.

The Project preserves approximately 12.2 acres (47%) of the Project Site as open space, 9.5 acres of which are primarily along Lemon Creek where these species were observed. This preservation, combined with the replacement of non-native and invasive vegetation with 520 native trees, would maintain and enhance habitat quality for these species. The mitigation measures ensure compliance with federal and state wildlife protection laws, including the Migratory Bird Treaty Act, California Fish and Game Code, California Endangered Species Act, and Federal Endangered Species Act. The identification of these species reinforces the importance of the comprehensive mitigation program included in the Project to protect biological resources. No further response or action is required under CEQA.

Comment 13-5: Commenter states another concern they had with the EIR Draft report is difficulty understanding “Addressee Issue” which simply provides “Sections” in response to the public comments made in 2022. They don’t understand how this actually touches on the responses. The commenter would suggest adding hyperlinks to this section so it increases efficiency to locate information requested by the public.

Response: The commenter appears to be referring to Section 2.0, *Introduction*, Table 2-1, *Summary of NOP Comments* (DEIR Section 2.0, pages 2-3 through 2-7), which summarizes comments received during the Notice of Preparation process from November 10, 2022, through December 20, 2022. This table shows how each comment topic was addressed in specific sections of the DEIR. While the suggestion for hyperlinks to improve document navigation has merit for digital accessibility, CEQA documents must comply with specific formatting requirements established by the California Environmental Quality Act Guidelines. The current format follows standard CEQA practice by providing clear section references that allow readers to locate the relevant analysis. This table serves the important function of demonstrating how scoping comments were incorporated into the DEIR’s scope of analysis, as required by CEQA Guidelines Section 15082. Each section reference directs readers to the comprehensive technical analysis of the environmental topic raised during scoping. The DEIR includes a detailed Table of Contents and consistent section numbering system to facilitate navigation. For example, when Table 2-1 references “Section 5.4, *Biological Resources*,” readers can locate this analysis in the environmental analysis section. This comment addresses document format and navigation but does not raise environmental impacts or identify deficiencies in the DEIR’s environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 13-6: Commenter ultimately believes that the Brookside Equestrian Center should be used as a recreational area for the community to enjoy. This project has been recently denied, and they ask why the effort can’t be put into replacing the vacant Stater Brothers in Walnut instead. There are far more important upgrades that this city needs instead of wanting to remove one of very few wildlife corridors in Walnut.

Response: The commenter expresses preference for recreational use of the Project Site, references a previous project denial, suggests alternative development locations, and characterizes the site as a wildlife corridor.

Four clarifications are necessary regarding the commenter’s statements:

- Previous Project Status: The current Project (TTM 72798) has not been “recently denied.” The commenter may be referring to a different project proposal (SCH No. 2016051030) that was denied by the City Council in 2021. The current Project is a new proposal with a different design that is undergoing environmental review through this DEIR process.
- Wildlife Corridor Analysis: The DEIR provides detailed analysis of wildlife movement in Section 5.4.5 (page 5.4-24). The biological assessment concludes that while the Project Site may serve some

function in local wildlife dispersal and foraging, “due to the obstruction of the surrounding roads and urban development, it is not expected that the Project Site would function as a regional wildlife movement corridor.” (page 5.4-7)

- Development Alternatives: CEQA requires analysis of project alternatives that meet project objectives, not evaluation of alternative development sites in other locations. Section 6.0, *Alternatives Analysis*, of the DEIR evaluates three alternatives including a No Project alternative that would preserve existing conditions.
- Public Access: The Project would provide public access by constructing a new multiuse public trail that would be dedicated to the City for permanent public use, providing legal recreational access that does not currently exist.

This comment expresses policy preferences but does not raise environmental impacts or identify deficiencies in the DEIR’s environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 14

From: Becki King [REDACTED]
Sent: Sunday, August 24, 2025 6:53 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: The Brookside Project

Dear City of Walnut,

I am writing to respectfully request that the City of Walnut regularly have the Police Department patrol the Brookside Project area. While walking on the public trails, we have recently encountered unhoused individuals attempting to set up tents to live there.

While we recognize that this is a difficult and tragic situation, we are concerned that without regular monitoring, the Brookside Project could develop into a homeless encampment. Our hope is to maintain the safety and accessibility of these public spaces for all residents.

Thank you for your attention to this matter and for your continued efforts to keep our community safe.

Sincerely,

Becki King

928 N Hunters Hill Dr, Walnut, CA 91789

[REDACTED]

14-1

Response No. 14

Becki King
Resident
August 24, 2025

Comment 14-1: Commenter respectfully requests that the City of Walnut regularly have the Police Department patrol the Brookside Project area. While walking on the public trails, they have recently encountered unhoused individuals attempting to set up tents to live there. While they recognize that this is a difficult and tragic situation, they are concerned that without regular monitoring, the Brookside Project could develop into a homeless encampment. Their hope is to maintain the safety and accessibility of these public spaces for all residents. They thank you for attention to this matter and for continued efforts to keep the community safe.

Response: The commenter requests police patrol of the Project Site due to concerns about unauthorized camping and asks for continued safety monitoring of public spaces. The concerns raised regarding current security conditions and unauthorized use of private property are outside the scope of CEQA environmental review. The DEIR analyzes the environmental impacts of the proposed Project, not existing security conditions or current property management practices. It should be clarified that the Project Site is currently private property with no established public access rights. There are currently no designated “public trails” on the Project Site. The proposed Project would create a new multi-use public trail along Lemon Creek that would be dedicated to the City for permanent public use (DEIR Section 3.4, page 3-12). This comment does not raise potential environmental impacts or identify deficiencies in the DEIR’s environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 15

From: Manuel Vargas [REDACTED]
Sent: Monday, August 25, 2025 4:21 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: EIR Comments - Brookside Project

Please ensure the Brookside is maintained properly, especially during planning and pre-construction phases. Maintenance includes trimming of trees and all vegetation, upkeep of fences, and preserving pedestrian right of ways.

Please ensure that there is regular patrolling of the area through law enforcement to ensure there are not any issues such as crime or vagrants or vandalism on the property that might create a blighted environment.

Sincerely,

Maria Vargas
858 N White Horse Cir, Walnut, CA 91789

15-1

Response No. 15

Maria Vargas
Resident
August 25, 2025

Comment 15-1: Commenter requests that the Brookside is maintained properly, especially during planning and preconstruction phases. Maintenance includes trimming of trees and all vegetation, upkeep of fences, and preserving pedestrian right of ways. They also request that there is regular patrolling of the area through law enforcement to ensure there are not any issues such as crime or vagrants or vandalism on the property that might create a blighted environment.

Response: The commenter requests the Project Site be maintained and patrolled by police patrol. The concerns raised regarding current security conditions and unauthorized use of private property are outside the scope of CEQA environmental review. The DEIR analyzes the environmental impacts of the proposed Project, not existing security conditions or current property management practices. If approved, the Project would be subject to standard construction management practices and ongoing property maintenance through homeowner association requirements. This comment addresses property maintenance and security concerns but does not raise potential environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

COMMENT LETTER NO. 16

From: diana dai [REDACTED]
Sent: Monday, August 25, 2025 4:25 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: Strong Opposition to the Proposed Brookside Project

Dear Mr. Guerra and the City of Walnut,

I am writing to express my strong and adamant opposition to the proposed Brookside project in our city. While the EIR report has indicated that this development will not cause a significant environmental impact, I must respectfully disagree—and I do so not just as a concerned resident, but as someone who has lived in Walnut long enough to remember a time when our city was rich with open space, wildlife, and a peaceful, natural atmosphere.

16-1

I remember when deer could still be seen in the hills and when the land off Lemon Avenue was a thriving habitat for wildlife. That area was a living symbol of the natural beauty Walnut was known for. However, that changed dramatically when homes were developed on those very hills. We displaced the native wildlife and slowly eroded the natural environment that once made this city feel so special.

16-2

The Brookside project risks repeating this same pattern of destruction. While environmental reports may downplay the impact, lived experience tells a different story. We've already seen how wildlife has diminished and how sensitive habitats have been lost. Further development will only accelerate this decline.

16-3

Beyond its environmental impact, the site proposed for the Brookside project holds deep sentimental and cultural value to many in our community. It has been the setting for weddings, family gatherings, and cherished life moments. People have built memories there, not mansions. To destroy such a meaningful location simply to construct more multi-million dollar homes feels deeply wrong and sends a clear message that profit is being prioritized over people, community heritage, and quality of life.

16-4

In addition to these cultural and emotional losses, the project poses serious traffic and public safety concerns. The proposed site is located in the heart of Walnut, near Walnut High School and Suzanne Middle School—areas that already experience heavy congestion during school hours. Introducing construction activity and increased residential traffic will only make the situation worse, putting students at risk and causing unnecessary delays for families. I still remember the chaos and long delays during the Meadow Pass Road construction. The disruption was significant, and even today, many residents avoid those roads because of the lingering impacts. We cannot afford to repeat that mistake.

16-5

Although the EIR may check legal boxes, it does not reflect the lived reality of those of us who call Walnut home. It overlooks the cumulative impacts of overdevelopment and underestimates the emotional, environmental, and public safety concerns this project will create.

16-6

Under CEQA, environmental review is not only about technical compliance—it's about making responsible and informed decisions that genuinely protect our community and environment. This project has been proposed and brought forward multiple times over the years, and each time, residents have consistently voiced their concerns and opposition. We are not being silent—we are being ignored.

16-7

I urge you and the City of Walnut to truly listen to your residents. Hear the voices of those who live here, who care deeply about this community, and who want to preserve what makes Walnut special. It's time to end this proposal once and for all.

Sincerely,
Diana Dai
long-time resident of our beautiful city

Response No. 16

Diana Dai
Resident
August 25, 2025

Comment 16-1: Commenter expresses strong and adamant opposition to the proposed Brookside project in the city. While the EIR report has indicated that this development will not cause a significant environmental impact, they respectfully disagree, not just as a concerned resident, but as someone who has lived in Walnut long enough to remember a time when the city was rich with open space, wildlife, and a peaceful, natural atmosphere.

Response: Comment noted. This comment does not pertain to specific content, or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

Comment 16-2: Commenter remembers when deer could still be seen in the hills and when the land off Lemon Avenue was a thriving habitat for wildlife. That area was a living symbol of the natural beauty Walnut was known for. However, that changed dramatically when homes were developed on those very hills. They state that they displaced the native wildlife and slowly eroded the natural environment that once made this city feel so special.

Response: Comment noted. This comment does not pertain to the proposed Project, content, or adequacy of the DEIR that require additional CEQA analysis. No further action or response is required under CEQA.

Comment 16-3: Commenter states that the Brookside project risks repeating this same pattern of destruction. While environmental reports may downplay the impact, lived experience tells a different story. They have already seen how wildlife has diminished and how sensitive habitats have been lost. Further development will only accelerate this decline.

Response: The commenter expresses concerns about impacts to wildlife and habitat from development patterns, and suggests the environmental analysis may underestimate impacts. The commenter raises issues related to establishing baseline conditions for the environmental setting as well as evaluating potential cumulative impacts.

Under CEQA Guidelines Section 15125(a), “An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” Further, under CEQA Guidelines Section 15125(a)(1), “Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced...”. The analysis in the DEIR established appropriate baseline conditions and environmental setting, specifically for biological resources in Section 5.4.2 (page 5.4-1).

The DEIR also established a cumulative projects list in Section 4.0: *Basis for Cumulative Impacts*, based on the baseline conditions for the environmental setting, and provided a cumulative impact analysis, specifically for biological resources in Section 5.4.6 (page 5.4-26).

This comment expresses concerns about biological impacts and the biological impact analysis as it relates to baseline conditions under the environmental setting and cumulative projects, which have appropriately been addressed and disclosed pursuant to CEQA. No further action or response is required under CEQA.

Comment 16-4: Commenter states that beyond its environmental impact, the site proposed for the Brookside project holds deep sentimental and cultural value to many in their community. It has been the setting for weddings, family gatherings, and cherished life moments. People have built memories there, not mansions. To destroy such a meaningful location simply to construct more multi-million-dollar homes feels deeply wrong and sends a clear message that profit is being prioritized over people, community heritage, and quality of life.

Response: The commenter expresses concerns about community sentimental value and references past events held on the Project Site. While previous owners may have allowed events such as weddings and gatherings, there are no established public access rights to the property. Additionally, the Project Site has not functioned as an active equestrian center since 2014, when operations ceased, and the facilities have been vacant for over a decade (DEIR Section 3.1, *Project Overview*, page 3-1) and the Project is consistent with the site's existing Very Low Density Residential General Plan designation and zoning.

The DEIR addresses cultural and historical significance in Section 5.5, *Cultural Resources*. This analysis, conducted by qualified professionals, evaluated the site's historical significance using established criteria and methodologies. The Project was determined not to have significant impacts under CEQA from a local perspective because the property no longer maintains "the appearance, configuration and features, and environmental setting that existed in the historic period" (page 5.5-17). No significant historical resources were identified that would prevent development under CEQA standards.

This comment expresses community perspectives and sentiment but does not raise potential environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 16-5: Commenter states that in addition to cultural and emotional losses, the project poses serious traffic and public safety concerns. The proposed site is located in the heart of Walnut, near Walnut High School and Suzanne Middle School - areas that already experience heavy congestion during school hours. Introducing construction activity and increased residential traffic will only make the situation worse, putting students at risk and causing unnecessary delays for families. They still remember the chaos and long delays during the Meadow Pass Road construction. The disruption was significant, and even today, many residents avoid those roads because of the lingering impacts. They state they cannot afford to repeat that mistake.

Response: The DEIR provides comprehensive analysis of transportation impacts in Section 5.17, *Transportation*. This analysis is based on detailed traffic studies and modeling conducted by qualified transportation engineers. The following addresses the commenter's concerns:

- Project Traffic Generation: The Project's 27 homes would generate minimal traffic compared to existing conditions. The Vehicle Miles Traveled (VMT) analysis shows the Project would generate 35.27 total VMT per service population, which is below the City's significance threshold of 37.02 VMT per service population (DEIR Section 5.17.5, page 5.17-8).
- School Safety: While the commenter references nearby schools, the transportation analysis addresses pedestrian and bicycle safety through the Project's design features, including sidewalks and multi-use trails that would connect to existing infrastructure and minimize pedestrian-vehicle conflicts.
- Construction Traffic Management: The DEIR addresses construction impacts in Section 5.17.5 (page 5.17-12), noting that temporary construction activities would be coordinated with the City

to implement traffic control measures necessary to maintain emergency vehicle access and minimize disruptions.

- Sight Distance Safety: The analysis identified and addressed a sight distance issue at the Project's primary access point through Mitigation Measure TRA-1, which requires vegetation trimming and potential warning signage to ensure safe intersection conditions.
- Collision Analysis: The transportation study includes collision data analysis showing that the Project would not create adverse roadway safety conditions or contribute to existing collision trends in the area.

The transportation analysis follows current CEQA guidelines and concludes that all transportation impacts would be less than significant with mitigation incorporated. No further response or action is required under CEQA.

While traffic congestion (i.e., vehicle delay and level of service (LOS)) is no longer considered an environmental impact under CEQA (DEIR 5.17-7), the DEIR *Transportation Impact Study* (Appendix K1) included an LOS analysis consistent with General Plan requirements. The Transportation Impact Study concluded the Project is "not expected to cause any of the study intersections to operate at a deficient LOS (page 87)."

Comment 16-6: Commenter states that although the EIR may check legal boxes, it does not reflect the lived reality of those who call Walnut home. It overlooks the cumulative impacts of overdevelopment and underestimates the emotional, environmental, and public safety concerns this project will create.

Response: The commenter expresses concerns that the DEIR does not adequately address community concerns and suggests that legal compliance is insufficient to address local impacts. CEQA requires environmental analysis to be based on substantial evidence. The DEIR provides a combination of qualitative and quantitative analyses across 20 environmental topic areas using established protocols, field studies, and technical assessments conducted by qualified professionals to substantiate the findings and determinations made in the DEIR. While emotional concerns are acknowledged, emotional concerns are not an environmental impact under CEQA. As previously discussed under response to Comment 16-3, an appropriate cumulative impact analysis was provided in the DEIR pursuant to CEQA. Public safety concerns related to CEQA were also addressed under response to Comment 16-5. This comment expresses community perspectives and sentiment but does not raise potential environmental impacts or identify deficiencies in the DEIR's environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

Comment 16-7: Commenter states that under CEQA, environmental review is not only about technical compliance – it's about making responsible and informed decisions that genuinely protect the community and environment. This project has been proposed and brought forward multiple times over the years, and each time, residents have consistently voiced their concerns and opposition. They state that they are not being silent - they are being ignored. The commenter urges the City of Walnut to truly listen to residents, hear the voices of those who live there, who care deeply about this community, and who want to preserve what makes Walnut special. It's time to end this proposal once and for all.

Response: CEQA requires lead agencies to identify potentially significant environmental impacts and adopt feasible mitigation measures to reduce those impacts. While CEQA includes public participation requirements, its primary function is disclosure through technical analysis.

The Project Site is private property, and the property owner has legal rights to develop their land in accordance with applicable zoning and General Plan designations. The current Project (TTM 72798) is a new proposal that has not been “proposed multiple times.” The commenter may be referring to a different project proposal (SCH No. 2016051030) that was denied by the City Council in 2021. Each project must be evaluated on its own merits through the environmental review process.

The environmental review process provides multiple opportunities for public input, including the scoping process, public comment period on the DEIR, public hearings before the Planning Commission, and City Council (if required). All written comments received during the DEIR review period will be responded to in the FEIR and become part of the official record for decision-maker consideration.

This comment expresses community perspectives and sentiment but does not raise potential environmental impacts or identify deficiencies in the DEIR’s environmental analysis that would require additional CEQA review. No further response or action is required under CEQA.

SECTION 3.0 ERRATA

3.1 INTRODUCTION

This section contains revisions to the Draft Environmental Impact Report (DEIR) based upon the following:

- Additional or revised information required to prepare a response to a specific comment;
- Applicable updated information that was not available at the time of the DEIR publication; and/or
- Typographical errors.

This section also includes additional mitigation measures to fully respond to the commenters' concerns as well as provide additional clarification to mitigation requirements included in the DEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the DEIR.

3.2 REVISIONS TO THE DEIR

Changes to the DEIR are noted below. A double-underline indicates additions to the text; ~~strikethrough~~ indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, *Response to Comments*, of the FEIR. The changes to the DEIR do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph. All mitigation measure modifications have been reflected in Section 4.0, *Mitigation Monitoring and Reporting Program*, of the FEIR.

SECTION 1.0 EXECUTIVE SUMMARY

The mitigation measures under "Section 1.5, Environmental Issues/Mitigation Summary" have been revised in the table as follows:

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
5.4	Biological Resources <u>Note, Mitigation Measures BIO-1b, BIO-10, and BIO-11 have been added in response to comments received from the California Department of Fish and Wildlife (CDFW) during the public circulation of the DEIR. These measures do not require additional CEQA analysis as the original mitigation measures included in the DEIR were determined by the City to adequately address impacts to biological resources. Nonetheless, the City has agreed to require additional mitigation based on CDFW's recommendations and to ensure pre-construction surveys are implemented before commencement of construction in those areas of the Project site that include potential least Bell's vireo (LBV) habitat and to further ensure long-term protection of Lemon Creek.</u>	BIO-1b: Least Bell's Vireo. The Project proponent shall retain a qualified biologist to conduct two pre-construction surveys for least Bell's vireo. <u>These surveys shall be conducted no more than 14 days before commencement of construction within those areas of the Project site that include habitat for least Bell's vireo. If the results of the surveys determine that no least Bell's vireo are present, no additional mitigation is required. If the results of the surveys determine least Bell's vireo are present and take of least Bell's vireo cannot be avoided, the Project proponent shall consult, if required and as applicable, with USFWS and CDFW to obtain appropriate take authorization from USFWS and CDFW. If applicable, the Project proponent shall comply with the mitigation measures detailed in the take authorization issued by USFWS and/or CDFW. If applicable, the Project proponent shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.</u>	

EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		BIO-10: <u>Protective Instrument. The Project proponent shall protect the approximately 9.5 acres of open space along Lemon Creek in perpetuity under a deed restriction, open space easement, or conservation easement (Protective Instrument) prior to occupancy of the first tenant or as otherwise required by applicable regulatory permits. The Protective Instrument will prohibit use of the 9.5 acres except for public trail and passive open space purposes, enforceable by the City. Management of the 9.5 acres shall be performed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.</u> BIO-11: <u>If any special status wildlife species are found, harmed during relocation, or a dead or injured special status wildlife species is found, work in the immediate area shall stop immediately, the designated biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</u>	

SECTION 5.4 BIOLOGICAL RESOURCES

Section 5.4.7, *Mitigation Measures*, beginning on page 5.5-27 of the DEIR is amended as follows:

The following mitigation measures are required. Note, Mitigation Measures BIO-1b, BIO-10, and BIO-11 have been added in response to comments received from the California Department of Fish and Wildlife (CDFW) during the public circulation of the DEIR. These measures do not require additional CEQA analysis as the original mitigation measures included in the DEIR were determined by the City to adequately address impacts to biological resources. Nonetheless, the City has agreed to require additional mitigation based on CDFW's recommendations and to ensure pre-construction surveys are implemented before commencement of construction in those areas of the Project site that include potential least Bell's vireo (LBV) habitat and to further ensure long-term protection of Lemon Creek.

BIO-1b: Least Bell's Vireo. The Project proponent shall retain a qualified biologist to conduct two pre-construction surveys for least Bell's vireo. These surveys shall be conducted no more than 14 days before commencement of construction within those areas of the Project site that include habitat for least Bell's vireo. If the results of the surveys determine that no

least Bell's vireo are present, no additional mitigation is required. If the results of the surveys determine least Bell's vireo are present and take of least Bell's vireo cannot be avoided, the Project proponent shall consult, if required and as applicable, with USFWS and CDFW to obtain appropriate take authorization from USFWS and CDFW. If applicable, the Project proponent shall comply with the mitigation measures detailed in the take authorization issued by USFWS and/or CDFW. If applicable, the Project proponent shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.

BIO-10: Protective Instrument. The Project proponent shall protect the approximately 9.5 acres of open space along Lemon Creek in perpetuity under a deed restriction, open space easement, or conservation easement (Protective Instrument) prior to occupancy of the first tenant or as otherwise required by applicable regulatory permits. The Protective Instrument will prohibit use of the 9.5 acres except for public trail and passive open space purposes, enforceable by the City. Management of the 9.5 acres shall be performed by a restoration contractor (experienced with riparian habitat) under the supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.

BIO-11: If any special status wildlife species are found, harmed during relocation, or a dead or injured special status wildlife species is found, work in the immediate area shall stop immediately, the designated biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

SECTION 5.5 CULTURAL RESOURCES

The first paragraph under the subheading "PROJECT SITE" of Section 5.5.2, *Environmental Setting*, on page 5.5-4 of the DEIR is amended as follows:

According to the Historical Report (*Attachment D* to the Cultural Report (*Appendix E*)), originally comprising Rancho La Puente, between 1880 and 1890 the land was purchased and developed by the Sentous Brothers, an early family in area history involved in the cattle and meat business through ownership of a slaughterhouse and butcher shop in Los Angeles. In 1938, 1,800 acres of the original 3,500-acre Sentous family land holding was sold to P.G. Winnett who established a hobby farm and recreational equestrian ranch ("Rancho San Vicente"). At the time of Winnett's purchase, all buildings relating to the Sentous era of ownership were demolished except the Sentous Family ranch house dating to 1890. During Winnett's ownership period, 1938-1968, roughly 1,720 acres were further subdivided and sold and developed leaving roughly 80 acres of the original holding to a group of private colleges, after Winnett's death in 1968, who maintained ownership through 1983. Between 1968 and 1983, roughly 55 acres were sold off for private development leaving the existing 25-acre Project Site (or Brookside property). In 1983, the remnant 25 acres were purchased and in 1986 were opened as the Brookside Equestrian Center. At the time of purchase, there were an estimated six historic-era¹ buildings, at least 45 to 50 years old, on the Brookside property that dated to the Winnett era of

¹ "Historic-era" means at least 45 to 50 years old (built earlier than 1978) but not necessarily evaluated as significant. A "contemporary period" property is one that was built after 1978 or is less than 45 to 50 years old.

ownership: the Sentous Family Ranch House (1890), the Winnett Ranch House (1938), the Main Barn and Stables (1938), the Minor Stables (1938), the Horse Barn (1938), and an unidentified structure (1952-1960). Following renovation in the 1980s, the Brookside property maintained two historic-era buildings, the Main Barn and Stables (1938) and the Minor Stables (1938), as well as eleven contemporary period buildings and structures: the covered riding arena, paddocks, sheds, holding pens, and riding rings, all constructed between the 1980s and 2000s. From 1983 to 2014, the Brookside property was occupied by the Brookside Equestrian Center, and today is colloquially referred to as Brookside by area stakeholders. Refer to [Figure 5.5-1, Existing Structures Locations](#), for the locations of the existing structures and [Figure 5.5-2, Barn and Stables Photographs](#), for photographs of the historic-era structures. For a more detailed description of the Project Site refer to the Historical Report ([Attachment D](#) to the Cultural Report ([Appendix E](#))).

Figure 5.5-1, *Existing Structures Locations*, on page 5.5-6 of the DEIR has been revised to reflect the correct date of 1938 rather than 1935:



Source: Urbana Preservation & Planning; September 2025.



VCS Environmental

THE BROOKSIDE PROJECT
Environmental Impact Report
Existing Structures Locations

Figure 5.5-1

SECTION 5.19 UTILITIES AND SERVICE SYSTEMS

The first paragraph under the subheading IMPACT USS-1 “WASTEWATER SERVICE” of Section 5.19.5, *Environmental Impact Analysis*, on page 5.19-15 of the DEIR is amended as follows:

The Los Angeles County Sanitation District (LACSD) would provide wastewater service to the Project. According to correspondence with the LACSD (2022), the wastewater flow originating from the Project would discharge to a local sewer line (not maintained by the Districts) for conveyance to the Districts’ Lemon Avenue Trunk Sewer, located in Lemon Avenue at Valley Boulevard, which has a capacity of 7.8 million gallons per day (mgd). The Project’s wastewater would be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry, which has a capacity of 100 mgd. The proposed Project is expected to increase an average wastewater flow of 7,020 gallons per day. Construction connections to offsite wastewater service systems would involve excavation and minor trenching. Potential impacts would be short-term and construction BMPs would be in place to minimize construction-related impacts. The construction of the sewer utility service systems would be coordinated with the City of Walnut to ensure that wastewater service systems comply with construction standards and that adverse impacts to the environment are avoided. Therefore, less than significant impacts associated with wastewater service would occur, and no mitigation is required.

The first paragraph under the subheading “IMPACT USS-3” of Section 5.19.5, *Environmental Impact Analysis*, on page 5.19-17 of the DEIR is amended as follows:

Los Angeles County Sanitation District (LACSD) facilities provide sewer system services to the City of Walnut. According to correspondence with LACSD (2022), the wastewater flow originating from the Project would discharge to a local sewer line (not maintained by the Districts) for conveyance to the Districts’ Lemon Avenue Trunk Sewer, located in Lemon Avenue at Valley Boulevard, which has a capacity of 7.8 million gallons per day (mgd). The Project’s wastewater would be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average recycled flow of 62.6 mgd. The Project is expected to increase an average wastewater flow of 7,020 gallons per day. The Project’s addition of 27 residential homes and the average additional 7,020 gallons per day of wastewater is not expected to notably impact LACSD’s service capabilities. In September 2022, LACSD issued a “Will Serve” letter for the proposed Project, indicating adequate wastewater service would be available. Potential impacts associated with wastewater treatment and facilities would be less than significant, and no mitigation is required.

SECTION 6.0 ALTERNATIVES ANALYSIS

The first paragraph under the subheading Section 6.10.19, *Utilities and Service Systems*, on page 6-19 of the DEIR is amended as follows:

Alternative 3 would involve the construction of seven more residential units than the proposed Project (34 units total) and would therefore generate approximately 8,840 gallons per day of wastewater flow after demolition of existing structures, compared to 7,020 gallons per day for the proposed Project’s 27 units~~have a nominally greater demand for utilities and service systems.~~ Proposed Project mitigation required under USS-1 and USS-2 would be the same for Alternative 3. Potential impacts would also be less than significant with mitigation incorporated.

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SECTION 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be potentially significant or significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 4-1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for The Brookside Project (Project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the City of Walnut The Brookside Project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the Project but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 4-1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the EIR, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. No change will be permitted unless the MMRP continues to

satisfy the requirements of Public Resources Code Section 21081.6.

The following subsections of the DEIR contain a detailed environmental analysis of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and significant unavoidable impacts, if any.

Based on the DEIR, no significant impacts would occur in regard to the following environmental issue areas, which are addressed in the DEIR:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Energy
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Wildfire

In accordance with Appendix G of the *CEQA Guidelines*, the following environmental issue areas were determined in the DEIR to have a potentially significant impact:

- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

For the purposes of the environmental analysis in the DEIR, impacts were analyzed in each environmental issue area for the proposed Project. If a potentially significant impact remained after implementation of existing regulations, mitigation measures were recommended in order to reduce any significant impacts. Where mitigation measures were not required, it is noted in the following table.

Table 4-1
Mitigation Monitoring and Reporting Checklist

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
AESTHETICS								
Mitigation measures are not required.								
AGRICULTURE AND FORESTRY RESOURCES								
Mitigation measures are not required.								
AIR QUALITY								
Mitigation measures are not required.								
BIOLOGICAL RESOURCES								
BIO-1	Nesting Birds. If feasible, vegetation removal activities shall be conducted outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds. Any construction activities that occur during the nesting season shall require that all suitable habitats be thoroughly surveyed for the presence of nesting birds by a qualified biologist within three days before commencement of vegetation clearing/ground disturbance activities depending on which season work falls within. If any active nests are detected a buffer of 500 feet of an active threatened or endangered species or raptor nest, 300 feet of other sensitive species (non-listed), and 100 feet of most common species shall be delineated, flagged, and avoided until the nesting cycle is complete.	Project Applicant, Construction Contractor, Qualified Biologist	Within 3 days Prior to Vegetation/ Ground Disturbance Activities and During Construction	Community Development Department Planning Division	Prior to and During Construction			
BIO-1b	Least Bell’s Vireo. The Project proponent shall retain a qualified biologist to conduct two pre-construction surveys for least Bell’s vireo. These surveys shall be conducted no more than 14 days before commencement of construction within those areas of the Project	Project Applicant, Construction Contractor, Qualified Biologist	Within 14 days Prior to Vegetation/ Ground Disturbance Activities and	Community Development Department Planning Division	Prior to and During Construction			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	site that include habitat for least Bell's vireo. If the results of the surveys determine that no least Bell's vireo are present, no additional mitigation is required. If the results of the surveys determine least Bell's vireo are present and take of least Bell's vireo cannot be avoided, the Project proponent shall consult, if required and as applicable, with USFWS and CDFW to obtain appropriate take authorization from USFWS and CDFW. If applicable, the Project proponent shall comply with the mitigation measures detailed in the take authorization issued by USFWS and/or CDFW. If applicable, the Project proponent shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal.		During Construction					
BIO-2	Bat Protection. Prior to construction, all suitable areas within the Project Site and an appropriate survey buffer shall be surveyed for the presence of bat roosts by a qualified biologist. Surveys are recommended as follows: (1) An initial pre-construction survey shall be conducted in the spring prior to vegetation removal and ground disturbing activities by a qualified biologist to confirm no maternity roosts, and (2) A pre-construction survey shall be conducted by a qualified biologist no more than two weeks prior to the initiation of vegetation removal and ground disturbing activities. Surveys may entail direct inspection of the trees/suitable habitat or nighttime surveys. The following measures shall be implemented (as	Project Applicant, Construction Contractor, Qualified Bat Biologist	Initial Survey in Spring Prior to Vegetation Removal; Within 2 weeks Prior to Vegetation Removal and Ground Disturbing Activities; During Construction	Community Development Department Planning Division	Prior to and During Construction			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	applicable) based upon the results of the surveys: a. If active bat roosts are present, a qualified bat biologist shall determine the species of bats present and the type of roost (i.e., day roost, night roost, maternity roost). If the biologist determines that the roosting bats are not a special- status species and the roost is not being used as a maternity roost, then the bats may be evicted from the roost by a qualified biologist experienced in developing and implementing bat mitigation and exclusion plans. b. If special-status bat species or a maternity roost of any bat species is present, but no direct removal of active roosts will occur, a qualified biologist shall determine appropriate avoidance measures, which may include implementation of a construction-free buffer around the active roost during the appropriate season. c. If special-status bat species or a maternity roost of any bat species is present and direct removal of habitat (roost location) will occur, then a bat mitigation and exclusion plan shall be developed subject to approval by the City of Walnut. As appropriate and depending on the specific findings of the survey results, this plan shall include, for example, avoidance measures such as work timing restrictions and work zone buffers, methods for relocation and/or exclusion, creation of							

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	alternative roosts, and/or construction monitoring and reporting requirements. d. To reduce impacts to foraging bats, all construction activity shall be limited to daylight hours. If night-time work activities must occur, night-time lighting should be restricted or avoided to avoid attracting insects and consequently bats to the site. e. The implementation of demolition shall be planned in phases for both structures and trees on the site to reduce potential impacts by providing day roosting bats the opportunity to leave the site prior to demolition of all structures and trees on the site.							
BIO-3	Crotch's Bumble Bee mitigation includes the following (Rincon Consultants, Inc., January 11, 2023): a. Pre-construction surveys for CBB and nests shall be conducted within all suitable habitats within the Project Site prior to initial ground-disturbing activities (e.g., grubbing/removing vegetation, excavation, grading, construction). The purpose of these surveys is to identify active nest colonies inside of permanent and temporary impact areas. b. The pre-construction surveys shall follow the survey methodologies set out in the CDFW Survey Considerations for CESA Candidate Bumble Bee (CDFW, 2023g) or other survey methodology approved by CDFW.	Project Applicant, Construction Contractor, Qualified Biologist	Prior to initial Ground-Disturbing Activities/Vegetation Removal; During Construction	Community Development Department Planning Division	Prior to and During Construction			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	c. The pre-construction surveys shall be conducted during appropriate survey periods as either described in the CDFW Survey Considerations or otherwise approved by CDFW. d. If the pre-construction surveys identify active nest colonies inside of permanent and temporary impact areas within the Project footprint, an appropriate no disturbance buffer zone shall be established around the active nest colony to reduce the risk of disturbance or accidental take. The buffer distance shall be established by a qualified biologist and will provide no less than 50 feet of clearance around active nest entrances and the proponent/operator shall consult with a qualified biologist to discuss considerations and recommendations on the implementation of Project activities to avoid take of the CBB. e. If a no disturbance buffer zone is both (i) appropriate per Paragraph 4a above and (ii) feasible, construction activities will not occur within that buffer zone until a qualified biologist determines the previously active nest to no longer be active (i.e., no CBB are seen flying in or out of the nest for three consecutive days indicating the colony has completed its nesting season and the next season's queens have dispersed from the colony), after which construction activities may resume within that buffer zone.							

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	f. If avoidance of the active nest is not feasible, the Project proponent/operator shall consult with CDFW regarding potential for Project activities to result in take of the CBB and shall comply with the avoidance, minimization, and compensatory mitigation requirements set forth in any Incidental Take Permit issued for the Project by CDFW.							
BIO-4	Monarch Butterfly (Overwintering). To minimize the potential for loss of monarch overwintering colonies, removal of Eucalyptus trees will be conducted between April 1 – September 30 to avoid the overwintering season, if feasible. If Eucalyptus tree removal occurs outside of the overwintering season, no further mitigation will be required. If Eucalyptus tree removal occurs within the overwintering season (October 1 – March 31), a qualified biologist shall assess suitable habitat within the Project Site for monarch colonies no more than 14 days prior to Eucalyptus tree removal. If the species is not observed colonizing within the site, tree removal can proceed, and no further mitigation will be required. If monarch colonies are identified within the Project Site, they shall be demarcated with flagging or high-visibility construction fencing at the direction of the qualified biologist to prevent removal of the stand of trees containing the overwintering colony. Monarch overwintering colonies shall be protected throughout the duration of their presence within the site. Once the qualified biologist has	Project Applicant, Construction Contractor, Qualified Biologist	Prior to and During Construction	Community Development Department Planning Division	Prior to and During Construction			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	determined that the species has left the site, tree removal can proceed.							
BIO-5	Burrowing Owl. A preconstruction presence/absence survey for burrowing owl shall be conducted by a qualified biologist within 30 days prior to the commencement of ground disturbing activities including vegetation clearing, grubbing, or tree removal and if an owl or owls are detected, reported to the California Department of Fish and Wildlife (CDFW). If no burrowing owls are observed during the survey, site preparation and construction activities may begin. If burrowing owl are determined present within 500 feet of the Project Site, then avoidance or minimization measures shall be undertaken in consultation with the City and CDFW. CDFW shall be sent written notification within 48 hours of detection of burrowing owls. The qualified biologist and Project Applicant/Developer shall coordinate with the City and CDFW to develop a Burrowing Owl Plan, as described below, to be approved by the City and CDFW prior to commencing Project activities. Additionally, the Project Applicant/Developer may be required to obtain a Section 2081 Incidental Take Permit, if it is believed take will occur. The Project Applicant/Developer shall implement the 2081 Incidental Take Permit if required. If applicable, the Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow	Project Applicant, Construction Contractor, Qualified Biologist	Within 30 days Prior to Ground Disturbing Activities; During Construction	Community Development Department Planning Division	Prior to and During Construction			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Applicant/Developer shall implement the Burrowing Owl Plan following CDFW review and approval. If burrowing owls are observed within the Project Site during Project implementation and construction, the Project Applicant/Developer shall notify CDFW immediately in writing within 48 hours of detection. If required based on the nature of the observance, a Burrowing Owl Plan shall be submitted to CDFW for review and approval within two (2) weeks of detection and no Project activity shall continue within 500 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The Applicant/Developer shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan. If applicable, a final report shall be prepared by a qualified biologist documenting the results of the burrowing owl surveys and detailing any avoidance, minimization, and mitigation measures. The final report shall be submitted to the City within 30 days of completion of the survey and burrowing owl monitoring for							

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	mitigation monitoring compliance record keeping.							
BIO-6	Southwestern Pond Turtle. A SWPT survey shall be conducted by a qualified southwestern pond turtle biologist within 30 days of vegetation removal or ground disturbance. A report shall also be submitted to the City detailing the findings of the survey(s). If SWPT are observed, additional avoidance, exclusion, and minimization measures shall be implemented through the development and implementation of a SWPT Avoidance Plan in coordination with the City, which may include the relocation of the SWPT upstream or downstream to an area of suitable habitat, installation of exclusionary fencing, and/or construction monitoring to ensure the species is not adversely affected from Project activities.	Project Applicant, Construction Contractor, Qualified Biologist	Within 30 days of vegetation Removal or Ground Disturbance; During Construction	Community Development Department Planning Division	Prior to and During Construction			
BIO-7	Jurisdictional Waters. Permanent impacts to Waters of the State, Riparian/Riverine resources, and Waters of the U.S. shall be mitigated at a ratio of 3:1 through the enhancement and restoration of portions of Lemon Creek within the Project Site, or as otherwise required by the regulatory agencies (USACE, RWQCB, and CDFW) pursuant to the issuance of federal and state permits or other authorizations for impacts to these features. If required by the regulatory agencies, enhancement shall include the one-time removal of invasive species, and restoration shall include the one-time planting of native willow (<i>Salix</i> spp.) cuttings obtained from mature individuals on-site and following standard installation procedures in	Project Applicant, Construction Contractor	Prior to and During Construction	Community Development Department Planning Division	Prior to and During Construction			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	replacement. Planting shall occur immediately prior to onset of the rainy season. If required by the regulatory agencies, the Applicant shall prepare an enhancement and restoration plan, to be approved by CDFW prior to any ground disturbance within Waters of the State or Riparian/Riverine resources located on the Project Site. The Plan shall include restoration and monitoring methods, annual success criteria, contingency actions should success criteria not be met, and long term management and maintenance goals.							
BIO-8	Jurisdictional Waters. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City all appropriate permits and other authorizations have been obtained from the RWQCB, CDFW, and USACE.	Project Applicant	Prior to Issuance of Grading Permit	Community Development Department Planning Division	Prior to Issuance of Grading Permit			
BIO-9	Tree Canopy. Prior to occupancy of any homes in the Project, the Applicant shall implement its Tree Preservation/Replacement Plan.	Project Applicant	Prior to Occupancy	Community Development Department Planning Division	Prior to Occupancy			
BIO-10	Protective Instrument. The Project proponent shall protect the approximately 9.5 acres of open space along Lemon Creek in perpetuity under a deed restriction, open space easement, or conservation easement (Protective Instrument) prior to occupancy of the first tenant or as otherwise required by applicable regulatory permits. The Protective Instrument will prohibit use of the 9.5 acres except for public trail and passive open space purposes, enforceable by the City. Management of the 9.5 acres shall be performed by a restoration contractor (experienced with riparian habitat) under the	Project Applicant	Prior to Occupancy	Community Development Department Planning Division	Prior to Occupancy			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	supervision of a qualified biologist (experienced with southern California native riparian vegetation and wildlife) as funded either by the HOA budget or an endowment.							
BIO-11	If any special status wildlife species are found, harmed during relocation, or a dead or injured special status wildlife species is found, work in the immediate area shall stop immediately, the designated biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW and the City within 3 calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	Project Applicant, Construction Contractor, Qualified Biologist	Within 3 Days of Finding a Special Status Wildlife Species that is Harmed, Dead or Injured	Community Development Department Planning Division; CDFW	Prior to and During Construction			
CULTURAL RESOURCES								
CR-1	Prior to issuance of a grading permit, the applicant shall provide written verification that a qualified Archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the Project Archaeologist to the Lead Agency.	Project Applicant/Developer, Qualified Archaeologist	Prior to Issuance of Grading Permit	Community Development Department Planning Division	During Grading, Excavation, and Ground-Disturbing Activities			
CR-2	The Project applicant shall provide Native American monitoring during grading if the Lead Agency determines it is necessary pending results of the AB 52 Consultation process. If applicable, the Native American monitor shall work in concert with the archaeological monitor to observe ground disturbances and search for cultural materials. The Lead Agency	Project Applicant/Developer, Native American Tribal Representative(s)	Prior to and During Grading	Community Development Department Planning Division	During Grading, Excavation, and Ground-Disturbing Activities			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	shall coordinate with the consulting Tribe(s) to facilitate communications with the Project Developer/Applicant so that all Parties can develop a mutually agreeable Tribal Monitoring and Treatment Agreement which includes the scope of monitoring, scheduling of monitors from individual consulting Tribe(s), and the course of action for inadvertent discoveries.							
CR-3	Prior to the issuance of a grading permit, the Project Archaeologist, in consultation with the Consulting Tribe(s), the Project Applicant, and the City, shall develop a Cultural Resources Monitoring Plan (CRMP), to address the implementation of the City's Tribal Cultural Resource Mitigation Measures including but not limited to, timing, procedures and considerations for Tribal Cultural Resources during the course of ground disturbing activities that will occur on the Project Site. The CRMP shall be subject to review by Tribe(s) and final approval by the City.	Project Applicant, Qualified Archaeologist, Consulting Tribe(s)	Prior to Issuance of Grading Permit	Community Development Department Planning Division	Prior to Grading, Excavation, and Ground-Disturbing Activities			
CR-4	The Project Archaeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures	Project Applicant, Qualified Archaeologist, Consulting Tribe(s), Construction Contractor	Prior to Grading	Community Development Department Planning Division	Prior to Grading			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	until the find(s) can be properly evaluated; and any other appropriate protocols.							
CR-5	The protocols and stipulations that the contractor, City, Consulting Tribe(s) and Project Archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. 1. During the original cutting of previously undisturbed deposits, the archaeological and Tribal monitor shall be onsite, as determined by the consulting archaeologist, to monitor excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The consulting archaeologist shall have the authority to modify the monitoring program if the potential for cultural resources appears to be less than anticipated. 2. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed. 3. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the Lead	Project Applicant, Construction Contractor, Qualified Archaeologist, Consulting Tribe(s)	During Grading, Excavation, and Ground-Disturbing Activities	Community Development Department Planning Division	During Grading, Excavation, and Ground-Disturbing Activities			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	Agency at the time of discovery. The archaeologist, in consultation with the Lead Agency, shall determine the significance of the discovered resources. The Lead Agency must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be implemented by the consulting archaeologist and approved by the Lead Agency before being carried out using professional archaeological methods. If any human bones are discovered, the county coroner and Lead Agency shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (as identified by the NAHC) shall be contacted in order to determine proper treatment and disposition of the remains. 4. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered, and features recorded using professional archaeological methods. The Project Archaeologist in consultation with the consulting Tribe(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.							
CR-6	One or more of the following treatments, in order of preference, shall be used in the event of a cultural resources discovery:	Project Applicant, Qualified Archaeologist, Consulting Tribe(s)	During Grading, Excavation, and Ground-Disturbing Activities	Community Development Department Planning Division	During Grading, Excavation, and Ground-Disturbing Activities			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	1. Preservation-in-Place. Avoidance, or preservation-in-place, involves leaving a resource where it was found with no development affecting its integrity. Pursuant to Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological and cultural resources. 2. Reburial on the Project Site in an area not subject to future disturbance. Reburial of a resource shall include provisions to protect the selected reburial area from any future impacts in perpetuity. Reburial shall not occur until all required cataloging and basic recording have been completed, with the exception of sacred items, burial goods and Native American human remains. Any reburial process shall be culturally appropriate. The listing of contents and the location of the reburial shall be included in a confidential Phase IV monitoring report. 3. If Preservation-in-Place or reburial is not feasible, all cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards in a curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources (OHP 1993). The collections and associated records shall be transferred, including title and accompanied by							

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	payment of the fees necessary for permanent curation.							
CR-7	A Phase IV Monitoring Report, documenting the field and analysis results and interpreting the artifact and research data within the research context, shall be completed, and submitted to the satisfaction of the Lead Agency prior to the issuance of any building permits. The report will include DPR Primary and Archaeological Site Forms. The Phase IV report shall be filed with the City under a confidential cover and not subject to Public Records Request and a copy of the report shall be submitted to the consulting Tribe(s).	Qualified Archaeologist	Completion of Grading, Excavation, and Ground-Disturbing Activities	Community Development Department Planning Division	Prior to Issuance of Building Permits			
ENERGY								
	Mitigation measures are not required.							
GEOLOGY AND SOILS								
GEO-1	Prior to issuance of final grading permits, the Project Applicant or designee shall prepare and submit for review and approval by the Director of Building and Safety, a site-specific, design-phase geotechnical report, which shall consider the recommendations in the <i>Preliminary Geotechnical Investigation Report</i> and revise as necessary for site preparation and construction in a design-phase Geotechnical Recommendations report. The report shall, at a minimum, address remedial and design grading, concrete foundation system, and building foundations. The recommendations of the design-phase geotechnical report shall be implemented during site grading and construction.	Project Applicant, Public Works Director	Prior to Issuance of Final Grading Permits	Building and Safety Division	Prior to Issuance of Final Grading Permits			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
PALEO-1	Prior to the issuance of any grading permit, the Project Applicant shall provide written evidence to the City, that the Applicant has retained a qualified paleontologist to observe grading activities and salvage and catalogue fossils, as necessary. These requirements shall be documented by the Project paleontologist in a Paleontological Resource Impact Mitigation Program (PRIMP). This PRIMP shall be submitted to the Community Development Department for review and approval prior to issuance of a Grading Permit. The paleontologist shall be present at the pre-grade conference, shall discuss the PRIMP, describe procedures for paleontological resource surveillance, and shall establish, in cooperation with the Applicant and City, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the Applicant, which ensure proper exploration and/or salvage.	Project Applicant, Qualified Paleontologist	Prior to Issuance of Grading Permit; Present at Pre-Grade Conference; During Construction	Community Development Department Planning Division	Prior to and During Construction			
PALEO-2	If paleontological resources are uncovered and after completion of the Project, the Applicant shall submit a Paleontological Monitoring Report for approval by the City. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. The Applicant shall prepare excavated material to the point of identification. The Applicant shall offer excavated finds for curatorial purposes to the City or its designee, on a first refusal basis.	Project Applicant, Qualified Paleontologist	Completion of Grading, Excavation, and Ground-Disturbing Activities	Community Development Department Planning Division	After Completion of Construction			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the City. Applicant shall pay curatorial fees for the storage of these resources in perpetuity.							
GREENHOUSE GAS EMISSIONS								
	Mitigation measures are not required.							
HAZARDS AND HAZARDOUS MATERIALS								
HAZ-1	Prior to issuance of a demolition permit, demolition of buildings that are expected to contain asbestos containing building materials or lead based paint, the Applicant shall prepare an asbestos and lead paint survey and present the findings to the City Community Development Department and Building and Safety Division. In the event asbestos containing building materials or lead paint are identified, it shall be removed and disposed of in accordance with local, state and federal regulations and guidance of a California Occupational Safety and Health Administration (Cal/OSHA) - Certified Asbestos Consultant (CAC) and/or Lead-Related Construction Inspector/Assessor. If contaminated materials are identified and removed, proof of proper disposal (e.g., report, email, or receipts from the certified consultant/inspector/ assessor) shall be provided to the City prior to issuance of a building permit.	Project Applicant, Construction Contractor	Prior to Issuance of Demolition Permit	Community Development Department Planning Division, Building and Safety Division	Prior to Issuance of Demolition and Building Permits			
HYDROLOGY AND WATER QUALITY								
	Mitigation measures are not required.							
LAND USE AND PLANNING								
	Mitigation measures are not required.							
MINERAL RESOURCES								

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
	Mitigation measures are not required.							
NOISE								
	Mitigation measures are not required.							
POPULATION AND HOUSING								
	Mitigation measures are not required.							
PUBLIC SERVICES								
	Mitigation measures are not required.							
RECREATION								
	Mitigation measures are not required.							
TRANSPORTATION								
TRA-1	To maintain adequate motorist site distance, the Project Applicant/Developer or designee shall remove existing landscaping and/or install new landscaping to create a clear line of sight for vehicle movement at the proposed Street "A" and Meadow Pass Road intersection/driveway. Prior to issuance of a building permit, the landscaping plan shall be reviewed and approved by the Community Development Department to ensure planting placement and species are appropriate to maintain a clear and unobstructed line of site at this location. The Project Applicant/Developer shall also construct or fund the construction of advance intersection/driveway warning signage on Meadow Pass Road, if determined necessary by the City Public Works Department based on City roadway design standards and requirements. If determined necessary, the signage shall be installed prior to issuance of a certificate of occupancy for any of the proposed homes.	Project Applicant, Construction Contractor	Prior to Issuance of Building Permit and Certificate of Occupancy	Community Development Department Planning Division, City Public Works Department	Prior to Issuance of Building Permit and Certificate of Occupancy			
TRIBAL CULTURAL RESOURCES								

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
						Initials	Date	Remarks
TCR-1	Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities. Prior to issuance of grading permits, the Project Applicant/Developer shall provide evidence to the Community Development Department that a certified Registered Professional Archaeologist (RPA) has been contracted to implement a Cultural Resources Monitoring Program (CRMP) that addresses the details of all activities that must be completed and procedures that must be followed regarding tribal cultural resources associated with this Project. The CRMP document shall be provided to the Community Development Director or their designee for review and approval prior to issuance of the grading permit. The CRMP provides procedures to be followed and are to ensure that impacts on tribal cultural resources will not occur without procedures that would reduce the impacts to less than significant. These measures shall include, but shall not be limited to, the following: A. The Project Applicant/Developer shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject Project at all Project locations (i.e., both onsite and any offsite locations that are included in the Project description/definition and/or required in connection with the Project, such as public improvement	Project Applicant/Developer, Construction Contractor, Qualified Archaeologist, Native American Tribal Representative(s)	Prior to Issuance of Grading Permits	Community Development Department Planning Division	During Grading, Excavation, and Ground-Disturbing Activities			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. Archaeological Monitor - An adequate number of qualified monitors shall be present to ensure that all earthmoving activities are observed and shall be onsite during all grading activities for areas to be monitored including offsite improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist, in consultation with the Native American Monitor. C. A copy of the executed monitoring agreement shall be submitted to the Lead Agency (City) prior to the early commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. D. The Archaeological Monitor or Native American Monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or							

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	discoveries of significance to the Tribe. Copies of the logs completed shall be provided to the City monthly, until completion of any ground disturbing activities. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. E. Onsite tribal monitoring shall conclude upon one of the following (1) written confirmation to the Kizh from a designated point of contact for the Project Applicant/Developer, and verified by the City, that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project Site or in connection with the Project are complete (note: completeness is anticipated to mean all soils have been turned and/or excavated to maximum depth in all work locations. Monitoring of stockpiling or backfilling material is not anticipated unless evidence is provided to the City that such material is sensitive); or (2) a determination and written notification by the Kizh to the Project Applicant and City that no future, planned construction activity and/or development/construction phase at the Project Site possesses the potential to impact Kizh TCRs.							

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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TCR-2	Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes. Subsequent to the discovery of a TCR, the Applicant/Developer or any successor in interest shall comply with the following for the life of the grading permit, and shall implement the following procedures: 1. All ground disturbance activities within 50 feet of the discovered tribal cultural resource shall be halted until a meeting is convened between the developer, the Project Archaeologist, the Native American tribal representative(s) from consulting tribes (or other appropriate ethnic/cultural group representative), and the Community Development Director or their designee to discuss the significance of the find. 2. The Applicant/Developer shall call the Community Development Director or his/her designee immediately upon discovery of the tribal cultural resource to convene the meeting.	Project Applicant/Developer, Qualified Archaeologist, Native American Tribal Representative(s)	During Grading, Excavation, and Ground-Disturbing Activities	Community Development Department Planning Division	During Grading, Excavation, and Ground-Disturbing Activities			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	3. At the meeting with the aforementioned parties, the significance of the discoveries shall be discussed, and a decision is to be made, with the concurrence of the Community Development Director or his/her designee, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the tribal cultural resource. 4. Further ground disturbance shall not resume within the area of the discovery until a meeting has been convened with the aforementioned parties and a decision is made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation measures.							
TCR-3	Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects. A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. B. If Native American human remains and/or grave goods are discovered or recognized on the Project Site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. C. Human remains and grave/burial goods shall be treated alike per California Public	Project Applicant/ Developer, Construction Contractor, County Coroner, Qualified Archaeologist, Native American Tribal Representative(s)	During Grading, Excavation, and Ground-Disturbing Activities	County Coroner, Community Development Department Planning Division	During Grading, Excavation, and Ground-Disturbing Activities			

Mitigation Number	Mitigation Measures	Implementation Responsibility	Implementation Timing	Monitoring Responsibility	Monitoring Timing	VERIFICATION OF COMPLIANCE		
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	Resources Code section 5097.98(d)(1) and (2). D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. E. Any discovery of human remains/ burial goods shall be kept confidential to prevent further disturbance.							
UTILITIES AND SERVICE SYSTEMS								
USS-1	Prior to the issuance of a demolition or grading permit, the Project Applicant/Developer or designee shall prepare and submit a construction debris reduction/recycling plan designed to minimize the volume of construction debris requiring landfill disposal and incorporating measures for the separation and short-term onsite storage of construction waste materials in a manner conducive to collection and recycling/diversion efforts. The plan shall include a fire component so that reclamation activities are conducted in a fire safe manner.	Project Applicant/ Developer	Prior to Issuance of Demolition or Grading Permit	Community Development Department Planning Division	Prior to Issuance of Demolition or Grading Permit			
USS-2	Any hazardous waste that is generated onsite, or is found on site during demolition, rehabilitation, or new construction activities shall be remediated, stored, handled, and transported in compliance per appropriate local, County, State, and Federal laws.	Project Applicant/ Developer, Construction Contractor	During Demolition and Construction	Community Development Department Planning Division, Building and Safety Division	During Demolition and Construction			
WILDFIRE								
Mitigation measures are not required.								

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