THE BROOKSIDE PROJECT
DRAFT FINAL
ENVIRONMENTAL IMPACT REPORT
(Volume IA)

SCH NO. 2016051030

Lead Agency:

Prepared by:
Morse Planning Group

February 2020

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Volume IA

THE BROOKSIDE PROJECT

SCH NO. 2016051030

Lead Agency:

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DRAFT FINAL ENVIRONMENTAL IMPACT REPORT

In accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15120 through 15132 and Section 15161, the City of Walnut has prepared an Environmental Impact Report (EIR) for The Brookside Project (SCH #2016051030)

The Draft Final EIR is comprised of the following:

- Draft EIR (Volume I)
- Draft EIR Technical Appendices (Volume II)
- Mitigation Monitoring Program (Volume IA)
- Comments and Responses (Volume IA)
- Errata for Final EIR (Volume IA)
- New or Revised Technical Appendices (Volume IIA)

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APPENDICES (VOLUME IIA)

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11.0 MITIGATION MONITORING AND REPORTING PROGRAM

Section 1.0 and Section 5.0 of this EIR identify the mitigation measures that will be implemented to reduce the impacts associated with The Brookside Project. *The California Environmental Quality Act* (*CEQA*) was amended in 1989 to add *Public Resources Code* Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in *Public Resources Code* Section 21081.6,

> *. . . the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment.*

Public Resources Code Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR.

The mitigation monitoring table below lists those mitigation measures that may be included as conditions of approval for the project. These measures correspond to those outlined in Section 1.0 and discussed in Section 5.0. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The applicant/developer of specific future projects will have the responsibility for implementing the measures, and the various City of Walnut departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

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AESTHETICS: SHORT-TERM VISUAL QUALITY/CHARACTER						
AES-1	Prior to the issuance of a grading permit, the Project Applicant or designee shall submit a Construction Management Plan for review and approval by the City of Walnut Community Development Director or His/Her Designee. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s). Staging areas shall be screened from view from residential properties. Construction worker parking may be located off-site with prior approval by the City; however, on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the development site. Surrounding streets shall be swept daily and maintained free of dirt and debris.	Prior to Issuance of Grading Permit	Walnut Community Development Department (Planning Division)			
AESTHETICS: LONG-TERM VISUAL QUALITY/CHARACTER						
AES-2	A Landscape Plan shall be prepared and included with the Site Plan/Architectural Review application submittal. The Landscape Plan shall be reviewed by City Staff to ensure consistency of the Landscape Plan with the Tentative Tract Map and the Tree Preservation/Replacement Plan.	Landscape Plan Submittal	Walnut Community Development Department (Planning Division)			
AES-3	The Landscape Plan shall be reviewed by City Staff to ensure that new or replacement tree species provide similar growth and canopy patterns consistent with the View Simulations conditions at Project Completion Day 1, 2-3 Years after Project Completion, and 5-10 Years after Project Completion.	Landscape Plan Submittal	Walnut Community Development Department (Planning Division)			

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AESTHETICS: LIGHT AND GLARE						
AES-4	Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Final Development Plans and Grading Plans and shall be located in an area on-site to minimize visibility.	During Construction	Walnut Community Development Department (Planning Division)			
AES-5	All construction-related lighting shall include shielding in order to direct lighting down and away from adjacent residential uses and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the City for review concurrent with Grading Permit application.	During Construction	Walnut Community Development Department (Planning Division)			
AES-6	Prior to the issuance of building permits, the City of Walnut Community Development Department shall ensure that the following elements are included in project plans, as appropriate: • All exterior lighting shall be designed and located as to avoid intrusive effects on adjacent residential properties and undeveloped areas adjacent to the project site. Low-intensity street lighting and low-intensity exterior lighting shall be used throughout the development to the extent feasible. Lighting fixtures shall use shielding, if necessary to prevent spill lighting on adjacent off-site uses; • Design and placement of site lighting shall minimize glare affecting adjacent properties, buildings, and roadways; • Fixtures and standards shall conform to state and local safety and illumination requirements;	Prior to Issuance of Building Permits	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	• Development projects shall use minimally reflective glass and all other materials used on exterior building and structures shall be selected with attention to minimizing reflective glare; and • Automatic timers on lighting shall be designed to maximize personal safety during nighttime use while saving energy.					
AES-7	Prior to the issuance of grading permits, site access locations shall be reviewed to ensure that vehicle access locations are not sited in a manner that would result in vehicle headlights directly shining onto residential uses. If siting of vehicle access locations would result in headlights directly shining onto residential uses, the Applicant shall implement screening, to reduce lighting impacts.	Prior to Issuance of Grading Permits	Walnut Community Development Department (Planning Division and Building & Safety Division)			
AIR QUALITY: AIR QUALITY MANAGEMENT PLAN CONSISTENCY, SHORT-TERM CONSTRUCTION AND LONG-TERM OPERATIONAL EMISSIONS, LOCALIZED EMISSIONS						
AQ-1	Prior to Grading Permit issuance, the Project Applicant, designee, or Contractor shall demonstrate, to the satisfaction of the City of Walnut Planning Division that the project plans and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in the SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:	Prior to Issuance of Grading Permit	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	• All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excessive amounts of dust. • Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during site disturbance. • Any on-site stockpiles of debris or on-site haul roads, dirt, or other dusty material shall be enclosed, covered, or watered twice daily, or non-toxic soil binders shall be applied. • All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour. • Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area. • Track-out devices such as gravel bed track-out aprons (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt trackout from unpaved truck exit routes. Alternatively, a wheel washer shall be used at truck exit routes. • On-site vehicle speed shall be limited to 15 miles per hour. • All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.					

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BIOLOGICAL RESOURCES: SPECIAL-STATUS PLANT OR ANIMAL SPECIES						
BIO-1	A least Bell's vireo survey shall be conducted during the breeding season (April 10 through July 31) to determine presence/absence and nesting status on-site in accordance with the United States Fish and Wildlife Service survey guidelines prior to project construction. The guidelines require eight (8) surveys conducted at least ten (10) days apart. If least Bell's vireo is present at that time and construction is scheduled to begin during the breeding season or otherwise before October (least Bell's vireo typically leaves southern California in September), the Applicant shall consult with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife to determine any permitting requirements pursuant to the Federal Endangered Species Act and the California Endangered Species Act.	Prior to Issuance of Grading and/or Building Permit	Walnut Community Development Department (Planning Division)			
BIO-2	Nesting bird clearance surveys for migratory bird species shall be required on-site prior to any vegetation removal or development activities that could disrupt birds during the nesting season (generally from February 1 - August 31, but can vary annually based upon seasonal weather conditions). A pre-construction nesting bird clearance survey shall be conducted within seven (7) days prior to any ground disturbing or vegetation removal activities. This clearance survey shall ensure that no nesting birds, in particular raptors, are disturbed during construction. As long as construction or development activities do not cause a direct take of a bird or egg(s) or disrupt nesting behaviors, immediate protections are not required. The biologist conducting the clearance survey shall document a	Prior to Issuance of Grading and/or Building Permit	Walnut Community Development Department (Planning Division)			

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	negative survey with a report indicating that no impacts to active avian nests occur. If an active avian nest is discovered during the pre-construction clearance survey, either construction activities shall be rerouted, an avoidance buffer established around the nest, or construction shall be delayed until the young birds have fledged. The size of the buffer shall be determined by the biologist in consultation with California Department of Fish and Wildlife, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 100 to 500 feet from the nest location. A biological monitor shall be present on-site to delineate the boundaries of the buffer area if an active nest is detected and to monitor the nest to ensure that nesting behavior is not adversely affected during the construction activity. Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted for review and approval to California Department of Fish and Wildlife prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the Applicant and the City of Walnut Community Development Department from the California Department of Fish and Wildlife.						

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BIO-2a	Construction activities shall avoid the bird breeding season (January 1 through August 31), if possible. If breeding season avoidance is not feasible, a qualified avian biologist familiar with burrowing owl biology and survey methods shall conduct a pre-construction survey on the project site to determine the presence/absence of this species no more than 30 days prior to construction during the breeding season (January 1 through August 31 with some variance by geographic location and climatic conditions), with a final survey conducted within 24 hours prior to construction. The biologist shall confirm whether the owls are occupying the site and whether they are actively nesting. Documentation of surveys and findings shall be submitted to the City for review and file. If any burrowing owl or sign of an occupied burrow is observed, the Applicant and the City of Walnut shall be informed as soon as possible (and within 48 hours). If access to areas with suitable habitat is restricted, the biologist shall visually survey with a spotting scope, binoculars, or other visual techniques. If an occupied burrow is identified, the qualified biologist shall immediately implement a minimum 200-meter (656-foot) buffer. Then an appropriate burrow-specific buffer shall be recommended by the qualified biologist based on the circumstances (e.g., owl tolerance and construction activity level) and as explained by the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or more recent). The recommendations shall be reported to the City of Walnut and implemented by the Applicant. If an occupied burrow is identified, a burrowing owl exclusion plan shall be prepared and submitted to CDFW for approval prior to initiating project activities in the area and no construction within the buffer area	Prior to Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	shall occur until a qualified biologist has determined that the nest is no longer active.					
BIO-2b	A qualified biologist shall conduct a pre-construction survey on the project site to determine the presence/absence for bats, no more than 14 days prior to ground disturbance and/or vegetation clearing. The qualified biologist shall conduct the survey between late May and mid-July, the recognized maternity season for most bats in southern California. If any special-status bat species are determined to be roosting on-site, bat boxes of a size and design suitable for the estimated number of bats on-site shall be installed under the supervision of a qualified bat biologist on the outer perimeter of the project site, as close as feasible to adjacent undeveloped land, and a suitable height and solar aspect. Further, if any maternity sites are identified on site, CDFW will be notified immediately. In addition to any other direction by CDFW, no site disturbance shall occur within 300 feet of the occupied roost until it is determined that the maternity roost(s) is no longer active. Additional bat boxes designed to serve as maternity roosts shall be placed as directed by the qualified bat biologist and CDFW. Survey methods, results, and recommendations shall be documented and reported to the City of Walnut.	Prior to Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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BIOLOGICAL RESOURCES: JURISDICTIONAL WATERS						
BIO-2c	Impacts to Lemon Creek related to any stream improvements 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 CDFW pursuant to a Stream Alteration Agreement (SAA). 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.	Prior to Issuance of Grading or Demolition Permits	Walnut Community Development Department (Planning Division and Building & Safety Division)			
BIO-3	Prior to issuance of grading or demolition permits, final design plans shall be reviewed to determine if those plans present any of the conditions set forth in Public Resources Code Section 21166. If so, the City shall require additional environmental review to evaluate the potential impacts of the final design plans to the extent required by CEQA Guidelines Sections 15162, 15163, or 15164, as applicable. If not, no further environmental analysis is required. In either event, the Applicant shall be required to obtain the following regulatory approvals: • United States Corps of Engineers CWA Section 404 Permit • Regional Board CWA Section 401 Water Quality Certification • California Department of Fish and Wildlife Section 1602 Streambed Alteration Agreement (SAA)	Prior to Issuance of Grading or Demolition Permits	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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BIOLOGICAL RESOURCES: TREE PRESERVATION						
BIO-4	The Project Applicant or designee shall be required, as a condition of Tree Removal Permit approval, to enter into a Tree Maintenance Agreement prior to removal of any protected tree or commencement of construction activities that may adversely affect the health and survival of trees to be preserved. The Tree Maintenance Agreement shall include provisions for the submittal of arborist reports during and after construction activities, installation of replacement trees and irrigation systems by or under the supervision of a certified arborist, replacement of trees that die during or after construction phases and submittal of a security deposit, as may be necessary to ensure the health and survival of the affected trees.	Prior to Approval of Tree Removal Permit	Walnut Community Development Department (Planning Division)			
BIO-5	During project grading, a biological monitor and/or tree arborist shall be present to record the number of trees actually impacted. If project construction can avoid impacts to protected trees, the number of replacement trees shall be reduced accordingly.	During Grading	Walnut Community Development Department (Planning Division)			
BIO-6	During project grading, a biological monitor and/or tree arborist shall be present to record the number of trees actually impacted. If project construction can avoid impacts to protected trees, the number of replacement trees shall be reduced accordingly.	During Grading	Walnut Community Development Department (Planning Division)			
BIO-7	All trees preserved must be determined to be free of any boring pest, or treated or removed as feasible.	Prior to Construction	Walnut Community Development Department (Planning Division)			

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BIO-8	Tree Protection During Construction. The following measures shall must be taken for any trees preserved on-site, or as dictated by Walnut City Code Chapter 25, Article XVI, Division 5 or conditions of approval applied to the project. • Dripline fencing must be placed a minimum of one (a) foot in radius from the tree per one (1) inch of diameter at breast height (for example, 6-inch trunk = 6 feet protection radius/12 feet diameter). • Dripline fencing must be erected so that it is visible and structurally sound enough to deter construction equipment, foot traffic, and the storing of equipment under tree canopies. • Raising or lowering the grade in the root zone of trees can be fatal or ruin the health of trees for years to come. Grade change and soil compaction force out the oxygen and literally press the life out of the soil. A retaining wall can be used to minimize the amount of the root zone that is affected, but it is essential that the footing not be continuous. Gravel and aeration pipes shall be placed inside the retaining wall before the fill is placed. Consult with a qualified civil engineer for proper design calculations. • Trenching within the protection zone must be avoided wherever possible. Most of the roots are in the top one (1) to two (2) feet of soil, and trenching can sever a large percentage of roots. • Oil from construction equipment, cement, concrete washout, acid washes, paint, and solvents are toxic to tree roots. Signs should be posted on the fencing around trees notifying contractors of the fines for dumping. Portable	During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	latrines that are washed out with strong detergents can damage the fine roots of the trees. Portable latrines shall not be placed near trees, nor where frequent and regular foot traffic to them compacts the soil below the trees. • Construction creates large amounts of dust, and the oaks and any other trees to be preserved shall be kept clean. Dust reduces photosynthesis on all trees. Strict dust control measures shall be implemented during construction to minimize this impact, as well as an occasional rinsing with a solution of water and insecticidal soap helps to control pests.					
BIO-9	Strategic Pruning and On-Going Maintenance. Strategic pruning compliant with International Society of Arboriculture (ISA) standards shall be performed to subordinate codominant stems and canopy deadwood shall be removed. Regular maintenance as established and conditioned by the City shall be conducted according to ISA standards for all on-site trees.	On-Going Maintenance	Walnut Community Development Department (Planning Division)			
CULTURAL RESOURCES: ARCHAEOLOGICAL RESOURCES						
CUL-1	A qualified Archaeologist shall be retained during construction to observe grading activities in the uppermost layers of sediment (soils and younger Quaternary Alluvium) and to salvage and catalogue archaeological resources, as necessary. The designated Archaeologist must be present during the pre-grade meeting to discuss cultural resources sensitivity, to assess whether archaeological resources have the potential to be encountered, and to establish procedures for monitoring activities. In the event of a discovery, the	Prior to and During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	Archaeologist must first determine whether an archaeological resource uncovered during construction is a "unique archaeological resource" pursuant to California Public Resources Code Section 21083.2(g) California Public Resources Code or a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a). If the archaeological resource is determined to be a "unique archaeological resource" or a "historical resource," the Archaeologist shall formulate a mitigation plan in consultation with the City of Walnut that satisfies the requirements of the above-listed California Public Resources Code or CEQA Guidelines Sections.					
CULTURAL RESOURCES: PALEONTOLOGICAL RESOURCES						
CUL-2	A qualified Paleontologist shall be notified and retained when earth-moving activities are anticipated to impact undisturbed deposits in the Older Quaternary Alluvium on the project site. The qualified Paleontologist must be present during the pre-grade meeting to discuss paleontological sensitivity, to assess whether scientifically important fossils have the potential to be encountered, and to establish procedures for monitoring activities. The qualified Paleontologist shall monitor all earth-moving activities in areas of the property with the potential for Older Quaternary Alluvium deposits and where ground penetration would be more than five feet deep. If any scientifically important large fossil remains are uncovered during earth-moving activities, the Paleontological Monitor shall divert heavy equipment away from the fossil site until s/he has had an opportunity to examine the remains. Samples of Older Quaternary Alluvium shall be collected for processing and examination for very small vertebrate fossils. Recovered	Prior to and During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	specimens shall be prepared to a point of identification and permanent preservation, including washing to recover small invertebrates and vertebrates. Specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage. A report of findings, with an appended itemized inventory of specimens, shall be prepared and submitted to the City. The report and inventory, when submitted to the City, will signify completion of the program to mitigate impacts on paleontological resources.					
CULTURAL RESOURCES: TRIBAL CULTURAL RESOURCES						
CUL-3	Prior to commencement of any demolition, grading, or construction activities, the Applicant shall present evidence to the City of Walnut Community Development Department that a qualified Native American Monitor has been retained to provide Native American monitoring services for any construction activities that may disturb native soils. The Native American Monitor shall be selected by the Applicant from the list of certified Native American monitors maintained by the Gabrieleno Band of Mission Indians – Kizh Nation and approved by the Tribe per Mitigation Measure CUL-4. The Native American Monitor shall be present at the pre-grading conference to establish procedures for tribal cultural resource surveillance. Those procedures shall include provisions for temporarily halt or redirect work to permit sampling, identification, and evaluation of resources deemed by the Native American Monitor to be Tribal Cultural Resources as defined in Public Resources Code Section 21074. These procedures shall be reviewed and approved by the City of Walnut Community Development Department prior to	Prior to and During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	commencement of any surface disturbance on the project site.					
CUL-4	Retain a Native American Monitor. The Applicant shall be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians – Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, drilling, and trenching, within the project site. • The Native American Monitor(s) shall be approved by the Tribal Representatives from the Gabrieleño Band of Mission Indians – Kizh Nation. • The Native American Monitor(s) shall be present on-site during the construction phases that involve any ground disturbing activities described above. • The Applicant shall request the Native American Monitor(s) to prepare daily monitoring logs that provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. • The Native American Monitor(s) shall be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in Public Resources Code Section 21083.2 (a) through (k). • The on-site monitoring shall end when the project site	During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	grading and excavation activities are completed, or when the Tribal Representatives and Native American Monitor(s) have indicated that the site has a low potential for archeological resources.					
CUL-5	Professional Standards for Monitors • Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. • Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Tribal Cultural Resources in southern California. The Native American Monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.	During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			
CUL-6	Unanticipated Discovery of Tribal Cultural Resources: All archaeological resources unearthed by project construction activities shall be evaluated by the Qualified Archaeologist and Native American Monitor. • If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation Tribe shall coordinate with the Applicant and/or landowner regarding treatment and curation of these resources.	During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	Typically, the Tribe will request reburial or preservation for educational purposes. • If a resource is determined by the Qualified Archaeologist to constitute a historical resource pursuant to CEQA Guidelines Section 15064.5(a) or has a unique archaeological resource pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the Applicant and/or landowner to develop a formal Treatment Plan that would serve to reduce impacts to the resources. • The Treatment Plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. • Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. • Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.					

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CUL-7	Unanticipated Discovery of Human Remains and Associated Funerary Objects • Prior to the start of ground disturbing activities, the Applicant and/or land owner shall arrange a designated site location within the footprint of the project site for the respectful reburial of the human remains and/or ceremonial objects. • Any discoveries of human skeletal material shall be immediately reported to the Los Angeles County Coroner. • The Native American Monitor(s) shall immediately divert work at minimum of 50 feet or stop work, if necessary, and place an exclusion zone around the burial. • The Native American Monitor(s) shall then notify the Qualified Archaeologist and the on-site construction manager who will call the Los Angeles County Coroner. • Work shall continue to be diverted or stopped, whichever is most appropriate, while the Coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. • If Native American, the Coroner shall notify the Native American Heritage Commission as mandated by State law, who will then appoint a Most Likely Descendent. • In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours.	During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	• The Gabrieleño Band of Mission Indians - Kizh Nation shall make every effort to recommend diverting the project and keeping the remains in situ and protected. • If the project cannot be diverted, it may be determined that burials shall be removed. The Gabrieleño Band of Mission Indians - Kizh Nation shall work closely with the Qualified Archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. • If data recovery is approved by the Gabrieleño Band of Mission Indians - Kizh Nation, documentation shall be taken that includes, at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Gabrieleño Band of Mission Indians - Kizh Nation for data recovery purposes. • Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. • If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate Treatment Plan shall be prepared. The Applicant shall consult with the Gabrieleño Band of Mission Indians - Kizh Nation regarding avoidance of all cemetery sites. • Construction on-site shall be halted until the Treatment Plan is prepared. Once complete, a final report of all activities shall to be submitted to the Native American Heritage Commission. • The Gabrieleño Band of Mission Indians - Kizh Nation Tribe does not authorize any scientific study or the utilization of any invasive diagnostics on human remains. • If the Coroner determines the remains represent a historic					

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	non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the coroner. Reburial shall be in an appropriate setting. If the coroner determines the remains to be modern, the coroner shall take custody of the remains. • Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects, and objects of cultural patrimony shall be removed to a secure container on-site, if possible. These items shall be retained and reburied within six months of recovery. • The site of reburial/repatriation shall be at a location determined between the Tribe and a landowner at a site to be protected in perpetuity, and not on the project site. • There shall be no publicity regarding any cultural materials recovered.					
CULTURAL RESOURCES: BURIAL SITES						
CUL-8	If human remains are encountered during excavation activities, all work shall halt in the vicinity of the remains and the County Coroner shall be notified (California Public Resources Code, Section 5097.98). The Coroner shall determine whether the remains are of forensic interest. If the Coroner, with the aid of a qualified Archaeologist, determines that the remains are prehistoric, s/he shall contact the Native American Heritage Commission (NAHC). The NAHC shall be responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD shall make his/her	During Construction	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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	recommendation within 48 hours of being granted access to the site. If feasible, the recommendation of the MLD shall be followed and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials (California Health and Safety Code, Section 7050.5). If the landowner rejects the recommendations of the MLD, the landowner shall rebury the remains with appropriate dignity on the property in a location that will not be subject to further subsurface disturbance (California Public Resources Code, Section 5097.98).					
GEOLOGY: UNSTABLE OR EXPANSIVE 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 design-phase geotechnical report which shall consider the recommendations in the preliminary Geotechnical Recommendations, and revise as necessary for site preparation and construction in a design-level 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.	Prior to Issuance of Final Grading Permits	Walnut Community Development Department (Planning Division and Building & Safety Division)			

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HAZARDS AND HAZARDOUS MATERIALS: ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS						
HAZ-1	Prior to demolition of any existing buildings, the asbestos containing building materials shall be appropriately abated by a licensed contractor. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. Contractors performing asbestos removal shall provide evidence of abatement activities to the City's Building and Safety Department.	Prior to Issuance of Demolition Permits	Walnut Community Development Department (Building & Safety Division)			
HAZ-2	Prior to demolition of any existing buildings, the lead-based paint shall be appropriately abated by a licensed contractor. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City's Building and Safety Department.	Prior to Issuance of Demolition Permits	Walnut Community Development Department (Building & Safety Division)			
HAZ-3	If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following: • Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area. • Notify the City of Walnut Director of Building and Safety. • Secure the area as directed by the City of Walnut Director	During Construction	Walnut Community Development Department (Building & Safety Division)			

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	of Building and Safety. • Notify the Los Angeles Fire Department Health Hazardous Materials Division, who shall advise the responsible party of further actions that shall be taken, if required.					
HYDROLOGY, DRAINAGE, AND WATER QUALITY: WATER QUALITY – SHORT-TERM IMPACTS						
HWQ-1	Prior to Grading Permit issuance and as part of the project's compliance with the NPDES requirements, a Notice of Intent (NOI) shall be prepared and submitted to the State Water Resources Control Board (SWRCB), providing notification and intent to comply with the State of California Construction General Permit.	Prior to Issuance of Grading Permit	Walnut Community Development Department (Building & Safety Division)			
HWQ-2	The proposed project shall conform to the requirements of an approved Standard Urban Stormwater Mitigation Plan (SUSMP) and the NPDES Permit for General Construction Activities No. CAS000002, Order No, 2009-0009-DWQ, including implementation of all recommended Best Management Practices (BMPs), as approved by the State Water Resources Control Board (SWRCB).	Prior to Issuance of Grading Permit	Walnut Community Development Department (Building & Safety Division)			
HWQ-3	Upon completion of project construction, the Project Applicant or designee shall submit a Notice of Termination (NOT) to the State Water Resources Control Board (SWRCB) to indicate that construction is completed.	Following Project Completion	Walnut Community Development Department (Building & Safety Division)			

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NOISE: SHORT-TERM CONSTRUCTION NOISE						
NOI-1	Prior to Grading Permit issuance, the Project Applicant, designee, or Contractor shall demonstrate, to the satisfaction of the City of Walnut Planning Division that the project complies with the following: • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices. • The Project Applicant, designee, or Contractor shall utilize construction noise reduction methods to minimize construction noise at sensitive receptors in the project area. These reduction methods include shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools. • During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers. • Construction activities shall not take place outside of the allowable hours specified by the City of Walnut's Municipal Code Section 16B-3(a) (7:00 a.m. and 8:00 p.m. on weekdays; construction activities are not permitted on Saturdays, Sundays or holidays).	Prior to Issuance of Grading Permit During Grading and Construction	Walnut Community Development Department (Planning Division, Building & Safety Division, and Code Enforcement Division)			
NOISE: LONG-TERM OPERATIONAL NOISE						
NOI-2	Prior to the issuance of building permits, the Project Applicant or designee shall demonstrate, to the satisfaction of the City of Walnut Building Official that proposed perimeter walls of	Prior to Issuance of Building Permit	Walnut Community Development Department (Planning Division and			

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	eight (8))-feet and ten (10)-feet in height are located along the identified locations of the project site. The perimeter walls shall be located as shown on Exhibit 5.10-3, Noise Modeling Locations. Acceptable materials for the construction of the barrier shall have a density of 3.5 pounds per square foot of surface area and maybe composed of the following: masonry block, stucco veneer over wood framing (or foam core), glass, Plexiglass, or Lexan 9¼ inch thick). The barrier may also be constructed out of a combination of the above listed materials.		Building & Safety Division)			
PUBLIC SERVICES: FIRE PROTECTION - CONSTRUCTION						
FP-1	Adequate access to all buildings on the project site shall be provided and properly maintained for emergency vehicles during the building construction process to the satisfaction of the County of Los Angeles Fire Department.	During Grading and Construction	Los Angeles County Fire Department Walnut Community Development Department (Building Division)			
FP-2	Adequate water availability shall be provided to service construction activities.	During Grading and Construction	Los Angeles County Fire Department Walnut Community Development Department (Building Division)			

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PUBLIC SERVICES: FIRE PROTECTION - OPERATIONAL						
FP-3	All on-site development shall comply with the applicable Los Angeles County and City of Walnut code requirements for construction, access, water mains, fire flows, and fire hydrants, as stipulated by the Los Angeles County Fire Department or the City of Walnut through project approvals or building plan reviews.	Prior to Issuance of Building Permit	Los Angeles County Fire Department Walnut Community Development Department (Building Division)			
FP-4	Prior to the issuance of building permits, the Project Applicant, designee, or responsible party, shall obtain the necessary clearances from and shall comply with all applicable conditions imposed by Los Angeles County Fire Department, including but not limited to those from the Planning Division, Land Development Unit, Forestry Division, or Fuel Modification Unit.	Prior to Issuance of Building Permit	Los Angeles County Fire Department Walnut Community Development Department (Building Division)			
FP-5	Access to and around structures shall meet Los Angeles County Fire Department and California Fire Code requirements.	Prior to Issuance of Building Permit	Los Angeles County Fire Department Walnut Community Development Department (Building Division)			
FP-6	Prior to issuance of building permits, a will-serve letter from the Walnut Valley Water District shall be obtained by the Applicant, which states that the Walnut Valley Water District can adequately meet water flow requirements.	Prior to Issuance of Building Permit	Los Angeles County Fire Department Walnut Community Development Department (Building Division)			

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FP-7	A water supply system shall be in place to supply fire hydrants and automatic fire sprinkler systems.	Prior to Issuance of Building Permit	Los Angeles County Fire Department Walnut Community Development Department (Building Division)			
FP-8	All new structures shall have automatic fire sprinkler systems.	Prior to Issuance of Building Permit	Los Angeles County Fire Department Walnut Community Development Department (Building Division)			
POLICE PROTECTION: CONSTRUCTION						
POL-1	During construction, private security patrols shall be utilized to protect the project site.	During Construction	Los Angeles County Sheriff's Department Walnut Community Development Department (Building Division)			
POL-2	Prior to construction activities, the Project Applicant or designee shall have a construction traffic control plan approved by the City of Walnut that shall ensure no conflict with emergency vehicle access.	Prior to Construction	Los Angeles County Sheriff's Department Walnut Community Development Department (Building Division)			

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POL-3	Project Applicant or designee shall pay the City's law enforcement facilities impact fee in effect at the time of issuance of a building permit.	Concurrent with Issuance of Building Permit	Los Angeles County Sheriff's Department Walnut Community Development Department (Building Division)			
POLICE PROTECTION: OPERATIONAL						
POL-4	As final development plans are submitted to the City of Walnut for approval in the future, the Los Angeles County Sheriff's Department design requirements that reduce demands for service and ensure adequate public safety shall be incorporated into the building design. The design requirements for this project shall include: • Proper lighting in open areas to the satisfaction of the Los Angeles County Sheriff's Department, around and throughout the development to enhance crime prevention and enforcement efforts • Sufficient street lighting for the project's streets • Good visibility of doors and windows from the streets and between buildings on the project site • Building address numbers on both residential uses are lighted and readily apparent from the streets for emergency response agencies • Plant low-growing groundcover and shade trees, to the extent feasible, rather than a predominance of shrubs that could conceal potential criminal activity around buildings	Final Site Plan Submittal	Los Angeles County Sheriff's Department Walnut Community Development Department (Building Division)			

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TRAFFIC: SITE ACCESS/TRAFFIC HAZARDS						
TRF-1	The Project Applicant or designee shall remove existing landscaping and/or install new landscaping to create the clear sight triangle west of the project driveway as shown in Traffic Impact Analysis Exhibit 12 prior to prior to the issuance of permanent or temporary certificate of occupancy for any single-family home, model, or similar structure. The landscaping for the clear site triangle shall be reviewed and approved by the Community Development Department. The Homeowners Association shall be responsible for maintaining the clear site triangle and ensuring the area is free of sight line obstructions.	Prior to Issuance of Permanent or Temporary Certificate of Occupancy	Walnut Community Development Department (Planning Division and Building Division)			
UTILITIES: WATER						
WAT-1	Prior to the issuance of building permits, the Project Applicant or designee shall submit construction drawings to the Walnut Valley Water District, and, as necessary, shall pay all applicable connection fees and comply with Walnut Valley Water District permitting and fee requirements.	Prior to Issuance of Building Permit	Walnut Valley Water District Walnut Community Development Department (Building Division)			
UTILITIES: WASTEWATER						
WW-1	The Project Applicant or designee shall design and construct on-site and off-site sewer lines in compliance with the Los Angeles County Public Works Department and County Sanitation Districts of Los Angeles County standards.	Prior to Issuance of Building Permit	Walnut Community Development Department (Building Division)			

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WW-2	Prior to issuance of grading permit, a sewer plan shall be submitted for approval by the City Engineer. Unused sewer laterals connecting existing buildings at this property shall be plugged at the property line.	Prior to Issuance of Building Permits During Construction Upon Completion of Construction	Walnut Community Development Department (Building Division)			
WW-3	Prior to certificate of occupancy, the Project Applicant or designee shall pay sewer connection fees to the City of Walnut, Los Angeles County Department of Public Works, and County Sanitation Districts of Los Angeles County.	Prior to Issuance of Certificate of Occupancy	Walnut Community Development Department (Building Division)			
UTILITIES: CONSTRUCTION SOLID WASTE						
SW-1	Prior to the issuance of a demolition or grading permit, the Project Applicant 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 on-site 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.	Prior to Issuance of Demolition of Grading Permit	Walnut Community Development Department (Building Division)			

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SW-2	Any hazardous waste that is generated on-site, 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, as well as with the City's Source Reduction and Recycling Element.	During Grading and Construction	Walnut Community Development Department (Building Division)			
UTILITIES: OPERATIONAL SOLID WASTE						
SW-3	The Project Applicant or designee shall provide adequate areas for the collection and loading of recyclable materials (i.e., paper products, glass, and other recyclables) in compliance with the State Model Ordinance, implemented on September 1, 1994, in accordance with AB 1327, Chapter 18, California Solid Waste Reuse and Recycling Access Act of 1991.	Final Site Plan Submittal and During Operation	Walnut Community Development Department (Building Division)			
SW-4	The Project Applicant or designee shall be required to implement waste reduction programs in conformance with the City's Source Reduction and Recycling Element program.	During Construction and Operation	Walnut Community Development Department (Building Division)			

12.0 COMMENTS, RESPONSES, AND ERRATA

12.1 CEQA REQUIREMENTS

Before approving a project, the *California Environmental Quality Act* (*CEQA*) requires the Lead Agency to prepare and certify a Final Environmental Impact Report (EIR).

In accordance with *CEQA Guidelines* Sections 15120 through 15132 and Section 15161, the City of Walnut has prepared an EIR for The Brookside Project (SCH #2016051030). The Comments and Responses section, combined with the Draft EIR and Mitigation Monitoring Program, comprise the Final EIR.

The following is an excerpt from the *CEQA Guidelines* Section 15132, Contents of Final Environmental Impact Report:

The Final EIR shall consist of:

(a) The Draft EIR or a version of the draft.

(b) Comments and recommendations received on the Draft EIR either verbatim or in summary.

(c) A list of persons, organizations, and public agencies commenting on the Draft EIR.

(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 Comments and Responses section includes all of the above-required components and shall be included in the Final EIR. As noted above, the Final EIR will be a revised document that incorporates all of the changes made to the Draft EIR following the 45-day public review period.

12.2 PUBLIC REVIEW PROCESS – DRAFT EIR

The Draft EIR was circulated for review and comment to the public, agencies, and organizations. The Draft EIR was also circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research. The 45-day public review period ran from June 11, 2018 to July 25, 2018. Comments received in writing during the 45-day public review period from the public and local and State agencies on the Draft EIR have been incorporated into this section.

12.3 FINAL EIR

The Final EIR allows the public and Lead Agency an opportunity to review revisions to the Draft EIR, the comments and response, and other components of the EIR, such as the Mitigation Monitoring Program, prior to approval of the project. The Final EIR serves as the environmental document to support a decision on the proposed project.

After completing the Final EIR, and before approving the project, the Lead Agency must make the following three certifications as required by CEQA Guidelines Section 15090:

- That the Final EIR has been completed in compliance with CEQA;
- That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the Project; and
- That the Final EIR reflects the Lead Agency's independent judgment and analysis.

These certifications, the Findings of Fact, are included in a separate Findings document. Both the Final EIR and the Findings will be submitted to the Lead Agency for consideration of the proposed project.

12.4 WRITTEN COMMENT LETTERS AND RESPONSES

All written correspondence from those agencies or individuals commenting on the Draft EIR is reproduced on the following pages. The individual comments on each letter have been consecutively numbered for ease of reference. Following each comment letter are responses to each numbered comment. A response is provided for each comment raising substantive environmental issues. Added or modified text is underlined (example), while deleted text will have a strike out (example) through the text, and is included in a box, as the example below shows.

"Text from EIR" ~~Text from EIR~~

COMMENT LETTERS

A total of seven written comment letters were received during the public review period.

A. Michael Y. Takeshita, Acting Chief, Forestry Division, Prevention Services Bureau, County of Los Angeles Fire Department, July 3, 2018

B. Sheryl L. Shaw, PE, Director of Engineering, Walnut Valley Water District, July 5, 2018

C. Salvador Flores, Title and Real Estate Services, Real Properties, Southern California Edison, July 9, 2018

D. Miya Edmondson, IGR CEQA Branch Chief, State of California – California State Transportation Authority, Department of Transportation, District 7 – Department of Regional Planning, July 25, 2018

E. Max and Donna Mann, July 25, 2018

F. Scott Morgan, Director, State Clearinghouse, State of California, Governor's Office of Research and Planning, July 27, 2018

G. Scott Morgan, Director, State Clearinghouse, State of California, Governor's Office of Research and Planning, July 27, 2018

One letter was received following the close of the public review period.

H. Erinn Wilson, Environmental Program Manager I, South Coast Region, State of California – Natural Resources Agency, Department of Fish and Wildlife, July 26, 2018

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COUNTY OF LOS ANGELES
FIRE DEPARTMENT

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LETTER A

July 3, 2018

Chris Vasquez, Senior Planner
City of Walnut
Planning Department
P.O. Box 682
Walnut, CA 91789

Dear Mr. Vasquez:

NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT, "THE BROOKSIDE PROJECT," CONSISTS OF VARIOUS EQUESTRIAN-RELATED STRUCTURES INCLUDING A MAIN BARN WITH GROUND FLOOR STABLES AND SECOND-STORY RESIDENCE, A MINOR BARN, FENCED CORRALS, MAINTENANCE STORAGE FACILITIES, FEED SHEDS, AND COVERED ARENA, 800 MEADOW PASS ROAD, WALNUT, FFER 201800066

The Notice of Availability of Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. **A1**

The following are their comments:

PLANNING DIVISION:

1. Under Section 5.11, Fire Protection, 5.11.2 Environmental Setting, the first paragraph should be updated to state that the LACoFD provides services to fifty-nine (59) cities.

   Under Section 5.11.4, Project Impacts and Mitigation Measures, Fire Services, Operational, Mitigation Measure FS-9 should delete the reference to Los Angeles County Fire Department having a Developer Fee Program in the City of Walnut. The LACoFD does not have a Developer Fee Program in effect within the City. **A2**

LAND DEVELOPMENT UNIT:

The Land Development Unit is reviewing the proposed project for access and water system requirements. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants.

The fees for the Land Development Unit review of the tentative tract will be addressed with submittal plans.

Review and approval by the County of Los Angeles Fire Department's Land Development Unit are required. Submit a minimum of four (4) copies of the tentative tract map, including the site plan (if applicable), for the review of this project to the following address:

County of Los Angeles Fire Department
Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
(323) 890-4243

The plan shall indicate the Fire Apparatus Access Roads and fire hydrant locations.

The proposed Land Development Unit comments are "PRELIMNARY" and are "SUBJECT TO CHANGE" with the submittal of the tentative tract map. The comments are based on the information provided. **A3**

ACCESS REQUIREMENTS:

1. All on-site Fire Apparatus Access Roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.

2. Fire Apparatus Access Roads must be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4.

3. All fire lanes shall be clear of all encroachments and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.

4. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

5. Provide a minimum unobstructed width of 20 feet exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Apparatus Access Roads to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Fire Code 503.1.1 and 503.2.1.

a. Exception: A minimum vertical clearance of 13 feet 6 inches may be allowed for protected tree species adjacent to access roads.

6. The required 20-foot wide driving surface shall be increased to 26 feet when fire hydrants are required. The 26-foot width shall be maintained for a minimum of 25 linear feet on each side of the hydrant location.

a. The Fire Apparatus Access Road shall be cross-hatch on the site plan and the width shall be clearly noted.

7. If the Fire Apparatus Access Road is separated by island provide a minimum unobstructed width of 20 feet exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Fire Code 503.1.1 and 503.2.2.

8. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1.

9. Dead-end Fire Apparatus Access Roads in excess of 150 feet in-length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5.

a. Include: The dimensions of the turnaround with the orientation of the turnaround shall be properly placed in the direction of travel of the access roadway. **A3**

10. Fire Apparatus Access Roads shall be provided with a 32-foot centerline turning radius. Fire Code 503.2.4.

a. Indicate the centerline, inside, and outside turning radii for each change in direction on the site plan.

11. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 pounds and shall be surfaced so as to provide all-weather driving capabilities. Fire Apparatus Access Roads having a grade of 10 percent or greater shall have a paved or concrete surface. Fire Code 503.2.3.

12. The gradient of Fire Apparatus Access Roads shall not exceed 15 percent unless approved by the fire code official. Fire Code 503.2.7.

a. On paved private access roads the maximum allowable grade shall not exceed 15% except where topography makes it impracticable to keep within such grade, then an absolute maximum grade of 20% will be allowed for up to 150 feet in distances. The break shall be 50 feet in-length with a maximum grade of 5%. The average maximum allowed grade shall not be more than 17%. Change in grade shall not exceed 10% in 10 feet.

b. Indicate the various grade percentages and their lengths of the Fire Department Access Roadway on the site plan. Provide a road profile for proposed access roads with grades greater 15 percent.

13. Abrupt changes in grade shall not exceed the maximum angles of approach and departure for fire apparatus. The first 10 feet of any angle of approach or departure or break-over shall not exceed a 10 percent change or 5.7 degrees. Fire Code 503.2.8.

    a. Provide roadway profile and indicate angle of approach and departure at all abrupt changes in grade.

14. Provide approved signs or other approved notices or markings that include the words "NO PARKING - FIRE LANE." Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for Fire Apparatus Access Roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector. Fire Code 503.3.

15. A minimum 5-foot wide approved firefighter access walkway leading from the Fire Department Access Road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1.

    a. Clearly identify firefighter walkway access routes on the site plan. Indicate the slope and walking surface material. Clearly show the required width. **A3**

16. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Fire Code 503.4.

17. Traffic Calming Devices, including but not limited to, speed bumps and speed humps, shall be prohibited unless approved by the fire code official. Fire Code 503.4.1.

18. Approved building address numbers, building numbers, or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1.

PARKING ON FIRE APPARARTUS ACCESS ROADS:

1. Provide a minimum width of 34 feet for parallel parking on one side of the Fire Apparatus Access Road with through access and with one side of the roadway being designated "No Parking – Fire Lane."

2. Provide a minimum width of 34 feet for parallel parking on both sides of the Fire Apparatus Access Road when the street is designed to be a cul-de-sac less than 700 feet in-length.

3. Provide a minimum width of 36 feet for parallel parking on both sides of the Fire Apparatus Access Road and/ or on cul-de-sac design with a length of 701 feet to 1,000 feet.

ADDITIONAL FIRE APPARATUS ACCESS ROADS:

1. The fire code official is authorized to require more than one Fire Apparatus Access Road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access. Such additional access must comply with Title 21 of the Los Angeles County Code. Fire Code 503.1.2.

    a. Verify the length of the Fire Apparatus Access Road(s). An additional access road(s) may be required.

GATES REQUIREMENTS:

1. When security gates are provided maintain a minimum access width of the Fire Apparatus Access Road. The security gate shall be provided with an approved means of emergency operation and shall be maintained operational at all times and replaced or repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F220. Gates shall be of the swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6. **A3**

2. The method of gate control shall be subject to review by the Fire Department prior to clearance to proceed to public hearing. All gates to control vehicular access shall be in compliance with the following:

    a. The keypad location shall be located a minimum of 50 feet from the public right-of-way.

    b. Provide a minimum 32-foot turning radius beyond the keypad, prior to the gate entrance at a minimum width of 20' for turnaround purposes.

    c. Gated entrance design with separate access gates for ingress and egress shall provide minimum width of 20 feet, clear-to-sky, for each side.

    d. All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.

WATER SYSTEM REQUIREMENTS:

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze conforming to current AWWA standard C503 or approved equal and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.

2. All required PUBLIC fire hydrants shall be installed, tested, and accepted prior to beginning construction. Fire Code 501.4.

3. The required fire for the public fire hydrants for single-family residential homes less than a total square footage of 3,600 feet is 1,250 gpm at 20 pounds psi residual pressure for two hours with one public fire hydrant flowing. Any single-family residential home 3,601 square feet or greater shall comply too Table B105.1 of the Fire Code in Appendix B.

4. The fire hydrant locations will be determined during the review of the tentative tract map. **A3**

5. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

For any questions regarding the report, please contact FPEA Claudia Soiza at (323) 890-4243 or Claudia.Soiza@fire.lacounty.gov.

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed. **A4**

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time. **A5**

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

Michael Y. Takeshita

MICHAEL Y. TAKESHITA, ACTING CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

MYT:ac

A. RESPONSES TO COMMENTS FROM MICHAEL Y. TAKESHITA, ACTING CHIEF, FORESTRY DIVISION, PREVENTION SERVICES BUREAU, COUNTY OF LOS ANGELES FIRE DEPARTMENT, JULY 3, 2018.

A1. This comment is an introduction to comments that follow and notes that the Draft Environmental Impact Report (DEIR) was reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Divisions of the County of Los Angeles Fire Department. No further response is required.

A2. Mitigation Measure FP-9 will be deleted as the County of Los Angeles Fire Department does not have a Developer Fee Program in effect with the City of Walnut, nor does the City of Walnut require new development to pay fees for Fire Protection Services. Thus, Mitigation Measure FP-9 will be deleted from DEIR Sections 1.5 and Section 5.11.

DEIR pages 1-33 and 5.11-5 will be revised as shown below in the FEIR:

~~FP-9 Concurrent with the issuance of building permits, the Project Applicant or designee shall participate in the Developer Fee Program to the satisfaction of the Los Angeles County Fire Department and/or City of Walnut.~~

A3. The comments provided by the Land Development Unit will be made conditions of approval on the project's Tentative Tract Map. The City acknowledges the Land Development Unit's input and comment. The comments will be included as part of the record and made available to the decision makers prior to a final decision on the project.

A4. The comment notes the statutory responsibilities of the Forestry Division. Erosion control impacts are addressed in DEIR Section 5.8, Hydrology and Water Quality. Rare and endangered species and vegetation impacts are addressed in DEIR Section 5.3, Biological Resources. Archaeological and cultural resource impacts are addressed in DEIR Section 5.4, Cultural Resources. Oak tree impacts are addressed in Section 5.3, Biological Resources.

DEIR Section 5.3, Biological Resources reviews impacts to oak trees and the 0roject's compliance with the City's Oak Tree Ordinance. As concluded in DEIR Section 4.4, with implementation of Mitigation Measures BIO-4 through BIO-9, impacts to oaks trees would be less than significant.

The Initial Study concluded that impacts relative to the Very High Fire Hazard Severity Zone were less than significant and did not require review in the DEIR as the project site is within a Non-Very High Fire Hazard Severity Zone (local and State or Federal responsibility areas).

DEIR Section 5.11, Fire Protection reviews impacts relative to the provision of fire protection services to the project site. As concluded in DEIR Section 5.11, with implementation of Mitigation Measures FP-1 through FP-8, impacts would be less than significant.

A5. The comment notes the Health Hazardous Division has no comments or requirements for the Project. No further response is required.

LETTER B

WALNUT VALLEY WATER DISTRICT

271 South Brea Canyon Road
Walnut, California 91789-3002 • (909) 595-1268 • (626) 964-6551
www.wvwd.com • Fax: (909) 444-5521

BOARD OF DIRECTORS

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Director
Election Division I

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Brian Teuber
Assistant General Manager
Treasurer

Sandra Olson
Director of
Administrative Services

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

Dave Johnson
Director of Operations

Donna DiLaura
Executive Secretary

LEGAL COUNSEL

James D. Ciampa

July 5, 2018

Mr. Chris Vasquez
Senior Planner
City of Walnut
P.O. Box 682
Walnut, CA 91789-0682

RE: Draft Environmental Impact Report
The Brookside Project, 800 Meadow Pass Road, Walnut

Dear Mr. Vasquez:

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).

B1

As you have indicated within the 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:

- As the streets are proposed to be private, the District will require an easement encompassing all streets within the development for water line construction, operation, and maintenance. Please note that the District will construct all District maintained and operated water mainlines and appurtenances within the development.

B2

- The District has an existing 8" PVC recycled water line on Meadow Pass Road and Lemon Avenue. To comply with the water conservation requirements under California State Law and Section 4.07 Water

Conservation in the District's Rules and Regulations, the District intends to service the proposed development with recycled water. Recycled water will provide service for any landscaping to be maintained by a Homeowner's Association (HOA). **B2**

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

Very truly yours,

WALNUT VALLEY WATER DISTRICT

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

SLS:gh

B. RESPONSES TO COMMENTS FROM SHERYL L. SHAW, PE, DIRECTOR OF ENGINEERING, WALNUT VALLEY WATER DISTRICT, JULY 5, 2018.

B1. This comment confirms that the Walnut Valley Water District (WWVD) will be supplying water to the project, and notes the source of WWVD's water. The comment notes that WWVD has sufficient water supply for the project. No further response is required.

B2. The comments provided by WWVD will be made conditions of approval on the project's Tentative Tract Map. The City acknowledges WWVD's input and comment. The comments will be included as part of the record and made available to the decision makers prior to a final decision on the project.

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL Company

LETTER C

City of Walnut
21201 La Puente Rd
Walnut, CA 91789

July 9, 2018

Attention: Planning Commission

Subject: Tract Map No. 72798

Please be advised that the division of the property shown on Tract Map No. 72798, will not unreasonably interfere with the free and complete exercise of any easements and/or facilities held by Southern California Edison Company within the boundaries of said map.

This letter should not be construed as a subordination of the Company's rights, title and interest in and to said easement(s), nor should this letter be construed as a waiver of any of the provisions contained in said easement(s) or a waiver of costs for relocation of any affected facilities. **C1**

In the event that the development requires relocation of facilities, on the subject property, which facilities exist by right of easement or otherwise, the owner/developer will be requested to bear the cost of such relocation and provide Edison with suitable replacement rights. Such costs and replacement rights are required prior to the performance of the relocation.

If you have any questions, or need additional information in connection with the subject subdivision, please contact me at (909) 274-1087.

Salvador Flores
Title and Real Estate Services
Real Properties

Real Properties
2 Innovation Way
Pomona, CA 91768

C. RESPONSES TO COMMENTS FROM SALVADOR FLORES, TITLE AND REAL ESTATE SERVICES, REAL PROPERTIES, SOUTHERN CALIFORNIA EDISON, JULY 9, 2018.

C1. The comment notes that project would not interfere with Southern California Edison's (Edison) exercise of any easements and/or facilities held by Edison within the boundaries of the project site. Additionally, should the project require the relocation of Edison facilities on the project site (ones that exist by right or easement), the Project Applicant would bear the cost of such relocation and be required to provide SCE with suitable replacement rights.

The comments provided by Edison will be made conditions of approval on the project's Tentative Tract Map. The City acknowledges Edison's input and comment. The comments will be included as part of the record and made available to the decision makers prior to a final decision on the project

DEPARTMENT OF TRANSPORTATION
DISTRICT 7 – OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-0673
FAX (213) 897-1337
www.dot.ca.gov

Making Conservation a California Way of Life.

LETTER D

July 25, 2018

Mr. Chris Vasquez
City of Walnut
21201 La Puente Road
Walnut, CA 91789

RE: The Brookside Project
Draft Environmental Impact Report (DEIR)
GTS # 07-LA-2018-01499-FL
SCH # 2016051030
Vic. LA/ 60/ PM 22.796

Dear Mr. Vasquez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project would develop 28 single family homes and 10 open space lots located along a central street system with access to Meadow Pass Road and San Vicente Drive. The nearest state facility is SR-60. **D1**

The project will generate approximately 267 daily trips with 21 AM/28 AM/PM peak hour trips during a typical weekdays conditions. On Sunday, the proposed project is forecast to generate approximately 24 MD peak hour trips. Based on this information, the project may not have significant traffic impact to State facilities. However, the City should consider the cumulative traffic impact generated by this project combined with traffic generated by future projects, such as mentioned in Table 5.13-3 of the DEIR dated June 2018, as many of these trips will utilize the State facilities in the future. **D2** **D3**

In relation to the above-mentioned cumulative traffic impact, analysis of the traffic impacts with the proposed permanent closure of the Brea Canyon Road on/off ramps and construction of the new Lemon Avenue on/off ramps is still recommended. As a reminder, the decision makers should be aware of this issue and be prepared to mitigate cumulative impact in the future. **D4**

Please be reminded that transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. Please limit large size truck trips to off-peak commute periods. **D5**

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful of your need to discharge clean run-off water and it is not permitted to discharge onto State highway facilities. **D6**

If you have any questions or concerns regarding these comments, please feel free to contact the project coordinator, Frances Lee, at (213) 897-0673 or electronically at frances.lee@dot.ca.gov and refer to GTS # 07-LA-2018-01499.

Sincerely,

MIYA EDMONSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

D. RESPONSES TO COMMENTS FROM MIYA EDMONDSON, IGR CEQA BRANCH CHIEF, STATE OF CALIFORNIA – CALIFORNIA STATE TRANSPORTATION AUTHORITY, DEPARTMENT OF TRANSPORTATION, DISTRICT 7 – DEPARTMENT OF REGIONAL PLANNING, JULY 25, 2018.

D1. The comment notes the location of the project, the proposed uses, and the closest highway facility. The comment does not raise an environmental issue; thus, no further response is required.

D2. The comment restates from the DEIR the daily, AM peak hour, and PM peak hour trips forecasted for the project on a weekday, as well as the mid-day peak hour trips on a Saturday. The comment goes onto to state that *"…the project may not have a significant effect to State facilities."*

D3. DEIR Section 5.13, Traffic, considers the cumulative traffic impact generated by the project combined with traffic generated by future projects.

On DEIR page 5.3-18, *Table 5.13-3*, *Cumulative Development Traffic Generation* summarizes the traffic generated by the identified cumulative developments. The information from *Table 5.13-3* was included in *Table 5.13-5*, *Existing Plus Ambient Growth Plus Cumulative With Project Conditions Intersection Analysis Summary* (DEIR page 5.3-19), which summarizes the weekday AM, weekday PM, and Sunday Mid-Day (MD) peak hour analysis results for Existing Plus Ambient Growth Plus Cumulative with Project (E+A+C+P) conditions. The analysis concludes that all study intersections are projected to operate at LOS D and that there would be less than significant impacts on a CMP arterial monitoring intersection or mainline freeway monitoring location.

D4. The City acknowledges Caltrans' comment regarding future recommendations and improvements to State highway facilities, including the permanent closure of the Brea Canyon Road on/off ramps and the construction of the new Lemon Avenue on/off ramps. Based upon information on the City of Diamond Bar's website https://www.diamondbarca.gov/477/Lemon-Avenue-SR-60-Interchange, the following project updates are as follows:

- ***June 2018 -*** *The eastbound Pomona Freeway (SR-60) Lemon Avenue on-ramp is expected to open in July or early August 2018. Simultaneously, the eastbound on-ramp at Brea Canyon Road will be permanently closed.*
- ***May 1 - Permanent Ramp Closure and Ramp Openings.*** *The eastbound Pomona Freeway (SR-60) off-ramp at Brea Canyon Road will be closed permanently. Simultaneously, the newly constructed eastbound Pomona Freeway (SR-60) off-ramp and westbound on-ramp at the newly constructed Lemon Avenue Interchange will open to traffic.*

DEIR Section 5.13, Traffic, analyzes the proposed project's impacts on freeway on- and off-ramps. The analysis under the heading CONFLICT WITH APPLICABLE CONGESTION MANAGEMENT PROGRAM on page 5.13-21 concludes *"The proposed project is not forecasted to add fifty (50) or more trips to a CMP arterial monitoring intersection, nor is the proposed project forecasted to add one hundred fifty (150) or more trips to a mainline freeway monitoring location during either the AM or PM*

weekday peak hours; therefore, no CMP traffic impact analysis is required for the proposed project and no impacts would occur."

Thus, analysis of the on- and off-ramps suggested in the comment is not warranted.

D5. The comments provided by Caltrans will be made conditions of approval on the project's Tentative Tract Map. The City acknowledges Caltrans' input and comment. The comments will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

D6. The comments notes that stormwater runoff is not permitted to discharge onto State highway facilities and that only clean runoff water can be discharged.

The project site is located approximately 1.6 miles north of State Route 60, which is the closest State highway facility. The project would not discharge stormwater runoff onto a State highway facility.

DEIR Section 5.8, Hydrology, Drainage, and Water Quality analyses the project's impacts relative to stormwater runoff. The analysis on DEIR page 5.8-34 (last full paragraph) concludes that "…*implementation of the BMPs in the SUSMP would ensure that construction and post-construction water quality impacts, including impacts to beneficial uses of receiving waters, associated with the proposed project would be reduced to the Maximum Extent Practicable (MEP). Thus, water quality impacts are concluded to be less than significant.*"

LETTER E

From: macpmann@aol.com [mailto:macpmann@aol.com]
Sent: Wednesday, July 25, 2018 4:11 PM
To: Chris Vasquez
Subject: Brookside Project Draft EIR Comments

The Brookside Project
Comments on the DRAFT ENVIRONMENTAL IMPACT REPORT SCH 2016051030

We are the original owners of a home that backs up to the subject property.
The down hill slope at the rear of our lot is in a Landscape Maintenance District mandated and maintained through the city.

Our primary concern not addressed in the EIR, is the impact the project will have on the city's ability to access the slopes for maintenance purposes.
The proposal shows a painted tubular fence on the eastern perimeter of the property but does not address anyway to access our slopes through it. Our lot has approximately seven (7) feet of flat ground below our slope. That is not enough to get a truck in to remove large branches and tree trunks that occasionally need removal. We are asking that issue of access to our slopes be addressed in the city's final decision.

E1

Mac & Donna Mann
631 Broken Lance Road
(909) 594-4445

E. RESPONSES TO COMMENTS FROM MAX AND DONNA MANN, RESIDENTS, JULY 25, 2018.

E1. The commenter notes that the downhill slope of their property is within the City's Lighting and Open Space Maintenance District (LOSMD). The commenter is concerned that proper maintenance and/or removal of vegetation, tree branches, or tree trunks would be inhibited by the proposed project. Maintenance of the LOSMD does not raise an environmental issue within the meaning of CEQA; thus, no further response is required.

City Planning Division staff have been in communication with the property owners regarding their concern. City Planning Division and Community Services Department staff will determine if there is or is not a need to include any conditions of approval on the project's Tentative Tract Map to address any LOSMD requirements issue. The City acknowledges Mr. and Mrs. Mann's input and comment. The comments will be included as part of the record and made available to the decision makers prior to a final decision on the project.

LETTER F

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

July 26, 2018

Chris Vasquez
City of Walnut
21201 La Puente Road
Walnut, CA 91789

Subject: The Brookside Project
SCH#: 2016051030

Dear Chris Vasquez:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 25, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

F1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2016051030
Project Title The Brookside Project
Lead Agency Walnut, City of

Type EIR Draft EIR

Description The 25.84 acre project site is located north of La Puente Road, south of Meadow Pass Road, east of North Lemon Avenue, and west of Broken Lance Road within the City of Walnut, County of Los Angeles. The address associated with the project site is 800 Meadow Pass Road. As part of the proposed project, two of the Winnett Farm's San Vicente Ranch and Brookside Equestrian Center structures will be retained: Main Barn and Stables and Minor Barn. All other on site buildings, parking lots, and grass and landscaped areas will be demolished and removed. The site plan consists of 28 single family homes and 10 open space lots located along a central street system with access to Meadow Pass Road and San Vicente Drive.

Lead Agency Contact

Name Chris Vasquez
Agency City of Walnut
Phone 909-595-7543 x312 **Fax**
email
Address 21201 La Puente Road
City Walnut **State** CA **Zip** 91789

Project Location

County Los Angeles
City Walnut
Region
Lat / Long 34° 01' 26.6" N / 117° 51' 48.4" W
Cross Streets Meadow Pass Rd/Lemon Ave
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways SR 60
Airports
Railways UP, Metrolink
Waterways Lemon Creek
Schools Yes
Land Use Brookside Equestrian Center/Residential Planned Development/Hillside Single Family Res

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission

Date Received 06/11/2018 **Start of Review** 06/11/2018 **End of Review** 07/25/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

F. RESPONSES TO COMMENTS FROM SCOTT MORGAN, DIRECTOR, STATE CLEARINGHOUSE, STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF RESEARCH AND PLANNING, JULY 27, 2018.

F1. The comment acknowledges the closing of the public review period on July 25, 2018 and forwards comments received by the State Clearinghouse during that time. The comment notes that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. This comment is acknowledged, and no further response is required.

No State agencies provided comments to the State Clearinghouse on the Draft EIR.

LETTER G

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

July 27, 2018

Chris Vasquez
City of Walnut
21201 La Puente Road
Walnut, CA 91789

Subject: The Brookside Project
SCH#: 2016051030

Dear Chris Vasquez:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 25, 2018. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project. **G1**

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2016051030) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2016051030
Project Title The Brookside Project
Lead Agency Walnut, City of

Type EIR Draft EIR

Description The 25.84 acre project site is located north of La Puente Road, south of Meadow Pass Road, east of North Lemon Avenue, and west of Broken Lance Road within the City of Walnut, County of Los Angeles. The address associated with the project site is 800 Meadow Pass Road. As part of the proposed project, two of the Winnett Farm's San Vicente Ranch and Brookside Equestrian Center structures will be retained: Main Barn and Stables and Minor Barn. All other on site buildings, parking lots, and grass and landscaped areas will be demolished and removed. The site plan consists of 28 single family homes and 10 open space lots located along a central street system with access to Meadow Pass Road and San Vicente Drive.

Lead Agency Contact

Name Chris Vasquez
Agency City of Walnut
Phone 909-595-7543 x312 **Fax**
email
Address 21201 La Puente Road
City Walnut **State** CA **Zip** 91789

Project Location

County Los Angeles
City Walnut
Region
Cross Streets Meadow Pass Rd/Lemon Ave
Lat / Long 34° 01' 26.6" N / 117° 51' 48.4" W
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways SR 60
Airports
Railways UP, Metrolink
Waterways Lemon Creek
Schools Yes
Land Use Brookside Equestrian Center/Residential Planned Development/Hillside Single Family Res

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission

Date Received 06/11/2018 **Start of Review** 06/11/2018 **End of Review** 07/25/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

G. RESPONSES TO COMMENTS FROM SCOTT MORGAN, DIRECTOR, STATE CLEARINGHOUSE, STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF RESEARCH AND PLANNING, JULY 27, 2018.

G1. The comment acknowledges the closing of the public review period on July 25, 2018 and forwards comments received by the State Clearinghouse during that time. The comment notes that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. This comment is acknowledged, and no further response is required.

One State agency provided comments to the State Clearinghouse on the Draft EIR following the close of the public review period: California Department of Fish and Wildlife.

Refer to Comment Letter H and the associated responses.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

LETTER H

July 26, 2018

Mr. Chris Vasquez, Senior Planner
City of Walnut
21201 La Puente Road, Walnut, CA 91789
Email: cvasquez@ci.walnut.ca.us

Subject: The Brookside Project (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SCH# 2016051030

Dear Mr. Vasquez:

The California Department of Fish and Wildlife (Department) received a Notice of Availability of a DEIR from the City of Walnut for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. **H1**

DEPARTMENT'S ROLE

The Department is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines § 15386, subdivision (a)]. The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources. **H2**

The Department is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). The Department expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 et seq.), authorization as provided by the applicable Fish and Game Code will be required.

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.

PROJECT DESCRIPTION SUMMARY

Proponent: Unknown

Objective: The proposed Project is located on a former equestrian center, which closed in 2014. The Project proposes to retain two of the existing structures and demolish all other existing structures to build 28 single-family detached home lots. Additional features of the Project include a central street system with access to Meadow Pass Road, a 26-foot wide emergency vehicle access road from La Puente Road into the Project site, water quality flush basins, and landscaping.

Areas of natural open space will be left within privately owned open space lots, which includes Lot A (0.01 acre), Lot B (0.55 acre), Lot C (0.09 acre), and Lot F (1.12 acres). The DEIR states these lots will be placed within an open space easement maintained by the Homeowners Association (HOA) and delineated to 1) limit the homeowner from disturbing the creek edge and 2) provide for maintenance. Existing vegetation and trees within Lots A, B, C, and F will be preserved and maintained by the HOA. Any non-native trees that die or require removal will be replaced at a 1:1 ratio, while native trees will be replaced at a 3:1 ratio. Lemon Creek is located within Lots D and H. The Project proposes to install an unspecified type of vehicle crossing within Lemon Creek as well as a new bridge for trail crossing, and replace several existing culverts. H3

The Project site is approximately 26 acres of partially developed land in the City of Walnut. The Project area is located north of La Puente Road, south of Meadow Pass Road, east of North Lemon Avenue, and west of Broken Lance Road.

Location: Los Angeles County

Timeframe: Site preparation and grading would be implemented in one phase which is anticipated to occur over approximately six months.

COMMENTS AND RECOMMENDATIONS

The Department 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 including botanical) resources. Editorial comments or other suggestions may also be included to improve the document. H4

Project Description and Related Impact Shortcoming

Comment #1: Arroyo Chub

Issue: The DEIR states the arroyo chub (*Gila orcutti)* has a moderate potential to occur in the Project. H5

Focused surveys for arroyo chub have not been provided for the Department's review. Thus, the Department is concerned how the DEIR concludes that there is less than significant impacts without disclosing if this state sensitive species is present. The intent of the Biological Assessment (DEIR Volume II) completed for this CEQA document was to preliminarily evaluate

the Project site, identify existing plant and wildlife species, and assess the potential for any special status or sensitive species that may be affected by the Project. General reconnaissance biological survey are not designed to determine presence/absence of specific sensitive species. If the general reconnaissance biological survey indicates there is a chance a special status or sensitive species may be present, additional surveys based on species-specific protocol should be conducted to fully disclose potential Project impacts.

Specific Impact: Project implementation may result in reduced reproductive capacity, population declines, or local extirpation of rare, special-status, or threatened and endangered species.

Why impact would occur: Project implementation could result in vegetation removal, in-stream grading, increased siltation, decreased water quality and/or quantity, introduction of pesticides and/or herbicides, and other disturbances, resulting in direct mortality, habitat degradation, and additional stress to arroyo chub individuals.

Evidence impact would be significant: CEQA provides protection not only for CESA-listed and candidate species, but any species including California Species of Special Concern, which can be shown to meet the criteria for State-listing (CEQA Guidelines §§ 15380 (d), 15065 (a)). Without avoidance and mitigation measures, the Project may continue to result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the Department or U.S. Fish and Wildlife Service (USFWS). H5

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: During a site visit on July 17, 2018, Department biologists determined Lemon Creek within the Project site contained suitable habitat to support arroyo chub, and recommended surveys be conducted in consultation with Department fisheries program, Senior Environmental Scientist, (Supervisory) John O'Brien at John.OBrien@wildlife.ca.gov. Surveys should follow recommended protocol to allow the Department to determine the extent of potential impacts to arroyo chub associated with the Project and provide meaningful avoidance, minimization, and mitigation measures. The Department recommends the DEIR be recirculated after these surveys are completed to fully disclose the potential impacts to arroyo chub if present during focused surveys.

Comment #2: Burrowing Owl (*Athene cunicularia*)

Issue: The biological Habitat Assessment (DEIR Volume II) does not appear to follow the California Natural Diversity Database protocol of using a nine-quadrangle search to determine a list of species potentially present at project sites. Because a two-quadrangle search was used, the potential presence of burrowing owl was missed. During a site visit on July 17, 2018, Department biologists observed burrows and whitewash potentially indicative of the presence of burrowing owl. H6

Specific Impact: The project site and adjacent areas may support foraging, breeding, and wintering habitat for western burrowing owl. Burrowing owl utilize native, semi-natural, and agricultural habitats, including highly degraded and marginal habitat where natural nest burrows (or burrow surrogates) and adequate foraging habitat is available. The Department has

designated burrowing owl a “species of special concern” because their population viability and survival is adversely affected by risk factors such as precipitous declines or other vulnerability factors.2

Why impact would occur: Project implementation could result in direct and indirect mortality of burrowing owl through earth moving, vegetation removal, construction activities, human introduced disturbances and conversion of site to an urban neighborhood.

Evidence impact would be significant: Take of individual burrowing owls and their nests is defined by Fish and Game Code (FGC) section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in FGC Section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Burrowing owl qualifies for enhanced consideration afforded to species under CEQA which can be shown to meet the criteria for listing as endangered, rare or threatened (CEQA Guidelines § 15380 (d)).

CEQA provides protection not only for CESA-listed and candidate species, but for any species including California Species of Special Concern, which can be shown to meet the criteria for State-listing (CEQA Guidelines §§ 15380 (d), 15065 (a)). Given that the Department observed indicators of potential presence of burrowing owl, the Department is concerned that DEIR does not disclose presence/absence surveys, adequately analyze impacts to burrowing owl, or provide any avoidance strategies. Without avoidance and mitigation measures, the Project may continue to result in a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the Department or USFWS.

H6

Recommended Potentially Feasible Mitigation Measure(s):

The Department recommends Lead Agencies utilize the three-tiered approach detailed in the Department’s March 7, 2012, Staff Report on Burrowing Owl (Guidelines) to analyze the potential for impacts to the species. The Guidelines include three components in evaluating a project’s impact on burrowing owl: 1) a habitat assessment, 2) protocol surveys, and 3) an impact assessment. Projects that may have a significant effect on burrowing owl must be considered CEQA significant by lead agencies and noticed under an Environmental Impact Report (CEQA Guidelines § 15065 (a)).

The Department recommends that a burrowing owl survey are performed that focus on previously documented burrowing owl burrows located on the Project site. This should occur prior to any actions that may result in take or otherwise have additional direct or indirect significant effects on burrowing owl on or adjacent to a proposed project site. Surveys for burrowing owl should conform to the protocol described within Guidelines. The Guidelines are designed to assist in maximizing detection of burrowing owl presence and use of the site by burrowing owl in order to assist in avoiding project related take and on-site habitat loss and degradation. The guidelines also provide mitigation measures that will assist in reducing

2 Shuford, W.D., and T. Gardali, Eds. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, CA, and California Department of Fish and Game, Sacramento.

unavoidable project impacts to burrowing owl to less than significant levels under CEQA. The Guidelines may be downloaded from the Department's website: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html.

The Guidelines stress that in order to maximize detection of burrowing owl and document their use of the site, both winter and breeding seasons must be conducted. Breeding surveys should consist of four site visits to be conducted on four separate days and should be performed between April 15 and July 15 to maximize detection. **H6**

Surveys should be conducted following Department protocol to allow the Department to determine the extent of impacts to owls associated with the Project and provide meaningful avoidance, minimization and mitigation measures. The Department recommends the City recirculate the DEIR after these surveys are completed to fully disclose the quantity of burrows and potential impacts to burrowing owls. Additionally, any proposed mitigation area should include a discussion on the territory size requirements and how the impacted territory will be mitigated.

Comment #3: Bats

Issue: The DEIR states several species of bats have a moderate or high potential to occur onsite. Impacts to bats are not disclosed and mitigation for impacts are not proposed.

Specific Impact: The DEIR states several species of bats have a moderate or high potential to occur onsite; however, during a site visit with the Department and City of Walnut on July 17, 2018, the biological consultant indicated bat surveys were not conducted prior to circulation of the DEIR.

The Project site contains mature trees, abandoned structures and riparian habitat with perennial water associated with Lemon Creek. The Project site has the potential to support several species of bats. Although several species of bats have potential to occur onsite, surveys for these species were not provided for the Department's review during the circulation of the DEIR. Therefore, the Department is concerned that the DEIR does not adequately describe the potential for impacts to bats or provide mitigation for those impacts. **H7**

Why impact would occur: Project implementation could result in direct and indirect mortality of CEQA rare bat species, and potentially roosts. Vegetation removal, removal of abandoned structures on-site, construction activities, human introduced disturbances and conversion of site to an urban neighborhood could all result in impacts to rare bat species if present on-site.

Evidence impact would be significant: Given the moderate to high potential presence of bat species, the Department is concerned that DEIR does not disclose presence/absence surveys, adequately analyze impacts to bats, provide any avoidance strategies, or include mitigation for the loss of occupied bat habitat. Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code §4150, CCR §251.1). Several bat species are also considered Species of Special Concern (SOC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065). The Department considers adverse impacts to a SOC, for the purposes of CEQA, to be significant without mitigation. Mitigation is not just avoiding maternity roosts, wintering sites, night roosts, mating roosts and foraging sites, but providing similarly functioning habitat to what is impacted.

Recommended Potentially Feasible Mitigation Measure(s):

The Department recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer, and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). The Department recommends the DEIR include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DEIR should document the presence of any bats over different seasons, and include species-specific mitigation measures to reduce impacts to below a level of significance.

To avoid the direct loss of bats that could result from removal of trees and structures that may provide roosting habitat (winter hibernacula, summer, and maternity), the Department recommends the following steps are implemented:

1. Identify the species of bats present on the site using acoustic survey techniques over different seasons;

2. Determine how and when these species utilize the site and what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height, aspect, etc.)];

3. Avoid the areas being utilized by bats for hibernacula/roosting; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with the Department;

4. The bat specialist should document all demolition monitoring activities, and prepare a summary report to the Lead Agency upon completion of tree disturbance and/or building demolition activities. The Department requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);

5. If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained at a nearby suitable undisturbed area. The bat habitat (not bat houses) mitigation shall be determined by the bat specialist in consultation with the Department;

6. A monitoring plan should be prepared and submitted to the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,

7. Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to Lead Agency and the Department for five years following relocation or until performance standards are met, whichever period is longer.

H7

Comment #4: Southern Western Pond Turtle

Issue: The biological Habitat Assessment (DEIR Volume II) does not appear to follow the California Natural Diversity Database protocol of using a nine-quadrangle search to determine a list of species potentially present at project sites. Because a two-quadrangle search was used, the potential presence of southern western pond turtle (*Actinemys marmorata pallida*), a species of special concern, was missed. During a site visit on July 17, 2018, Department biologists observed conditions in Lemon Creek that could support southern western pond turtle.

Specific Impact: Project implementation may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of a CEQA rare, Department special-status species.

Why impact would occur: Southern western pond turtles are found in permanent and intermittent waters of rivers and creeks, and can spend upwards to 200 days out of water. Males may be found on land for up to ten months annually, while females can be found on land during all months of the year due to nesting and overwintering. Project implementation could result in direct and indirect mortality of CEQA rare pond turtle. Vegetation removal, development of the upland adjacent to Lemon Creek, construction activities, bridge and culvert construction, human introduced disturbances and conversion of site to an urban neighborhood could all result in impacts from the Project to southern western pond turtle. H8

Evidence Impact would be significant: CEQA Guidelines sections 15070 and 15071 require the DEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint should to be disclosed during the public comment period. This information allows the Department to comment on alternatives to avoid impacts as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Recommended Potentially Feasible Mitigation Measure: Surveys for southern western pond turtle should follow accepted scientific protocol (https://sdmmp.com/upload/SDMMP_Repository /0/q4x2pztbkns61wv9hy30rjc78fg5dm.pdf) to allow the Department to determine the extent of impacts to the species associated with the Project and provide meaningful avoidance, minimization, and mitigation measures. The Department recommends the DEIR be recirculated after these surveys are completed to fully disclose the potential impacts to the number and kind of turtles. Additionally, any proposed mitigation area should include a discussion on the territory size and breeding locations and how all life cycle functions will be mitigated.

Comment #5: Tree Mitigation and Planting List

Issue 1: The DEIR states, "Replace three hundred fifty-eight (358) non-native trees at a ratio of 1:1 ratio for a total of three hundred fifty-eight (358) trees…All replacement trees will be selected from the City Parkway or Los Angeles County Landscaping and Lighting Act Districts (LLAD) Special Districts approval list, and will be planted and maintained in accordance with applicable City or County standards". H9

The DEIR provides a 3:1 mitigation ratio for city-protected trees (walnut, valley oak and coast live oak). Additional native riparian tree species (alder, sycamore and cottonwood) are identified as occurring onsite and being impacted. However, these native trees require the same mitigation planting ratio as non-native trees at a 1:1 ratio.

Issue 2: The City of Walnut's tree policy and ordinance (http://www.cityofwalnut.org/for-residents/community-resources/city-maintenance/city-trees) indicate *Schinus molle* or Peruvian pepper tree (erroneously called California pepper tree in this policy) is a City approved landscaping tree. *Schinus Molle* is designated as an invasive species by the California Invasive Pest Plant Council (Cal-IPC). The list of invasive plants is available at https://www.cal-ipc.org/wp-content/uploads/2018/05/InvasivePlantChecklistforCaliforniaLandscaping.pdf.

Specific Impact: Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. Invasive plants reduce native plant species diversity.

Why impact would occur: Lemon Creek is heavily impacted by invasive plant species, impairing the biological function of this riparian habitat. The Department is concerned that planting known invasive trees, or any invasive plant species, as part of this Project, would further contribute to the degradation of Lemon Creek and other nearby natural open space or riparian habitats. The Department is concerned that by not requiring all native trees be replaced by similar native tree species, the replacement trees would not be fully mitigating the function and value of the impacted native tree species.

H9

Evidence Impact would be significant: Invasive species have contributed to the decline of forty-two percent of U.S. threatened and endangered species.3 The ecosystem of Lemon Creek has been greatly impacted by invasive plant species, with few remaining native tree species currently present. The Department is concerned that introducing more invasive species into the area would further degrade both Lemon Creek on- and off-site as well as further degrade natural areas in the vicinity. Evidence suggests increased competition of water from invasive tree species stresses native tree species, increasing the probability of being attacked by invasive insects.4

The Department is also concerned about the cumulative effect that has occurred as a result of the city actively recommending an invasive tree be planted throughout the City of Walnut, which contains sensitive, natural habitat such as Lemon Creek.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Department recommends that the Project prohibit the planting of any species contained in the Cal-IPC Invasive Plant Checklist (https://www.cal-ipc.org/wp-content/uploads/2018/05/InvasivePlantChecklistforCaliforniaLandscaping.pdf) listed for any region.

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3 https://www.fs.fed.us/wildflowers/invasives/index.shtml
4 https://www.fs.fed.us/pnw/invasives/index.shtml

Mitigation Measure #2: The Department recommends the City of Walnut revise the City of Walnut's tree policy and ordinance (http://www.cityofwalnut.org/for-residents/community-resources/city-maintenance/city-trees) to remove any invasive species listed by Cal-IPC from this list.

Mitigation Measure #3: The Department recommends the use of native tree species or non-invasive drought tolerant tree species be used to replace the 358 non-native trees being impact by the Project. Only native trees should be planted within and adjacent to (500 feet) Lemon Creek.

Mitigation Measure #4: The Department recommends all native trees impacted by the Project be mitigated at a 3:1 ratio. Sycamore, alder, and cottonwood are all riparian trees typically associated with the active channel or the floodplain. These trees are likely naturally occurring as the site is located in the historic riparian transition zone and floodplain of Lemon Creek. H9

Mitigation Measure #5: The Department recommends that all open space preservation/mitigation land be protected in perpetuity with minimal human intrusion by recording and executing a perpetual conservation easement in favor of an approved agent dedicated to conserving biological resources. In addition, the Department recommends all mitigation lands be owned or managed by an entity with experience in managing habitat. The Department has encountered problems with using portions of privately owned lots as open-space-habitat mitigation under CEQA because homeowners may grade and remove vegetation on their land with little legal recourse to remedy this loss under CEQA. Mitigation lands should be owned or managed by a conservancy or other land management company to allow for legal remedies should trespass and clearing/damage occur. A management and monitoring plan, including a funding commitment, should be developed for any conserved land, and implemented in perpetuity to protect existing biological functions and values. Permeable wildlife fencing should be erected around any conserved land to restrict incompatible land uses and signage posted and maintained at conspicuous locations communicating these restrictions to the public.

Comment #6: Deferred Mitigation

Issue: The DEIR states an unspecified type and size of vehicle stream crossing and several horse trail crossing culverts are part of the Project, but does not provide any specific impact information and relies on obtaining a Lake and Streambed Alteration Agreement from the Department as mitigation.

Specific Impact: Project implementation may result in impacts to a streambed. This could result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of potentially several CEQA rare and Department special-status species. H10

Why impact would occur: The DEIR states a Lake and Streambed Alteration Agreement will be obtained from the Department as mitigation for impacts resulting from this activity. CEQA Guidelines sections 15070 and 15071 require the DEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will "avoid the effect or mitigate to a point where clearly no significant effects would occur." Relying on future surveys, the preparation of future management plans, or mitigating by obtaining permits from the Department are considered deferred mitigation under CEQA.

In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the Project footprint need to be disclosed during the public comment period. This information is necessary to allow the Department to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Evidence Impact would be significant: CEQA Guidelines sections 15070 and 15071 require the DEIR to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint should to be disclosed during the public comment period. This information allows the Department to comment on alternatives to avoid impacts as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity). **H10**

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Department recommends including specific information regarding impacts to streambed impacts. This should include the acreage of any temporary and permanent construction impacts, types of bridges or culverts proposed, sizes of culverts and bridges and a hydrology analysis evaluating flow design capacity.

Mitigation Measure #2: The Department recommends the use of bottomless culverts and span bridges to reduce impacts to Lemon Creek. Additionally, the Department recommends bridges and culverts are designed and sized adequately to allow storm flow to pass unhindered.

Editorial Comments and/or Suggestions

Comment #1: Rodent Control

The Department recommends the DEIR contain language disallowing the use of rodenticides that could result in direct or secondary poisoning to native mammals, birds, and raptors. Raptors were observed by Department biologists using the site and displaying territorial behavior. This language is recommended for parcels containing single-family homes as well as all open space areas of the Project maintained by the HOA. **H11**

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 (CNDDB). The CNNDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB **H12**

can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp. H12

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 the Department. Payment of the 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). H13

CONCLUSION

The Department appreciates the opportunity to comment on the DEIR to assist the City of Walnut in identifying and mitigating Project impacts on biological resources. The Department recommends addressing the information raised in this letter. The Department also recommends the City and Project Applicant consult with the Department regarding these issues. H14

Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker at (949) 581-1015 or Kelly.Schmoker@wildlife.ca.gov.

Sincerely,

Erinn Wilson
Environmental Program Manager I
South Coast Region

ec: Eric Chan, CDFW, Los Alamitos
Andrew Valand, CDFW, Los Alamitos
Scott Harris, CDFW, Ventura
Erinn Wilson, CDFW, Los Alamitos
Office of Planning and Research, State Clearinghouse, Sacramento

H. RESPONSES TO COMMENTS FROM ERINN WILSON, ENVIRONMENTAL PROGRAM MANAGER I, SOUTH COAST REGION, STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY, DEPARTMENT OF FISH AND WILDLIFE, JULY 26, 2018.

H1. The comment states that the California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (Draft EIR) for The Brookside Project. In addition, the comment notes that CDFW appreciated the opportunity to provide comments and recommendations regarding project-related activities that may affect California fish and wildlife.

The comment is informational in nature and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. As the comment does not raise an environmental issue, no further response is required.

H2. The comment states that CDFW is a Trustee Agency per Fish & Game Code §§ 711.7, subdivision (a) & 1802; Public Resources Code § 21070; CEQA Guidelines § 15386, subdivision (a). In addition, the comment states that CDFW is a Responsible Agency under CEQA (Public Resources Code § 21069) and CEQA Guidelines, § 15381). The comment further acknowledges that CDFW may need to exercise regulatory authority regarding lake and streambed alteration (Fish & Game Code § 1600 et seq.),species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code §1900 et seq.).

The comment is informational in nature and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. As the comment does not raise an environmental issue, no further response is required.

H3. The comment restates information contained in the Draft EIR, specifically information relating to the project description, and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. As the comment does not raise an environmental issue, no further response is required.

H4. The comment states that CDFW will offer comments to assist the City of Walnut in identifying and/or mitigating biological impacts associated with implementation of The Brookside Project. Specific comments follow this statement. Refer to Responses H5 through H13.

H5. Draft EIR Appendix D includes the Habitat Assessment Report (June 2017) for the proposed project. This Report describes the typical habitat for arroyo chub as *"[w]arm streams of the Los Angeles Plain, which are typically muddy torrents during the winter, and clear quiet brooks in the summer, possibly drying up in places*." The Report further explains that these species are "*found both in slow-moving and fast-moving sections, but generally deeper than 40 cm*." Based on this typical habitat description, the Report concludes that arroyo chub has a "moderate" potential to occur based on suitable habitat and the fact that the site is within the native range of the species.

At the request of CDFW and after consulting with CDFW Senior Environmental Scientist (Supervisory) John O'Brien, a protocol-level presence/absence survey for arroyo chub was conducted by Rincon Consultants, Inc. (Rincon). CDFW issued a Special Permit to Rincon on November 26, 2018, to conduct the requested survey for arroyo chub. The survey was conducted on November 27, 2018. The results of the survey are contained in a report (Rincon Report), contained in a December 10, 2018 letter from Rincon to Michael Baker International. The Rincon Report summarizes the surveys performed, methodology, species observed, and water quality parameters.

No individuals of arroyo chub were observed during the survey. Further, the survey confirmed the presence of several non-native fish species, some of which are predators of arroyo chub (e.g., red swamp crayfish). Because no arroyo chub were observed on the project site during this protocol-level survey, the proposed project's potential impacts to arroyo chub will be less than significant. As such, no mitigation, including the mitigation proposed in this comment, is required.

The Rincon Report will be added to the Final EIR as Appendix D1. In addition, the following modifications will be made to Section 5.3, *Biological Resources*, of the Draft EIR to reflect within the Final EIR the findings of the Rincon Report.

Page 5.3-11 of the Draft EIR (last paragraph under Special-Status Wildlife heading) will be modified as follows in the Final EIR.

Of the twenty (20) special-status wildlife species, five are Federally- and/or State-listed: western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), arroyo chub, coastal California gnatcatcher (*Polioptila californica californica*), bank swallow, and least Bell's vireo (*Vireo bellii pusillus*). Arroyo chub is State-threatened within its native range, which includes the project site, ~~but only has a moderate potential to occur within Lemon Creek on the project site;~~. As will be discussed below, however, a protocol-level presence/absence survey for arroyo chub concluded that no individuals of arroyo chub were present on the project site. Two (2) of the five (5) listed species, western yellow-billed cuckoo and coastal California gnatcatcher, are presumed absent due to lack of suitable habitat. Bank swallow has a low potential to occur, primarily as a foraging species along the riparian sections; there is little, if any, suitable nesting habitat within the project site for these species.

Page 5.3-12 of the Draft EIR (prior to Special-Status Vegetation Communities heading) will be modified as follows in the Final EIR.

Arroyo Chub. An arroyo chub presence/absence survey was completed in December 2018. Arroyo chubs are physiologically adapted to survive in habitats with low oxygen concentrations and wide temperature fluctuations, conditions common in southern coastal streams. They are found in habitats characterized by slow-moving water, mud or sand substrate, and depths greater than 40 cm (Wells and Diana 1975). However, they have also been found in pool habitats with gravel, cobble and boulder substrates (Feeney and Swift 2008). Arroyo chub has not been documented within the project site. They are most common in streams with gradients of less than 2.5% slope (Feeney and Swift 2008), where water temperatures range from 10 to 28 ºC (J. O'Brien, CDFW, unpublished data). Most spawning occurs in habitats with low velocity, such as pools or edge waters, at temperatures of 14- 22 ºC. They are most abundant in low gradient pools and flat-water habitats with gravel and sand substrate that support at least some aquatic/emergent vegetation (J. O'Brien, CDFW, unpublished data, 2009). Juveniles spend their first 3-4 months in the water column, usually in habitats with still water and vegetation or other submerged cover (Tres 1992). Arroyo chubs spawn primarily in June and July, but can breed more or less continuously from February through August, as the eggs of females ripen in small batches (Tres 1992). Arroyo chubs are true omnivores that feed on algae, insects, and small crustaceans, but they prefer to feed on algae.

Page 5.3-28 of the Draft EIR beginning with and following the third paragraph under Special-Status Animal Species heading will be modified as follows in the Final EIR.

Arroyo chub is State-threatened within its native range, which includes the project site, but only has a moderate potential to occur within Lemon Creek on the project site (see paragraph below regarding results of presence/absence survey). Two (2) of the five (5) listed species, western yellow-billed cuckoo and coastal California gnatcatcher, are presumed absent due to lack of suitable habitat. Bank swallow has a low potential to occur, primarily as a foraging species along the riparian sections; there is little, if any, suitable nesting habitat within the project site for these species.

As previously noted, CDFW identified the southern western pond turtle (Actinemys marmorata pallida) as a species of special concern in its July 26, 2018 comment letter on the Draft EIR. Information regarding the southern western pond turtle is provided below.

Arroyo Chub

The presence/absence survey for arroyo chub was conducted prior to the rain event that commenced in the afternoon on November 28, 2018, and resulted in approximately 1.4 inches of precipitation. No arroyo chub were observed during the presence/absence survey. In addition, no southern western pond turtle individuals were observed (refer to the Rincon Report (Appendix D1).

Flowing water was present within Lemon Creek throughout the survey reach. However, the average depth of surface flow throughout the survey reach was less than one foot.

Several larger pools occur within Lemon Creek; all pools observed were less than two feet deep and 3 feet wide. The natural course of Lemon Creek has been altered and flows are conveyed through portions of channelization, rock rip-rap, and several culverts. Lemon Creek is a heavily incised creek with vegetation consisting of mixed native and non-native tree species, non-native grasses, and shrubs.

Approximately 80 fathead minnow (*Pimephales promelas*), 30 red swamp crayfish (*Procambarus clarkii*), and 2 mosquitofish (*Gambusia affinis*) were captured in seine hauls throughout the survey reach. Although suitable habitat is present for southern western pond turtle, it is marginal. Pools of water within the survey reach were generally less than two feet deep, basking sites were limited, and steep sloped banks would constrict movement of turtles within the narrow channel.

The presence/absence survey conducted on November 27, 2018 confirmed the absence of arroyo chub within the portion of Lemon Creek that occurs within the project site. Additionally, based on the opportunistic survey, no southern western pond turtles were observed. In addition, the survey confirmed the presence of several non-native fish species, some of which are predators of arroyo chub (i.e. red swamp crayfish).

The conclusions of the Arroyo Chub Presence/Absence Survey do not result in any new substantial environmental impacts, and do not constitute significant new information requiring recirculation pursuant to CEQA (Public Resources Code Section 21092.1) or the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

H6. This comment states that during a site visit on July 17, 2018, CDFW biologists observed burrows and whitewash potentially indicative of the presence of the western burrowing owl, which CDFW designates as a species of special concern. CDFW further states that the project site and adjacent areas may support foraging, breeding, and wintering habitat for western burrowing owl.

Burrowing owl utilize native, semi-natural, and agricultural habitats, including highly degraded and marginal habitat where natural nest burrows and adequate foraging habitat is available. The project site contains potentially suitable habitat for the burrowing owl.

To assess the presence of burrowing owls, on September 28, 2018, Michael Baker International biologists Dan Rosie and Linda Nguyen performed a site reconnaissance to review habitat suitability and determine the likelihood of presence for nesting burrowing owl. The site visit was conducted by walking through areas suitable to support burrowing owl and inspecting all burrows for recent activity and/or burrowing owl sign. No burrows with the potential to support burrowing owl were observed within the project site. Burrows observed included those with cobwebs indicating no recent activity, remnant gopher burrows, and a few small mammal/reptile burrows. Despite these negative indicators, and to ensure the proposed project's impacts to western burrowing owl are minimized, Mitigation Measure BIO-2a has been added to ensure that any potential impacts to western burrowing owl remain at a less than significant level.

Page 5.3-29 of the Draft EIR (first paragraph under Nesting Birds heading) will be modified as follows in the Final EIR.

On-site plant communities provide suitable foraging and cover habitat for year-round/seasonal avian residents, including the western burrowing owl, migrating songbirds, and raptors that occur in the area. Vegetation within and adjacent to the project site has the potential to provide suitable nesting opportunities for a number of avian species, in particular amongst the large number of trees on-site.

Thus, prior to any vegetation removal, construction, or development, the Applicant shall be required to implement Mitigation Measure BIO-2 and Mitigation Measure BIO-2a. With implementation of Mitigation Measures BIO-2 and BIO-2a, less than significant impacts to nesting birds and western burrowing owls, respectively, would occur.

Page 5.3-30 of the Draft EIR will be modified as follows in the Final EIR to include the following mitigation measure.

BIO-2a Construction activities shall avoid the bird breeding season (January 1 through August 31), if possible. If breeding season avoidance is not feasible, a qualified avian biologist familiar with burrowing owl biology and survey methods shall conduct a pre-construction survey on the project site to determine the presence/absence of this species no more than 30 days prior to construction during the breeding season (January 1 through August 31 with some variance by geographic location and climatic conditions), with a final survey conducted within 24 hours prior to construction. The biologist shall confirm whether the owls are occupying the site and whether they are actively nesting. Documentation of surveys and findings shall be submitted to the City for review and file. If any burrowing owl or sign of an occupied burrow is observed, the Applicant and the City of Walnut shall be informed as soon as possible (and within 48 hours). If access to areas with suitable habitat is restricted, the biologist shall visually survey with a spotting scope, binoculars, or other visual techniques.

If an occupied burrow is identified, the qualified biologist shall immediately implement a minimum 200-meter (656-foot) buffer. Then an appropriate burrow-specific buffer shall be recommended by the qualified biologist based on the circumstances (e.g., owl tolerance and construction activity level) and as explained by the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or more recent). The recommendations shall be reported to the City of Walnut and implemented by the Applicant. If an occupied burrow is identified, a burrowing owl exclusion plan shall be prepared and submitted to CDFW for approval prior to initiating project activities in the area and no construction within the buffer area shall occur until a qualified biologist has determined that the nest is no longer active.

The revised text does not result in any new substantial environmental impacts, and does not constitute significant new information requiring recirculation pursuant to CEQA (Public Resources Code Section 21092.1) or the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

As a point of clarification, in response to the comment that surveys should focus on *"previously documented burrowing owl burrows on the Project site,"* there is no such documentation of burrowing owl burrows on the project site. There is no available documented evidence of burrowing owls on the property.

This commenter states that a larger, nine-quadrangle, search of the California Natural Diversity Database should have been used to determine a list of species potentially present at the project site. The biological consultant for the proposed project used the CNDDB San Dimas and the Baldwin Park quadrangles for the following reasons:

- Although the hills located within the quadrangles north and south of the San Dimas and the Baldwin Park quadrangles may have records of species, those species would not have been found on the project site, which is located in a different habitat lower in elevation.

- A nine-quadrangle search would not have disclosed additional species with the potential to occur on the project site due to the developed nature and lack of suitable habitat on the project site. For example, no individuals of arroyo chub or western pond turtle were observed during a CDFW-approved focused presence/absence survey in the fall of 2018, no individuals of least Bell's vireo were observed nesting on-site as documented during a USFWS protocol survey in the spring and summer of 2018, and no sign or other evidence of bats using the project site (particularly, buildings that are to be abandoned, but maintained on a monthly basis, and tall, dense trees) were observed during a thorough site walk in the fall of 2018.

Notably, there is no legal or CDFW policy requirement that a nine-quadrangle search of the CNDDB be performed, particularly in an instance such as this where performing such a search would have been of limited utility. In any event, CDFW has informed the City in its comment on the Draft EIR as to the particular species of concern the department identified as potentially located on the project site. These responses to comments address those comments.

H7. The comment states that several species of bats have a moderate or high potential to occur on-site. Draft EIR Page 5.3-28 identifies the types of bats that have a potential to occur on- site:

- Hoary bat
- Western yellow bat
- Pallid bat
- Western Mastiff bat
- Pocketed free-tailed bat
- Big free-tailed bat

During the site reconnaissance on September 28, 2018, biologists Dan Rosie and Linda Nguyen performed a site reconnaissance to determine the likelihood of presence for roosting bat species. All buildings on-site to be demolished and large trees on-site with dense canopies were inspected for evidence of bat use, particularly guano droppings. In conclusion, although several species of bats are expected to forage on-site daily, no evidence of maternity, winter, or other bat roosting (i.e., guano droppings) was observed on-site during the September 2018 site visit. Nonetheless, because the project site contains dense trees within and surrounding Lemon Creek, which are potentially suitable for bat species, Mitigation Measure BIO-2b will be included to ensure potential impacts to bat species are reduced to less than significant levels. No additional mitigation, including the mitigation proposed by the commenter, is required.

Page 5.3-29 of the Draft EIR will be modified as follows in the Final EIR to clarify potential impacts to bats. The text will be added prior to the Level of Significance Before Mitigation heading.

Bats

During a site reconnaissance on September 28, 2018, biologists Dan Rosie and Linda Nguyen with Michael Baker International evaluated the project site's habitat suitability to determine the likelihood of presence for roosting bat species. All buildings on-site to be demolished and large trees on-site with dense canopies were inspected for evidence of bat use, particularly guano droppings. The survey concluded that, although several species of bats are expected to forage on-site daily, no evidence of maternity, winter, or other bat roosting (i.e., guano droppings) was observed on-site. Nonetheless, due to the dense trees within and surrounding Lemon Creek, which are potentially suitable for bat species, Mitigation Measure BIO-2b has been included to ensure potential impacts to bat species are reduced to less than significant levels. With implementation of Mitigation Measure BIO-2b, impacts to bat species would be less than significant.

Page 5.3-30 of the Draft EIR will be modified as follows in the Final EIR to include Mitigation Measure BIO-2b to ensure that impacts to bats remain at less than significant levels.

BIO-2b A qualified biologist shall conduct a pre-construction survey on the project site to determine the presence/absence for bats, no more than 14 days prior to ground disturbance and/or vegetation clearing. The qualified biologist shall conduct the survey between late May and mid-July, the recognized maternity season for most bats in southern California. If any special-status bat species are determined to be roosting on-site, bat boxes of a size and design suitable for the estimated number of bats on-site shall be installed under the supervision of a qualified bat biologist on the outer perimeter of the project site, as close as feasible to adjacent undeveloped land, and a suitable height and solar aspect. Further, if any maternity sites are identified on site, CDFW will be notified immediately. In addition to any other direction by CDFW, no site disturbance shall occur within 300 feet of the occupied

roost until it is determined that the maternity roost(s) is no longer active. Additional bat boxes designed to serve as maternity roosts shall be placed as directed by the qualified bat biologist and CDFW. Survey methods, results, and recommendations shall be documented and reported to the City of Walnut.

Page 5.3-29 of the Draft EIR under the Level of Significance Before Mitigation heading will be modified as follows in the Final EIR.

Potentially Significant Impact to nesting birds, burrowing owls, and bats.

Page 5.3-31 of the Draft EIR under the Level of Significance After Mitigation heading will be modified as follows in the Final EIR.

Less Than Significant Impact With Mitigation Incorporated for nesting birds, burrowing owl, and bats.

The revised text does not result in any new substantial environmental impacts, and do not constitute significant new information requiring recirculation pursuant to CEQA (Public Resources Code Section 21092.1) or the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

H8. This comment indicates that conditions in Lemon Creek could support southern western pond turtle and that the project could result in impacts to this species. The Draft EIR states that the only reptile observed during the habitat assessment for the project site was the western fence lizard. No other reptile, including the southern western pond turtle, was observed on the project site.

To confirm this determination, Rincon performed opportunistic surveys for the southern western pond turtle in Lemon Creek during the survey for arroyo chub on November 27, 2018. As explained in more detail in the Rincon Report (Appendix D1), due to the steep sloped banks of Lemon Creek, suitable nesting sites and upland refuge for southern western pond turtle are limited. The biologists focused on areas within Lemon Creek with undercut banks where aquatic cover, basking sites, and deeper pools were present. No southern western pond turtle individuals were observed. Because pools of water within Lemon Creek are generally less than two feet deep, basking sites are limited, and steep sloped banks would constrict movement of turtles within the narrow channel, the Rincon Report concluded that habitat for southern western pond turtle is only marginally suitable. As such, impacts to southern western pond turtles are less than significant.

Page 5.3-12 of the Draft EIR prior to Special-Status Vegetation Communities heading will be modified as follows in the Final EIR.

Southern Western Pond Turtle. The southern western pond turtle has been documented within the nine-quad search area surrounding the project site. This species is an aquatic turtle that occurs in ponds, marshes, rivers, streams and irrigation ditches that typically support aquatic vegetation. It requires downed logs, rocks, mats of vegetation, or exposed banks for basking. Southern western pond turtles lay their eggs in nests that are dug along the banks of streams or other uplands in sandy, friable soils. Southern western pond turtles, especially those that reside in creeks, are also known to over-winter in upland habitats, or during the dry season when waterways dry. Upland movements can be quite extensive and individuals have been recorded nesting or overwintering hundreds of meters from aquatic habitats. The typical nesting season is usually from April through August; however variation exists, depending upon geographic location. Portions of Lemon Creek within the project site, as well as adjacent riparian area, are suitable habitat for the southern western pond turtle. Due to the steep sloped banks of Lemon Creek, suitable nesting sites and upland refuge are limited in adjacent riparian areas.

Text will be added on Page 5.3-28 of the Draft EIR after the third paragraph under the Special-Status Animal Species heading as follows in the Final EIR.

Southern Western Pond Turtle

During a presence/absence survey conducted to identify the presence of Southern Western Pond Turtle summarized in the Rincon Report (Appendix D1), flowing water was present within Lemon Creek throughout the survey reach. However, the average depth of surface flow throughout the survey reach was less than one foot. Several larger pools occur within Lemon Creek; all pools observed were less than two-feet deep and three-feet wide. The natural course of Lemon Creek has been altered and flows are conveyed through portions of channelization, rock rip-rap, and several culverts. Lemon Creek is a heavily incised creek with vegetation consisting of mixed native and non-native tree species, non-native grasses, and shrubs.

The Rincon Report indicates that no southern western pond turtle individuals were observed within the survey area of Lemon Creek. As described in the Rincon Report, although suitable habitat is present for southern western pond turtle, it is only marginally suitable because pools of water within Lemon Creek are generally less than two feet deep, basking sites are limited, and steep sloped banks would constrict movement of turtles within the narrow channel.

Given that no southern western pond turtles were observed in Lemon Creek, and that Lemon Creek provides only marginally suitable habitat, impacts to the southern western pond turtle are less than significant. Despite the absence of a significant impact to southern western pond turtle, the Applicant has agreed to conduct a pre-construction survey to determine the presence/absence of southern western pond turtles as a condition of approval unrelated to the findings of the EIR.

The revised text does not result in any new substantial environmental impacts, and do not constitute significant new information requiring recirculation pursuant to CEQA (Public Resources Code Section 21092.1) or the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

H9. This comment notes that the Draft EIR provides that native trees require the same mitigation planting ratio as non-native trees at a 1:1 ratio. CDFW's comment letter proposes a mitigation measure requiring that all native trees impacted by the proposed project be mitigated at a 3:1 ratio. This comment states that CDFW is concerned that native trees should not be replaced with non-native or invasive tree species, pointing in particular to the City's tree policy and ordinance which indicates that the non-native Peruvian pepper tree is a City-approved landscaping tree.

The Draft EIR identifies seven native trees species located within the grading limits of the project site: western sycamore, Fremont cottonwood, southern California black walnut, Coulter pine, white alder, valley oak, and coast live oak. Three of these tree species are considered "protected trees" in the Walnut City Code: southern California black walnut, valley, and coast live oak. Those trees will be replaced at a 3:1 ratio. The other four native tree species are not considered "protected trees," and as such, the replacement ratio for those trees is 1:1.

This comment further recommends a mitigation measure in the context of tree replacement that would prohibit the planting of any species contained in the CAL-IPC Invasive Plant Checklist. Because the Draft EIR concluded that the proposed project would not result in any significant impacts to tree species, no mitigation is required. Nonetheless, the proposed project will not include any species listed by Cal-IPC, particularly Peruvian pepper tree (Schinus molle). Further, only native trees will be planted within and adjacent to Lemon Creek.

Page 5.3-43 of the Draft EIR will be modified as follows in the Final EIR to clarify the native and non-native tree plantings.

One (1) Coast live oak, two (2) Valley oak and twenty-seven (27) native and non-native trees would be protected in place, for a total of thirty (30) trees. Five (5) Valley oak, one (1) California black walnut, and three hundred fifty-eight (358) native and non-native trees would be removed for a total of three hundred sixty-four (364) trees. Fifteen (15) Valley oak, three (3) California black walnut, and three hundred fifty eight (358) native and non-native trees would be planted for a total of three hundred seventy-six (376) trees. No species listed by Cal-IPC, particularly Peruvian pepper tree (Schinus molle), will be planted on-site. Further, only native trees will be planted within and adjacent to (within 500 feet) of Lemon Creek.

The revised text does not result in any new substantial environmental impacts, and do not constitute significant new information requiring recirculation pursuant to CEQA (Public Resources Code Section 21092.1) or the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

Regarding the recommendation to require the City to revise its tree policy and ordinance to remove any invasive species listed by CAL-IPC from the City's tree replacement list, this comment does not pertain to this particular project.

Regarding the recommendation that all open space preservation/mitigation land on the project site be protected with a conservation easement, owned or managed by a conservancy or other land management company, and subject to a management and monitoring plan and funding commitment, this comment incorrectly assumes that there the proposed project includes "mitigation lands." The project description includes the preservation of the following areas within the project site, none of which are "mitigation lands:"

- Lots D and H will be dedicated to the City of Walnut. These lots consist of the ungraded areas of Lemon Creek within the footprint of the jurisdictional area under the jurisdiction of the regulatory agencies. The conveyance to the City will include a deed restriction that will limit the uses on Lots D and H to trails, observation areas, interpretive signs and displays, native landscaping, habitat restoration, and other conservation and open space uses, subject to CDFW's approval, where required.

- Lots A, B, C, and F are smaller areas of natural open space that occur within private open space areas. These areas will be maintained by the Homeowner's Association.

- Lots E, G, and J will consist of manufactured open space areas created by project grading. Existing vegetation and trees within these lots also will be preserved and maintained by the HOA.

- With respect to landscape preservation easements within several individual residential lots, these areas are not, as described in this comment, "portions of privately owned lots as open space-habitat mitigation under CEQA." These recorded landscape preservation easements are not intended to offset any impacts to biological resources. They will be maintained by the HOA.

None of these areas are an element of any mitigation measure included in the Draft EIR. Nor do any of the proposed project's potential impacts to biological resources require the setting aside of mitigation lands to reduce impacts. Thus, no conservation easement, special ownership or management considerations, or management and monitoring plan for any "mitigation lands" is necessary for this proposed project. Likewise, because no impacts are identified that would require permeable wildlife fencing, as requested by the commenter, a mitigation measure requiring permeable fencing is not required.

H10. This comment states that the Draft EIR does not provide any specific impact information regarding stream crossings or culverts associated with the proposed project. As the Draft EIR explains, design plans for the proposed project have not yet been finalized, and thus, specific details as to any crossings or culverts for the proposed project remain speculative. Nevertheless, the Draft EIR is supported by the Habitat Assessment and the Delineation of State and Federal Jurisdictional Waters prepared by Michael Baker International, and those reports cover the potential for project elements to impact special-status species or jurisdictional areas because they evaluate the presence of such species and areas.

The Draft EIR further explains that the City anticipates the proposed project will require a Lake and Streambed Alteration Agreement from CDFW to authorize these project elements. The Applicant anticipates submitting a Section 1602 Notification to CDFW for a Streambed Alteration Agreement in connection with certain stream improvements based on probable locations of these improvements in light of the proposed project's Tentative Tract Map, included in the Draft EIR as Exhibit 3-3, which shows conceptual development relative to Lemon Creek. Impacts to areas subject to jurisdiction of the CDFW and other regulatory agencies is estimated to be approximately 0.006 acre. This total is derived from the three proposed locations (approximately 10 x 10 foot areas each) where stream improvements may be located. Engineering designs for these improvements have not yet been finalized, but they likely will include two culverts and one bridge roughly corresponding to those areas shown on the Tentative Tract Map.

In anticipation of final engineering designs and locations of these improvements, the City estimates that the installation of the stream improvements may result in impacts to 0.01 acres of Lemon Creek. At a mitigation ratio of 3:1, the City anticipates the Applicant would be required to enhance and restore portions of Lemon Creek on-site (totally 0.03 acre or approximately 36 x 36 square foot area) through the removal of invasive species and planting of the appropriate native species in replacement.

Although the City anticipates the Applicant will obtain a Streambed Alteration Agreement for these improvements, to ensure impacts resulting from these improvements remain at less than significant levels, Mitigation Measure BIO-2c will be included in the Final EIR.

Page 5.3-36 of the Draft EIR will be modified as follows in the Final EIR to include Mitigation Measure BIO-2c to ensure that streambed alteration impacts to Lemon Creek remain at less than significant levels.

BIO-2c	Impacts to Lemon Creek related to any stream improvements 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 CDFW pursuant to a Stream Alteration Agreement (SAA). 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.

The revised text does not result in any new substantial environmental impacts, and do not constitute significant new information requiring recirculation pursuant to CEQA (Public Resources Code Section 21092.1) or the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

This comment also states that project-related impacts to species must be disclosed during the public comment period in order to allow CDFW to comment on alternatives to avoid impacts and assess the significance of impacts.

The Draft EIR describes in detail the proposed project's potential impacts to species. For example, the Draft EIR identifies nine special-status plant species that have been recorded in the San Dimas and Baldwin Park quadrangles. Although the project site has a low potential to support San Bernardino aster (CNPS List 1B.2), the remaining special-status plant species are presumed absent from the project site. The Draft EIR discloses the presence of the California walnut, which is a special-status plant species, and evaluates in detail the proposed project's impacts to that species. The Draft EIR concludes that implementation of the proposed project would result in no impacts to the plant species, and a less than significant impact to the California walnut.

The Draft EIR also identifies twenty special-status wildlife species that have been recorded in the San Dimas and Baldwin Park quadrangles. As explained in the Habitat Assessment, based on habitat requirements for specific species, availability and quality of habitats needed by each special-status wildlife species, and habitat assessment results, it was determined that the project site has a high potential to support Cooper's hawk, merlin, hoary bat, and western yellow bat; a moderate potential to support arroyo chub; and a low potential to support pallid bat, coastal whiptail, western mastiff bat, yellow-breasted chat, pocketed free-tailed bat, big free-tailed bat, coast horned lizard, and bank swallow.

In addition to identifying these species in the San Dimas and Baldwin Park quadrangles, the Draft EIR Habitat Assessment (Appendix D) included a field survey to provide information on the existing conditions of the site and the potential for special-status biological resources to occur. The Draft EIR identification of special-status species is based on this literature review and field investigation, and both the Draft EIR and the Habitat Assessment were provided for public review. This information and the Draft EIR's analysis of potential impacts provide sufficient information for CDFW to comment on project alternatives.

CDFW recommends the use of bottomless culverts and span bridges to reduce impacts to Lemon Creek. However, impacts that would require bottomless culverts and span bridges were not identified. Therefore, CDFW's recommendation is not required to be incorporated as mitigation for the proposed project. Nonetheless, the recommendation will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

H11. The comment recommends that the DEIR contain language disallowing the use of rodenticides.

The Homeowners Association (HOA) Covenants, Conditions, and Restrictions (CC&Rs) will be required to address the prohibition of anti-coagulant rodenticides by residents and service contractors. In addition, the CC&Rs will be required to address resident education about alternate non-toxic forms of integrated pest management (i.e., barn owl box installations, electronic or traditional snap trapping, or other pest abatement techniques). These requirements are applicable to parcels containing single-family homes, as well as open space areas maintained by the HOA.

H12. The comment requests that any special-status species and natural communities detected during project surveys be reported to the California Natural Diversity Database.

Draft EIR Appendix D, Habitat Assessment, and Draft EIR Section 5.3, Biological Resources cite the use of the California Natural Diversity Database (CNDDB) to query reported locations of listed and other special-status plant and wildlife species and special-status natural plant communities, and to report their presence and impact significance. The biological consultant, Michael Baker International, is responsible for reporting any special status species and natural communities detected during project site surveys to the California Natural Diversity Database.

H13. The comment is informational in nature and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. As the comment does not raise an environmental issue, no further response is required.

H14. The comment is informational in nature and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. As the comment does not raise an environmental issue, no further response is required.

12.5 ERRATA FOR FINAL EIR

The text on the pages noted below of the Draft EIR (DEIR) will be revised in the Final EIR FEIR).

TABLE OF CONTENTS

DEIR page x will be revised under the Appendices heading as shown below in the FEIR.

A. Initial Study /Notice of Preparation

B. Notice of Preparation/Scoping Meeting Comments

C. Air Quality Assessment

D. Habitat Assessment

D1. Arroyo Chub and Southern Western Pond Turtle Survey

E. Delineation of State and Federal Jurisdictional Waters

F1. Tree Survey and Arborist Report, July 2017; Revised February 2020

F2. Tree Survey, October 2017

G. Cultural Resources Assessment

H. Historic Resources Assessment

I. Geotechnical Recommendations

J. Greenhouse Gas Assessment

K. Phase I Environmental Site Assessment

L. Standard Urban Stormwater Mitigation Plan

M. Hydrology and Hydraulics Report

N. Acoustical Assessment

O. Traffic Impact Analysis

P. Public Service and Utility Correspondence

Q. Structural Engineering Report, December 2019

SECTION 1.0 EXECUTIVE SUMMARY

The following mitigation measures will be added for Special Status Plant or Animal Species on DEIR page 1-16 as shown below in the FEIR.

BIO-2a A qualified avian biologist familiar with burrowing owl biology and survey methods shall conduct a pre-construction survey on the project site to determine presence/absence for this species no more than 30 days prior to construction activities during the non-breeding season and no more than 14 days prior to construction during the breeding season (February 1 to August 31 with some variance by geographic location and climatic conditions). The biologist shall confirm whether the owls are occupying the site and whether they are actively nesting. If any burrowing owl or sign of an occupied burrow is observed, the Applicant and the City of Walnut shall be informed as soon as possible (and within 48 hours). If access to areas with suitable habitat is restricted, the biologist shall visually survey with a spotting scope, binoculars, or other visual techniques.

If an occupied burrow is identified, the qualified biologist shall immediately implement a minimum 200 meter (656 foot) buffer. Then an appropriate burrow-specific buffer shall be recommended by the qualified biologist based on the circumstances (e.g., owl tolerance and construction activity level) and as explained by the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or more recent), which shall be implemented by the Applicant.

BIO-2b A qualified biologist shall conduct a pre-construction survey on the project site to determine presence/absence for bats. The qualified biologist shall conduct the survey between late May and mid-July, the recognized maternity season for most bats in southern California. If any special-status bat species are determined to be roosting on-site, bat boxes of a size and design suitable for the estimated number of bats on-site shall be installed, under the supervision of a qualified bat biologist, in the outer perimeter of the project site, as close as feasible to adjacent undeveloped land, and a suitable height and solar aspect. Further, if any maternity sites are identified on site, CDFW will be notified immediately. In addition to any other direction by CDFW, no site disturbance shall occur within 300 feet of the occupied roost until it is determined that the maternity roost(s) is no longer active. Additional bat boxes designed to serve as maternity roosts shall be placed as directed by the qualified bat biologist and CDFW. The recommendations shall be reported to the City of Walnut and implemented by the Applicant.

The following mitigation measure will be added for Jurisdictional Waters before Mitigation Measure BIO-3 on DEIR page 1-16 as shown below in the FEIR.

BIO-2c Impacts to Lemon Creek related to any stream improvements 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 CDFW pursuant to a Stream Alteration Agreement (SAA). 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.

DEIR page 1-33 will be revised as shown below in the FEIR.

~~FP-9 Concurrent with the issuance of building permits, the Project Applicant or designee shall participate in the Developer Fee Program to the satisfaction of the Los Angeles County Fire Department and/or City of Walnut.~~

SECTION 3.0 PROJECT DESCRIPTION

DEIR Page 1-2 (Executive Summary) and Page 3-14 will be revised as shown below in the FEIR.

3. Takes advantage of the site's RPD ~~PRD~~ zoning to establish and maintain permanent open space areas.

Exhibit 3-3, Tentative Tract Map will be revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

A new exhibit will be added to the FEIR as Exhibit 3-4, Conceptual Illustrative Plan.

Exhibit 3-4, Proposed Open Space, will be renumbered as Exhibit 3-5 and revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

A new exhibit will be added to the FEIR as Exhibit 3-6, Conceptual Trails Plan.

Exhibit 3-5, Tree Preservation/Replacement Plan, will be renumbered as Exhibit 3-7 and revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

Exhibit 3-6, Walls and Fences, will be renumbered as Exhibit 3-8 and revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

Exhibit 3-7, Off-Site Public Streets, will be renumbered as Exhibit 3-9 and revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

Exhibit 3-8, On-Site Public and Private Streets, will be renumbered as Exhibit 3-10 and revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

Exhibit 3-9, Public Street Cross-Sections, will be renumbered as Exhibit 3-11 and revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

Exhibit 3-10, On-Site Street Cross Sections, will be renumbered as Exhibit 3-12 and revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

DEIR Table 1-1 on Page 1-2 (Executive Summary) and Table 3-1 on Page 3-15 will be revised as shown below in the FEIR.

Table 3-1
Project Land Use Summary

Use	Acres	Unit	Residential Density
Single-Family Residential	11.46 ~~12.69~~	28 Lots/ 28 Dwelling Units	1.08 DU/AC
Open Space	10.84 9.55	11 ~~10~~ Lots	--
Private Streets (Street B)	2.15 ~~2.21~~	--	--
Public Streets (San Vicente Drive and A Street)	1.39	--	--
Total	25.84	28 Lots/ 28 Dwelling Units 11 ~~10~~ Open Space Lots	1.08 DU/AC
DU=dwelling unit; AC = acres			

DEIR Table 1-2 on Page 1-3 (Executive Summary) and Table 3-2 on Page 3-19 will be revised as shown below in the FEIR. Tables 1-2 and 3-2 will be revised to reflect updated lot area and flat pad area for many of the lots, based upon revisions to the Tentative Tract Map in February 2020.

Table 3-2
Lot and Pad Sizes

~~Lot Number~~	~~Lot Area (SF)~~	~~Flat Pad Area (SF)~~		~~Lot Number~~	~~Lot Area (SF)~~	~~Flat Pad Area (SF)~~
~~1~~	~~27,291~~	~~11,318~~		~~15~~	~~19,788~~	~~16,178~~
~~2~~	~~21,513~~	~~12,625~~		~~16~~	~~17,633~~	~~17,194~~
~~3~~	~~22,803~~	~~20,035~~		~~17~~	~~14,955~~	~~11,449~~
~~4~~	~~75,773~~	~~64,066~~		~~18~~	~~14,904~~	~~14,904~~
~~5~~	~~16,841~~	~~16,841~~		~~19~~	~~16,325~~	~~15,902~~
~~6~~	~~19,758~~	~~18,154~~		~~20~~	~~17,384~~	~~13,438~~
~~7~~	~~21,728~~	~~18,469~~		~~21~~	~~16,618~~	~~11,498~~
~~8~~	~~17,616~~	~~15,105~~		~~22~~	~~15,907~~	~~12,837~~
~~9~~	~~15,243~~	~~13,876~~		~~23~~	~~15,772~~	~~13,457~~
~~10~~	~~16,291~~	~~12,257~~		~~24~~	~~20,386~~	~~15,145~~
~~11~~	~~17,830~~	~~13,823~~		~~25~~	~~14,997~~	~~14,497~~
~~12~~	~~15,032~~	~~14,599~~		~~26~~	~~14,969~~	~~14,517~~
~~13~~	~~15,080~~	~~14,597~~		~~27~~	~~15,705~~	~~14,889~~
~~14~~	~~15,268~~	~~12,629~~		~~28~~	~~15,706~~	~~15,706~~
~~Source: Michael Baker International (October 2017)~~						
~~SF = square feet~~						

Lot Number	Lot Area (SF)	Flat Pad Area (SF)		Lot Number	Lot Area (SF)	Flat Pad Area (SF)
1	24,693	11,318		15	19,900	16,500
2	21,466	12,568		16	17,550	16,100
3	21,429	18,660		17	14,955	11,449
4	32,900	22,640		18	14,904	14,904
5	16,510	16,510		19	16,325	15,902
6	19,758	18,262		20	17,384	13,438
7	21,728	18,466		21	16,618	11,498
8	17,616	15,000		22	15,907	12,837
9	15,243	15,243		23	15,772	13,457
10	15,975	12,040		24	20,386	15,145
11	16,336	10,500		25	14,997	14,497
12	14,476	12,130		26	14,969	14,517
13	15,100	12,100		27	15,705	14,889
14	15,100	12,240		28	15,706	15,706
Source: Michael Baker International (February 2020)						
SF = square feet						

DEIR Page 1-3 (Executive Summary) and Page 3-19 under the Open Space heading will be revised as shown below in the FEIR.

A total of eleven (11) ~~ten (10)~~ open space lots (Lots A through ~~J~~ K) will be created with the intention of maintaining natural open space and Lemon Creek, and the existing equestrian trail that traverses the site. Lot D (1.03 ~~0.81~~ acres) and Lot H (5.51 ~~5.58~~ acres) are proposed to be dedicated to the City of Walnut. Refer to *Table 3-3, Open Space Lots*, and *Exhibit 3-~~4~~5*, *Proposed Open Space*.

Table 3-3, Open Space Lots, will be added to DEIR EIR page 3-19 following the first paragraph under the Open Space heading in the FEIR.

Table 3-3
Open Space Lots

Lot Number	Lot Area (SF)	Lot Area (AC)
A	361	0.01
B	26,670	0.61
C	2,863	0.06
D	45,050	1.03
E	9,950	0.23
F	52,382	1.21
G	39,314	0.90
H	240,016	5.51
I	9,668	0.22
J	5,618	0.13
K	40,470	0.93
TOTAL	472,362	10.84
Source: Michael Baker International (February 2020)		
SF = square feet; AC = acres		

The second and third paragraphs under the Natural Open Space heading on DEIR Page 1-3 (Executive Summary) and Page 3-19 will be revised as shown below in the FEIR.

> Areas of natural open space that occur within private open space lots, which includes Lot A (0.01 acres), Lot B (0.61 ~~0.55~~ acres), Lot C (1.03 ~~0.09~~ acres), and Lot F (1.12 acres). These private open space lots will be placed within an open space easement maintained by the Homeowners Association and delineated to: 1) limit the homeowner from disturbing the creek edge and 2) provide for maintenance.
>
> Existing vegetation and trees within Lots A, B, C, and F will be preserved and maintained by the Homeowners Association (HOA). Any non-native trees that die or require removal will be replaced at a 1:1 ratio with native trees, while native trees will be replaced at a 3:1 ratio.

The first paragraph, second sentence under the Manufactured Open Space heading on DEIR Page 1-4 (Executive Summary) and Page 3-20 will be revised as shown below in the FEIR.

> Manufactured open space consists of graded slopes within the project area, Bioretention areas, and landscaped lots associated with streetscape and signage. These are included in Lots E, G, I, and J.

The third paragraph, second sentence under the Manufactured Open Space heading on DEIR Page 3-20 will be revised as shown below in the FEIR.

> Existing vegetation and trees within Lots E, G, I, and J will be preserved and maintained by the Homeowners Association (HOA). Any non-native trees that die or require removal will be replaced at a 1:1 ratio with native trees, while native trees will be replaced at a 3:1 ratio.

New text will be added before the Trails heading on DEIR Page 1-4 (Executive Summary) and Page 3-20 as shown below in the FEIR.

> **Park**
>
> A 0.93-acre public park will be created on Lot K. The park will include public parking and passive park amenities. The existing Main Barn will be demolished and reconstructed with a similar or slightly smaller building footprint. Access to the park will be from Street A. Paths within the park start originate from Street A and extend in front of the reconstructed Main Barn then connect to other open space lots (Lots C, D, E, G, and H) providing access to the trails throughout the site. Specific amenities within the park have not been determined, but will be at a later date when the park undergoes final design.

Existing oak, walnut, or other California native trees will be preserved to the maximum extent feasible. Any non-native trees that die or require removal will be replaced at a 1:1 ratio with native trees, while native trees will be replaced at a 3:1 ratio.

The first paragraph under the Trails heading on DEIR Page 1-4 (Executive Summary) and Page 3-20 will be revised as shown below in the FEIR.

The project proposes the retention of existing off-site and on-site equestrian trails adjacent to or within Lots C D, E, G, and H. Refer to *Exhibit 3-6, Conceptual Trails Plan*.

The Tree Preservation/Replacement Plan on DEIR Page 1-5 (Executive Summary) and Page 3-21 will be revised as shown below in the FEIR. In addition, the revised text will also be revised in Section 5.3, Biological Resources on DEIR page 5.3-25 under the Project Features heading and on page 5.3-46 under the Project Feature: Tree Preservation/Replacement Plan heading.

The Applicant has prepared a Tree Preservation/Replacement Plan (refer to *Exhibit 3-7 ~~3-5~~*). The Plan identifies native and non-native trees to be preserved in place and the quantity and type of replacement native and non-native trees. The Plan includes the following:

1. Protect in place two (2) Valley Oak trees.
2. Protect in place one (1) Coast Live Oak tree.
3. Protect in place three (3) Western Sycamore trees.
4. Protect in place one (1) Freemont Cottonwood tree.
5~~3~~. Protect in place twenty-five (25) ~~twenty-four (24)~~ non-native trees.
6~~4~~. Replace five (5) Valley Oak trees at a ratio of 3:1 for a total of fifteen (15) trees. Mitigation oak trees shall be a combination of 36-inch and 48-inch box trees.
7~~5~~. Replace one (1) California Black Walnut tree at a ratio of 3:1 for a total of three (3) trees. Mitigation walnut trees shall be 48-inch box trees.
8. Replace thirty (30) California native trees (Western Sycamore, Fremont Cottonwood, Coulter Pine, White Alder) at a ratio of 3:1 with native trees for a total of ninety (90) trees.
9~~6~~. Replace four hundred ten (410) ~~three hundred fifty-eight (358)~~ non-native trees at a ratio of 1:1 ratio with native trees for a total of four hundred ten (410) ~~three hundred fifty-eight (358)~~ trees.
10~~7~~. Trees box sizes of 36-inch or larger require inspection and approval by the City prior to installation.
11~~8~~. Trees to be planted within the City-dedicated open space lots require plan review and approval by the City prior to installation.
12~~9~~. All replacement trees will be selected from the City Parkway or Los Angeles County Landscaping and Lighting Act Districts (LLAD) Special Districts approval list, and will be planted and maintained in accordance with applicable City or County standards.
13~~10~~. Prior to the first building permit, the Homeowners Association (HOA)-maintained

landscape areas and trees will be replaced or planted.

14~~11~~. Prior to a certificate of occupancy, private property-maintained landscaped areas will be planted.

15~~12~~. Complete a mandatory two-year post-construction monitoring period. Post-construction monitoring shall include status reports of all native (oak or walnut) trees preserved in place or removed and replaced, as well as all four hundred ten (410) ~~358~~ replacement trees.

16~~13~~. Monitoring reports shall be submitted at the rate of one report every three months for a total of eight reports. Post-construction monitoring shall begin after the final construction approval.

DEIR Exhibit 3-5, Tree Preservation/Replacement Plan, Note 1 will be revised as shown below in the FEIR. The revised Exhibit 3-5, renumbered as Exhibit 3-7, previously noted, is provided later in this section.

1. ALL REPLACEMENT TREES SHALL BE CALIFORNIA NATIVES NOT CURRENTLY ON THE CALIFORNIA NATIVE INVASIVE PLANT COUNCIL WATCH OR INVASIVE SPECIFIC LISTS AND SELECTED FROM CITY PARKWAY APPROVAL LIST OR LOSMD AND MEDIAN APPROVAL LIST AND BE PLANTED AND MAINTAINED IN ACCORDANCE WITH APPLICABLE CITY STANDARDS.

The first paragraph under the Solid Masonry Homeowner Walls Trails heading on DEIR Page 1-4 (Executive Summary) and Page 3-29 will be revised as shown below in the FEIR.

Six (6)-foot solid masonry walls will be installed between residential lots. In addition, for Lot 8 through Lot 10~~8~~, the walls will be installed on the rear property line. For Lot 8 and Lot 10, walls will also be installed on the outer property line. For Lot 17, a wall will be installed along a portion of the front property line.

SECTION 5.1 AESTHETICS

The following DEIR exhibits will be revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

Exhibit 5.1-2 View Simulation Key Map
Exhibit 5.1-3 View A Key Map
Exhibit 5.1-5 View B Key Map
Exhibit 5.1-7 View C Key Map
Exhibit 5.1-9 View D1 Key Map
Exhibit 5.1-11 View D2 Key Map
Exhibit 5.1-13 View E Key Map
Exhibit 5.1-15 View F Key Map
Exhibit 5.1-17 View G Key Map

DEIR Exhibit 5.1-4, View A Simulations, will be revised in the FEIR to reflect the replanting of trees removed by the proposed project with native trees per Note 1 on the Exhibit 3-7, Tree Preservation/Replacement Plan. The revised Exhibit 5.1-4 is provided later in this section.

DEIR Exhibit 5.1-16, View F Simulations, incorrectly showed View E Simulations. Exhibit 5.1-16 will be revised in the FEIR to show View F simulations. The revised Exhibit 5.1-16 is provided later in this section.

DEIR Page 5.1-19, fourth paragraph, will be revised as shown below in the FEIR.

The intent for the view simulations was to match existing on-site tree species or replace with California natives selected from either: 1) the City Parkway approval list or 2) the LOSMD and median approval list. Proposed trees species are noted below:

- Street trees along public Street A and private street B: Mexican Sycamore (*Platanus Mexicana*)
- Trees between houses: Tipu tree (*Tipuana tipu*)
- Trees along San Vincente Road: ~~Brazilian Pepper tree (*Schinus mole*)~~ Fern Pine (*Podocarpus gracillior* or weeping podocarpus)
- Oaks and Walnut: locations specified on Tree Preservation/Replacement Plan

DEIR Page 5.1-20, second paragraph, last sentence under the subheading View A: San Vicente Road will be revised as shown in the FEIR.

Proposed Conditions: Day 1 of Project Completion: With implementation of the proposed project, the views from San Vicente Road would be altered to show single-family residences; refer to *Exhibit 5.1-4*. This condition assumes new planting of ~~Brazilian Pepper~~ Fern Pine trees for street trees, as well as Tipu trees between lots and in other locations noted below.

DEIR Page 5.1-37, second paragraph, last sentence under the subheading View D1: Colt Lane/Palomino Circle Lane will be revised as shown in the FEIR.

Proposed Conditions: Day 1 of Project Completion: The project site is situated at a lower elevation than the single-family homes located on or near Colt Lane and Palomino Circle. The proposed project includes Open Space Lot B north of Lots 8 to 11 along the northern project boundary (Meadow Pass Road). Existing trees and vegetation would remain in place. In addition, the Tree Preservation/Replacement Plan includes the planting of replacement trees north of Lots 1 and 2 extending west to Open Space Lot B. This condition assumes new planting of ~~Tipu~~ Crape Myrtle (*Lagerstroemia indica*) trees at the project entrance.

SECTION 5.3 BIOLOGICAL RESOURCES

The introductory text on DEIR Page 5.3-1 will be revised as shown below in the FEIR.

This section identifies potential impacts to existing biological resources within and around the project site and to assess the significance of such resources. Information in this section is based on information and conclusions contained in the following plans or studies:

- Michael Baker International, *The Brookside Tentative Tract 72798, City of Walnut, California, Habitat Assessment*, dated June 2017 (included in its entirety as Appendix D~~E~~).
- Rincon Consultants, Inc., *Results of the Arroyo Chub Presence/Absence Survey and Opportunistic Survey for Southern Western Pond Turtle for the Brookside Housing Project, City of Walnut, California*, dated December 10, 2018, (included in its entirely as Appendix D1)
- Michael Baker International, *The Brookside Tentative Tract 72798, City of Walnut, California, Delineation of State and Federal Jurisdictional Waters*, dated June 2017 (included in its entirety as Appendix E~~F~~).
- Golden State Land & Tree Assessment and Michael Baker International, *Tree Survey and Arborist Report, The Brookside Development Tentative Tract No. 72798. City of Walnut*, original dated July 7, 2017 with complete revision dated February 20, 2020 (included in its entirety as Appendix F1~~G1~~).
- Michael Baker International, *Tree Survey for the Brookside Tentative Tract No. 72798 in the City of Walnut, California*, dated October 23, 2017 (included in its entirety as Appendix F2~~G2~~).

All references to Technical Appendices in Section 5.3 will be revised as shown below in the FEIR.

Appendix D ~~E~~

Appendix E ~~F~~

Appendix F1 ~~G1~~

Appendix F2 ~~G2~~

The following DEIR exhibits will be revised in the FEIR to reflect revisions to the Tentative Tract in February 2020:

Exhibit 5.3-2, Tagged Trees and Bushes
Exhibit 5.3-3, Tree Inventory Summary
Exhibit 5.3-5, Preserved Trees
Exhibit 5.3-6, Preserved and Removed Native Trees

DEIR Page 5.3-9 under the Reptiles heading will be revised by adding the following paragraph after the first paragraph in the FEIR:

> While not identified in the query of the CDFW CNDDB previously described under the Literature Review, and not observed during the habitat assessment, CDFW identified the southern western pond turtle (*Actinemys marmorata pallida*) as a species of special concern in its July 26, 2018 comment letter on the Draft EIR.

DEIR Page 5.3-9 under the Avian heading will be revised by adding the following paragraph after the first paragraph in the FEIR:

> While not identified in the query of the CDFW CNDDB previously described under the Literature Review, and not observed during the habitat assessment, CDFW identified the western burrowing owl (*Athene cunicularia*) as a species of special concern in its July 26, 2018 comment letter on the Draft EIR. CDFW reports that the western burrowing owl has been documented within the nine-quad search area surrounding the project site.

DEIR Page 5.3-11 (last paragraph under Special-Status Wildlife heading) will be revised as shown below in the FEIR.

> Of the twenty (20) special-status wildlife species, five are Federally- and/or State-listed: western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), arroyo chub, coastal California gnatcatcher (*Polioptila californica californica*), bank swallow, and least Bell's vireo (*Vireo bellii pusillus*). Arroyo chub is State-threatened within its native range, which includes the project site, ~~but only has a moderate potential to occur within Lemon Creek on the project site;~~. As will be discussed below, however, a protocol-level presence/absence survey for arroyo chub concluded that no individuals of arroyo chub were present on the project site. Two (2) of the five (5) listed species, western yellow-billed cuckoo and coastal California gnatcatcher, are presumed absent due to lack of suitable habitat. Bank swallow has a low potential to occur, primarily as a foraging species along the riparian sections; there is little, if any, suitable nesting habitat within the project site for these species.

DEIR Page 5.3-12 (prior to Special-Status Vegetation Communities heading) will be revised as shown below in the FEIR.

> As previously noted, CDFW identified the southern western pond turtle (Actinemys marmorata pallida) as a species of special concern in its July 26, 2018 comment letter on the Draft EIR. Information regarding the southern western pond turtle is provided below.

Arroyo Chub. An arroyo chub presence/absence survey was completed in December 2018. Arroyo chubs are physiologically adapted to survive in habitats with low oxygen concentrations and wide temperature fluctuations, conditions common in southern coastal streams. They are found in habitats characterized by slow-moving water, mud or sand substrate, and depths greater than 40 cm (Wells and Diana 1975). However, they have also been found in pool habitats with gravel, cobble and boulder substrates (Feeney and Swift 2008). Arroyo chub has not been documented within the project site. They are most common in streams with gradients of less than 2.5% slope (Feeney and Swift 2008), where water temperatures range from 10 to 28 ºC (J. O'Brien, CDFW, unpublished data). Most spawning occurs in habitats with low velocity, such as pools or edge waters, at temperatures of 14- 22 ºC. They are most abundant in low gradient pools and flat-water habitats with gravel and sand substrate that support at least some aquatic/emergent vegetation (J. O'Brien, CDFW, unpublished data, 2009). Juveniles spend their first 3-4 months in the water column, usually in habitats with still water and vegetation or other submerged cover (Tres 1992). Arroyo chubs spawn primarily in June and July, but can breed more or less continuously from February through August, as the eggs of females ripen in small batches (Tres 1992). Arroyo chubs are true omnivores that feed on algae, insects, and small crustaceans, but they prefer to feed on algae.

Southern Western Pond Turtle. The southern western pond turtle has been documented within the nine-quad search area surrounding the project site. This species is an aquatic turtle that occurs in ponds, marshes, rivers, streams and irrigation ditches that typically support aquatic vegetation. It requires downed logs, rocks, mats of vegetation, or exposed banks for basking. Southern western pond turtles lay their eggs in nests that are dug along the banks of streams or other uplands in sandy, friable soils. Southern western pond turtles, especially those that reside in creeks, are also known to over-winter in upland habitats, or during the dry season when waterways dry. Upland movements can be quite extensive and individuals have been recorded nesting or overwintering hundreds of meters from aquatic habitats. The typical nesting season is usually from April through August; however variation exists, depending upon geographic location. Portions of Lemon Creek within the project site, as well as adjacent riparian area, are suitable habitat for the southern western pond turtle. Due to the steep sloped banks of Lemon Creek, suitable nesting sites and upland refuge are limited in adjacent riparian areas.

DEIR Page 5.3-15 will be revised as shown below in the FEIR by adding a fourth paragraph under the Survey Method and Health Assessment heading:

Adjustments were made to site design by the Applicant necessitating a review of the on-site tree inventory. In October 2019, Michael Baker International staff completed a limited survey documenting the location and species of all trees within the revised site design area. On February 12, 2020, the trees within the revised site design area were formally assessed by George Wirtes, Stephen Anderson, and Anisha Malika (restoration ecologist). The data is integrated into the February 20, 2020 revision to the Tree Survey and Arborist Report, inclusive of the survey data in Appendix B of the report. As part of the survey, all bushes and trees counted in the tree inventory were tagged and assessed; however, several specimens were included that were marginal in stature with a large shrub-like stature.

DEIR Page 5.3-17 (first paragraph under Tree Survey Environmental Setting heading) will be revised as shown below in the FEIR.

During the site survey, specific measurements and parameters of all trees on-site with the proposed limits of grading were recorded on tree assessment worksheets; the data have been transferred into the table in Appendix F1, Appendices A (2016 survey) and B (2020 survey). In total, five hundred four (504) ~~four hundred fifty-four (454)~~ ornamental or native trees consisting of fifty-two (52) ~~forty-four (44)~~ distinct species were found within the project impact area. The fifty-two (52) ~~forty-four (44)~~ distinct species include seven (7) native and forty-five (45) ~~thirty-seven (37)~~ non-native species. Refer to *Exhibit 5.3-2*, *Tagged Trees and Bushes*. The species observed are displayed in Appendix F~~G~~1 Figure 2 and summarized in Appendix F~~G~~1 Appendix A ~~Table 1~~.

DEIR Page 5.3-17 (third and fourth paragraphs under Tree Survey Environmental Setting heading) will be revised as shown below in the FEIR.

A separate site survey was conducted on October 17, 2017 to document trees outside the proposed limits of grading. The majority of trees counted during the October 2017 survey were located within the riparian zone of Lemon Creek, which runs through the project site. The area outside the limits of grading was revised by the Applicant in February 2020, resulting in more area within the limits of grading area. The tree survey focused on documenting Black Walnut (Juglans nigra), Valley Oak (Quercus lobata), and Coast Live Oak (Quercus agrifolia) species. In all, based upon the February 2020 revised Tentative Tract Map, 1,372 ~~1,423~~ trees were counted outside the proposed limits of grading. A total of ninety-one (91) Black Walnut (Juglans nigra) trees and five (5) Valley Oak (Quercus lobata) or Coast Live Oak (Quercus agrifolia) trees were documented.

In total, the project site includes 1,876 ~~1,877~~ trees within and outside the proposed limits of grading (refer to *Exhibit 5.3-3*, *Tree Inventory Summary*). Of this total, there are 92 Black Walnut (Juglans nigra) trees and 13 ~~14~~ Valley Oak (Quercus lobata) or Coast Live Oak (Quercus agrifolia) trees within and outside the limits of grading on the project site.

DEIR Page 5.3-23 (first paragraph under Native Trees Observed heading) will be revised as shown below in the FEIR.

Within the grading limits of the proposed project, forty-three (43~~40~~)native trees were identified. The native tree species include the Western sycamore, Fremont cottonwood, California black walnut, Coulter pine, White alder, Valley oak, and Coast live oak. Appendix F~~G~~1 Appendices A and B ~~Table 2~~ identifies the tag number, status, and proposed mitigation for removal. *Exhibit 5.3-5*, *Preserved and Removed Native Trees*, provided later in this section, shows the precise location of each tree.

DEIR Page 5.3-24 (bullet points in the second paragraph under the Heritage Oak/Walnut Trees will be revised as shown below in the FEIR:

- one (1) southern California black walnut (Tag #249),
- one (1) coast live oak (Tag #433), and
- seven (7) valley oaks (Tag #342, #363, #371, #374, #378, #389, and #394)

DEIR Pages 5.3-25 and 5.3-26 under the Tree Preservation/Replacement Plan will be revised as shown below in the FEIR:

The Applicant has prepared a Tree Preservation/Replacement Plan (refer to *Exhibit 3-7 ~~3-5~~*). The Plan identifies native and non-native trees to be preserved in place and the quantity and type of replacement native and non-native trees. The Plan includes the following:

1. Protect in place two (2) Valley Oak trees.
2. Protect in place one (1) Coast Live Oak tree.
3. Protect in place three (3) Western Sycamore trees.
4. Protect in place one (1) Freemont Cottonwood tree.
5~~3~~. Protect in place twenty-five (25) ~~twenty-four (24)~~ non-native trees.
6~~4~~. Replace five (5) Valley Oak trees at a ratio of 3:1 for a total of fifteen (15) trees. Mitigation oak trees shall be a combination of 36-inch and 48-inch box trees.
7~~5~~. Replace one (1) California Black Walnut tree at a ratio of 3:1 for a total of three (3) trees. Mitigation walnut trees shall be 48-inch box trees.
8. Replace thirty (30) California native trees (Western Sycamore, Fremont Cottonwood, Coulter Pine, White Alder) at a ratio of 3:1 with native trees for a total of ninety (90) trees.
9~~6~~. Replace four hundred ten (410) ~~three hundred fifty-eight (358)~~ non-native trees at a ratio of 1:1 ratio with native trees for a total of four hundred ten (410) ~~three hundred fifty-eight (358)~~ trees.
10~~7~~. Trees box sizes of 36-inch or larger require inspection and approval by the City prior to installation.
11~~8~~. Trees to be planted within the City-dedicated open space lots require plan review and approval by the City prior to installation.
12~~9~~. All replacement trees will be selected from the City Parkway or Los Angeles County Landscaping and Lighting Act Districts (LLAD) Special Districts approval list, and will be planted and maintained in accordance with applicable City or County standards.
13~~10~~. Prior to the first building permit, the Homeowners Association (HOA)-maintained landscape areas and trees will be replaced or planted.
14~~11~~. Prior to a certificate of occupancy, private property-maintained landscaped areas will be planted.
15~~12~~. Complete a mandatory two-year post-construction monitoring period. Post-construction monitoring shall include status reports of all native (oak or walnut) trees preserved in place or removed and replaced, as well as all four hundred ten (410) ~~358~~ replacement trees.

16~~13~~. Monitoring reports shall be submitted at the rate of one report every three months for a total of eight reports. Post-construction monitoring shall begin after the final construction approval.

DEIR Page 5.3-28 (third paragraph under Special-Status Animal Species heading) will be revised as shown below in the FEIR.

Arroyo chub is State-threatened within its native range, which includes the project site, but only has a moderate potential to occur within Lemon Creek on the project site (see paragraph below regarding results of presence/absence survey). Two (2) of the five (5) listed species, western yellow-billed cuckoo and coastal California gnatcatcher, are presumed absent due to lack of suitable habitat. Bank swallow has a low potential to occur, primarily as a foraging species along the riparian sections; there is little, if any, suitable nesting habitat within the project site for these species.

DEIR Page 5.3-28 (following the third paragraph and before the fourth paragraph under Special-Status Animal Species heading) will be revised as shown below in the FEIR.

As previously noted, CDFW identified the southern western pond turtle (Actinemys marmorata pallida) as a species of special concern in its July 26, 2018 comment letter on the Draft EIR. Information regarding the southern western pond turtle is provided below.

Arroyo Chub

The presence/absence survey for arroyo chub was conducted prior to the rain event that commenced in the afternoon on November 28, 2018, and resulted in approximately 1.4 inches of precipitation. No arroyo chub were observed during the presence/absence survey. In addition, no southern western pond turtle individuals were observed.

Flowing water was present within Lemon Creek throughout the survey reach. However, the average depth of surface flow throughout the survey reach was less than one foot. Several larger pools occur within Lemon Creek; all pools observed were less than two feet deep and 3 feet wide. The natural course of Lemon Creek has been altered and flows are conveyed through portions of channelization, rock rip-rap, and several culverts. Lemon Creek is a heavily incised creek with vegetation consisting of mixed native and non-native tree species, non-native grasses, and shrubs.

Approximately 80 fathead minnow (*Pimephales promelas*), 30 red swamp crayfish (*Procambarus clarkii*), and 2 mosquitofish (*Gambusia affinis*) were captured in seine hauls throughout the survey reach. Although suitable habitat is present for southern western pond turtle, it is marginal. Pools of water within the survey reach were generally less than two feet deep, basking sites were limited, and steep sloped banks would constrict movement of turtles within the narrow channel.

The presence/absence survey conducted on November 27, 2018 confirmed the absence

of arroyo chub within the portion of Lemon Creek that occurs within the project site. Additionally, based on the opportunistic survey, no southern western pond turtles were observed. In addition, the survey confirmed the presence of several non-native fish species, some of which are predators of arroyo chub (i.e. red swamp crayfish).

Southern Western Pond Turtle

During a presence/absence survey conducted to identify the presence of Southern Western Pond Turtle summarized in the Rincon Report (Appendix D1), flowing water was present within Lemon Creek throughout the survey reach. However, the average depth of surface flow throughout the survey reach was less than one foot. Several larger pools occur within Lemon Creek; all pools observed were less than two-feet deep and three-feet wide. The natural course of Lemon Creek has been altered and flows are conveyed through portions of channelization, rock rip-rap, and several culverts. Lemon Creek is a heavily incised creek with vegetation consisting of mixed native and non-native tree species, non-native grasses, and shrubs.

The Rincon Report indicates that no southern western pond turtle individuals were observed within the survey area of Lemon Creek. As described in the Rincon Report, although suitable habitat is present for southern western pond turtle, it is only marginally suitable because pools of water within Lemon Creek are generally less than two feet deep, basking sites are limited, and steep sloped banks would constrict movement of turtles within the narrow channel.

Given that no southern western pond turtles were observed in Lemon Creek, and that Lemon Creek provides only marginally suitable habitat, impacts to the southern western pond turtle are less than significant. Despite the absence of a significant impact to southern western pond turtle, the Applicant has agreed to conduct a pre-construction survey to determine the presence/absence of southern western pond turtles as a condition of approval unrelated to the findings of the EIR.

DEIR Page 5.3-29 of the Draft EIR (first paragraph under Nesting Birds heading) will be revised as shown below in the FEIR.

On-site plant communities provide suitable foraging and cover habitat for year-round/seasonal avian residents, including the western burrowing owl, migrating songbirds, and raptors that occur in the area. Vegetation within and adjacent to the project site has the potential to provide suitable nesting opportunities for a number of avian species, in particular amongst the large number of trees on-site.

DEIR Page 5.3-29 of the Draft EIR (third paragraph under Nesting Birds heading) will be revised as shown below in the FEIR.

> Thus, prior to any vegetation removal, construction, or development, the Applicant shall be required to implement Mitigation Measure BIO-2 and Mitigation Measure BIO-2a. With implementation of Mitigation Measures BIO-2 and BIO-2a, less than significant impacts to nesting birds and western burrowing owls, respectively, would occur.

DEIR Page 5.3-29 of the Draft EIR will be revised as shown below in the FEIR. The text will be added prior to the Level of Significance Before Mitigation heading.

> **Bats**
>
> Although no focused bat surveys were conducted on the project site, it is reasonable to assume that some bats are present, as the project site contains mature trees, boarded structures, and riparian habitat with perennial water associated with Lemon Creek. One or more bat species may be utilizing the on-site habitats for daytime roosting, resting between bouts of nighttime feeding, and possibly rearing young. Implementation of the proposed project would permanently remove bat habitat, and all bat species using those areas would be displaced.
>
> If bats are present, the loss of roosting habitat would be a potentially significant impact. Mitigation Measure BIO-2b (requiring pre-construction surveys and implementation of bat boxes) would reduce impacts to bats to less than significant. The loss of on-site vegetation would be considered less than significant impact to bat feeding, because bats generally fly large to very large distances to forage during the night, and many bat species occurring in the area prefer feeding over water.

DEIR Page 5.3-29 under the Level of Significance Before Mitigation heading will be revised as shown below in the FEIR.

> Potentially Significant Impact to nesting birds, burrowing owls, and bats.

DEIR Page 5.3-30 will be revised as shown below in the FEIR.

BIO-2a A qualified avian biologist familiar with burrowing owl biology and survey methods shall conduct a pre-construction survey on the project site to determine presence/absence for this species no more than 30 days prior to construction activities during the non-breeding season and no more than 14 days prior to construction during the breeding season (February 1 to August 31 with some variance by geographic location and climatic conditions). The biologist shall confirm whether the owls are occupying the site and whether they are actively nesting. If any burrowing owl or sign of an occupied burrow is observed, the Applicant and the City of Walnut shall be informed as soon as possible (and within 48 hours). If access to areas with suitable habitat is restricted, the biologist shall visually survey with a spotting scope, binoculars, or other visual techniques.

If an occupied burrow is identified, the qualified biologist shall immediately implement a minimum 200 meter (656 foot) buffer. Then an appropriate burrow-specific buffer shall be recommended by the qualified biologist based on the circumstances (e.g., owl tolerance and construction activity level) and as explained by the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or more recent), which shall be implemented by the Applicant.

DEIR Page 5.3-30 of the Draft EIR will be revised as shown below in the FEIR.

BIO-2b A qualified biologist shall conduct a pre-construction survey on the project site to determine presence/absence for bats. The qualified biologist shall conduct the survey between late May and mid-July, the recognized maternity season for most bats in southern California. If any special-status bat species are determined to be roosting on-site, bat boxes of a size and design suitable for the estimated number of bats on-site shall be installed, under the supervision of a qualified bat biologist, in the outer perimeter of the project site, as close as feasible to adjacent undeveloped land, and a suitable height and solar aspect. Further, if any maternity sites are identified on site, CDFW will be notified immediately. In addition to any other direction by CDFW, no site disturbance shall occur within 300 feet of the occupied roost until it is determined that the maternity roost(s) is no longer active. Additional bat boxes designed to serve as maternity roosts shall be placed as directed by the qualified bat biologist and CDFW. The recommendations shall be reported to the City of Walnut and implemented by the Applicant.

DEIR Page 5.3-31 under the Level of Significance After Mitigation heading will be revised as shown below in the FEIR.

Less Than Significant Impact With Mitigation Incorporated for nesting birds, burrowing owl, and bats.

DEIR Page 5.3-36 of the Draft EIR will be revised as shown below in the FEIR to include Mitigation Measure BIO-2c.

BIO-2c Impacts to Lemon Creek related to any stream improvements 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 CDFW pursuant to a Stream Alteration Agreement (SAA). 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.

DEIR Page 5.3-36 (first and second paragraphs under the Tree Preservation heading) will be revised as shown below in the FEIR:

Impact Analysis: The Tree Survey and Arborist Report (Appendix F~~G~~1) concludes that many of the trees on-site within the proposed limits of grading show signs of decline due to lack of maintenance and irrigation. Within the proposed limits of grading boundary, five hundred four (504) ~~four hundred fifty-four (454)~~ trees composed of fifty-two (52) ~~forty-four (44)~~ distinct species were assessed, which includes seven (7) native and forty-five (45) ~~thirty-seven (37)~~ non-native species. Of these, three hundred fifty-four (354) ~~three hundred thirty-eight (338)~~ trees should be removed due to their increased liability of failure, diseased status, poor structural integrity or vigor, reduced functionality and poor aesthetics. Nine (9) ~~three (3)~~ may be preserved following treatment and evaluation once the proposed project is implemented. Another ninety-two (92) ~~eighty-six (86)~~ trees directly conflict with the proposed project's site plan. Excluding the trees that conflict with the proposed project, the trees flagged for removal in general have had limited or inappropriate maintenance resulting in trees that were dead, imminent hazards, in decline, or posing significant liability if not maintained (refer to *Table 5.3-2*, *Overview of Tree Quantity and Designations*). In some cases, the trees can be preserved, but must be regularly maintained and monitored if accessed by the public. A detailed list is each tree is provided in Appendix F~~G~~1.

One hundred ninety-four (194) ~~one hundred eight four (184)~~ of the five hundred four (504) ~~four hundred fifty-four (454)~~ trees, which represents 38.5 ~~40.5~~ percent of the trees located within the proposed limits of grading, are classified by CAL-IPC as invasive. This status indicates these species have evolved characteristics that give them an advantage over

native flora. It is important to understand that this particular area has an ecological connection to Lemon Creek. Because of these factors, it would benefit the proposed project to install native trees to the extent feasible as allowed by the City. The change in tree composition from exotic to native with the associated vegetation may better serve the ecological functionality of the local riparian environment.

DEIR Page 5.3-37 (second and third paragraphs under the Trees to be Preserved Within Limits of Grading heading) will be revised as shown below in the FEIR:

Exhibit 5.3-5, *Preserved Trees* shows the trees within the grading limits that have been identified for preservation. There were as many as ninety-two (92) ~~eighty-six (86)~~ additional trees that appeared viable, but their removal and replacement is necessary due to conflict with the proposed project.

Exhibit 5.3-6, *Preserved and Removed Native Trees* shows the location of the native tree species on-site, and which native trees would be preserved or removed. Within the grading limits of the proposed project, forty-three (43) ~~forty (40)~~ native trees were identified. The native tree species include the Western sycamore, Fremont cottonwood, California black walnut, Coulter pine, White alder, Valley oak, and Coast live oak. *Table 5.3-3*, *Native Trees: Proposed Action and Mitigation* identifies the tag number, status, and proposed mitigation for removal.

DEIR Page 5.3-37 (firsts paragraph under the Trees to be Preserved Outside Limits of Grading heading) will be revised as shown below in the FEIR:

The *2017 Tree Survey* (Appendix F~~C~~2) identified a total of 1,423 trees outside the proposed limits of grading. The area outside the limits of grading was revised by the Applicant in February 2020, resulting in more area within the limits of grading area, and reducing the quantity to 1,372 trees outside the limits of grading. A total of ninety-six (96) City-protected trees are present outside the limits of grading for the proposed project: ninety-one (91) southern California black walnut, and five (5) coast live oak (*Quercus agrifolia*) or valley oaks (*Quercus lobata*). All 1,372 ~~1,423~~ trees outside the limits of grading would be preserved in place.

Table 5.3-2 on DEIR page 5.3-21 will be revised as shown below in the FEIR:

Table 5.3-2
Overview of Tree Quantity and Designations

Action	Description	Tree Quantity
Prune and Monitor	Trees appeared to present the health and stature necessary for long-term preservation. Tree protection during construction is necessary and re-evaluation is warranted once project has been implemented. Treatment may be warranted for certain trees due to the level of stress tolerated.	58~~30~~
Remove with Project	These trees are viable, but directly conflict with the proposed project.	92~~86~~
Remove	These trees present certain health, stature, or liability risk that replacement with younger, more viable trees will benefit community and natural environment.	354~~338~~
Total Trees within Project Limits of Grading		504~~454~~

Source: Golden State Land & Tree Assessment, March 2017, Revised February 2020

Table 5.3-3 on DEIR pages 5.3-41 and 5.3-42 will be revised as shown below in the FEIR:

Table 5.3-3
Native Trees: Proposed Action and Mitigation

Quantity	Tag #	Diameter (Inches)	Circumference (Inches)	Heritage Oak/Walnut Tree	Protected Tree	Proposed Action	Mitigation
Coast live oak							
1	433	6.6	20.7	No	Yes	Prune and monitor	None
Valley oak							
7	342	7.48	23.5	No	Yes	Remove with proposed project	3:1 replacement
	363	6.4	20.1	No	Yes	Prune and monitor	None
	371	6.1	19.2	No	Yes	Prune and monitor	None
	374	6.1	19.2	No	Yes	Remove	3:1 replacement
	378	6.8	21.4	No	Yes	Remove	3:1 replacement
	389	8.4	26.4	No	Yes	Remove with proposed project	3:1 replacement
	394	9.8	20.8	No	Yes	Remove with proposed project	3:1 replacement
Southern California black walnut							
1	249	6.2	19.5	No	Yes	Remove	3:1 replacement
Coulter pine							
1	310	13.3	41.8	N/A		Remove with proposed project	~~1:1~~ 3:1 replacement
Fremont cottonwood							
2	88	10.2	32.0	N/A		Prune and monitor ~~Remove~~	~~1:1~~ 3:1 replacement

	426	25.8	81.0	N/A		Remove	~~1:1~~ 3:1 replacement
White alder							
3	333	11.6	36.4	N/A		Remove	~~1:1~~ 3:1 replacement
	334	7.8	24.5	N/A		Remove	~~1:1~~ 3:1 replacement
	335	10.2	32.0	N/A		Remove	~~1:1~~ 3:1 replacement
Western sycamore							
28	52	14.7	46.2	N/A		Remove	~~1:1~~ 3:1 replacement
	54	11.2	35.2	N/A		Prune and monitor	None
	56	12.9	40.5	N/A		Remove	~~1:1~~ 3:1 replacement
	57	26.5	83.2	N/A		Prune and monitor	~~1:1~~ 3:1 replacement
	58	11.6	36.4	N/A		Remove	~~1:1~~ 3:1 replacement
	59	20.0	62.8	N/A		Remove	~~1:1~~ 3:1 replacement
	77	9.6	30.1	N/A		Remove	~~1:1~~ 3:1 replacement
	78	7.8	24.5	N/A		Remove	~~1:1~~ 3:1 replacement
	196	13.3	41.8	N/A		Remove	~~1:1~~ 3:1 replacement
	197	12.4	38.9	N/A		Remove	~~1:1~~ 3:1 replacement
	198	19.8	62.2	N/A		Treat and monitor ~~Remove~~	~~1:1~~ 3:1 replacement
	222	23.2	72.8	N/A		Remove	~~1:1~~ 3:1 replacement
	223	5.9	18.5	N/A		Remove	~~1:1~~ 3:1 replacement
	225	11.4	35.8	N/A		Remove	~~1:1~~ 3:1 replacement
	226	10.4	32.7	N/A		Remove	~~1:1~~ 3:1 replacement
	266	6.2	19.5	N/A		Remove with proposed project	~~1:1~~ 3:1 replacement
	267	12.2	38.3	N/A		Remove	~~1:1~~ 3:1 replacement
	268	16.7	52.4	N/A		Remove	~~1:1~~ 3:1 replacement
	269	16.5	51.8	N/A		Remove with proposed project	~~1:1~~ 3:1 replacement
	270	16.7	52.4	N/A		Remove	~~1:1~~ 3:1 replacement
	271	15.7	49.3	N/A		Remove	~~1:1~~ 3:1 replacement
	272	13.1	41.1	N/A		Remove	~~1:1~~ 3:1 replacement
	273	27.5	86.3	N/A		Remove	~~1:1~~ 3:1 replacement

	274	20.8	65.3	N/A		Remove	~~1:1~~ 3:1 replacement t
	275	20.4	64.1	N/A		Remove	~~1:1~~ 3:1 replacement
	520	19.0	N/A	N/A		Remove	3:1 replacement
	521	18.0	N/A	N/A		Remove	3:1 replacement
	522	16.0	N/A	N/A		Remove	3:1 replacement
TOTAL: 43 ~~40~~							

Source: Golden State Land & Tree Assessment, July 2017, Revised February 2020

Notes:
N/A = Not Applicable

Table 5.3-3 on DEIR pages 5.3-43 will be revised as shown below in the FEIR:

Table 5.3-4
Tree Preservation/Replacement Plan

Tree Type	Protect in Place Quantity	Remove Quantity	Minimum Replacement Ratio	Replacement Quantity
Native Trees				
Coast live oak	1			
Valley oak	2	5	3:1	15
California black walnut	0	1	3:1	3
Other Native Trees	4	30	3:1	90
~~Other Native and~~ Non-Native Trees	51~~27~~	410~~358~~	1:1	410~~358~~
Total	58~~30~~	446~~364~~		518~~376~~

Source: Golden State Land & Tree Assessment and Michael Baker International, July 2017, Revised February 2020

The paragraph following Table 5.3-4 on DEIR Page 5.3-43 will be revised as shown in the FEIR:

One (1) Coast live oak, two (2) Valley oak, three (3) Western Sycamore, and one (1) Freemont Cottonwood and fifty-one (51) ~~twenty-seven native and~~ non-native trees would be protected in place, for a total of fifty-eight (58) ~~thirty (30)~~ trees. Five (5) Valley oak, one (1) California black walnut, thirty (30) California native trees (Western Sycamore, Fremont Cottonwood, Coulter Pine, White Alder), and four hundred ten (410) ~~three hundred fifty-eight (358) native and~~ non-native trees would be removed for a total of four hundred forty-six (446) ~~three hundred sixty-four (364)~~ trees. Fifteen (15) Valley oak, three (3) California black walnut, ninety (90) California native trees, and four hundred ten (410) t~~hree hundred fifty-eight (358) native and~~ non-native trees would be planted for a total of four hundred forty-six (446) ~~three hundred seventy-six (376)~~ trees. No species listed by Cal-IPC,

particularly Peruvian pepper tree (Schinus molle), will be planted on-site. Further, only native trees will be planted within and adjacent to (within 500 feet) of Lemon Creek.

DEIR Page 5.3-44 (bullet points in the second paragraph under the Heritage Oak/Walnut Trees will be revised as shown below in the FEIR:

- one (1) southern California black walnut (Tag #249),
- one (1) coast live oak (Tag #433), and
- seven (7) valley oaks (Tag #342, #363, #371, #374, #378, #389, and #394)

The first paragraph on DEIR Page 4.3-45 will be revised as shown below in the FEIR:

The proposed project would remove one (1) southern California walnut, and five (5) valley oaks that are protected under the Oak/Walnut Tree Preservation Ordinance. Two valley oaks would be preserved in place (Tag #363 and #371), and would require pruning and monitoring.

DEIR Page 4.3-45 (first paragraph under the Southern California Black Walnut heading) will be revised as shown below in the FEIR:

One (1) walnut tree was identified within the limits of grading for the proposed project (Tag #249). This tree is highly stressed, and has decreased vigor and significant dieback. Therefore, this tree would be removed and replaced.

A new paragraph will be added to DEIR page 5.3-46 prior to the Project Feature: Tree Preservation/Replacement Plan as shown below in the FEIR:

The proposed project would replace all native trees at a 3:1 ratio and all non-natives trees at a 1:1 ratio with native trees, which would exceed the City's mitigation ratios provided on the previous page.

DEIR Page 5.3-46 under the Project Feature: Tree Preservation/Replacement Plan will be revised as shown below in the FEIR:

The Applicant has prepared a Tree Preservation/Replacement Plan (refer to *Exhibit 3-7 ~~3-4~~*). The Plan identifies native and non-native trees to be preserved in place and the quantity and type of replacement native and non-native trees. The Plan includes the following:

1. Protect in place two (2) Valley Oak trees.
2. Protect in place one (1) Coast Live Oak tree.
3. Protect in place three (3) Western Sycamore trees.
4. Protect in place one (1) Freemont Cottonwood tree.
5~~3~~. Protect in place twenty-five (25) ~~twenty-four (24)~~ non-native trees.
6~~4~~. Replace five (5) Valley Oak trees at a ratio of 3:1 for a total of fifteen (15) trees. Mitigation oak trees shall be a combination of 36-inch and 48-inch box trees.
7~~5~~. Replace one (1) California Black Walnut tree at a ratio of 3:1 for a total of three (3) trees. Mitigation walnut trees shall be 48-inch box trees.
8. Replace thirty (30) California native trees (Western Sycamore, Fremont Cottonwood, Coulter Pine, White Alder) at a ratio of 3:1 with native trees for a total of ninety (90) trees.
9~~6~~. Replace four hundred ten (410) ~~three hundred fifty-eight (358)~~ non-native trees at a ratio of 1:1 ratio with native trees for a total of four hundred ten (410) ~~three hundred fifty-eight (358)~~ trees.
10~~7~~. Trees box sizes of 36-inch or larger require inspection and approval by the City prior to installation.
11~~8~~. Trees to be planted within the City-dedicated open space lots require plan review and approval by the City prior to installation.
12~~9~~. All replacement trees will be selected from the City Parkway or Los Angeles County Landscaping and Lighting Act Districts (LLAD) Special Districts approval list, and will be planted and maintained in accordance with applicable City or County standards.
13~~10~~. Prior to the first building permit, the Homeowners Association (HOA)-maintained landscape areas and trees will be replaced or planted.
14~~11~~. Prior to a certificate of occupancy, private property-maintained landscaped areas will be planted.
15~~12~~. Complete a mandatory two-year post-construction monitoring period. Post-construction monitoring shall include status reports of all native (oak or walnut) trees preserved in place or removed and replaced, as well as all four hundred ten (410) ~~358~~ replacement trees.
16~~13~~. Monitoring reports shall be submitted at the rate of one report every three months for a total of eight reports. Post-construction monitoring shall begin after the final construction approval.

DEIR Page 5.3-49 under the 5.3-7, Source Cited, heading will be revised as shown below in the FEIR:

City of Walnut, *City of Walnut General Plan,* adopted July 1978.

City of Walnut, *City Code*, Title VI Planning and Zoning, Chapter 25 Zoning, Article XVI Supplemental Planning Requirements, Division 5 Oak/Walnut Tree Preservation, Section 25-178 et seq.

Golden State Land & Tree Assessment and Michael Baker International, T*ree Survey and Arborist Report, The Brookside Development Tentative Tract No. 72798. City of Walnut*, July 7, 2017.

Michael Baker International, *The Brookside Tentative Tract 72798, City of Walnut, California, Habitat Assessment*, June 2017, Revised February 2020.

Michael Baker International, *The Brookside Tentative Tract 72798, City of Walnut, California, Delineation of State and Federal Jurisdictional Waters*, June 2017.

Michael Baker International, T*he Tree Survey for the Brookside Tentative Tract No. 72798, City of Walnut, California,* October 2017.

SECTION 5.4, CULTURAL RESOURCES

All references to Technical Appendices in Section 5.4 will be revised as shown below in the FEIR.

Appendix G ~~H~~

Appendix H ~~I~~

SECTION 5.5, GEOLOGY

All references to Technical Appendices in Section 5.5 will be revised as shown below in the FEIR.

Appendix I ~~J~~

SECTION 5.6, GREEHOUSE GAS EMISSIONS

All references to Technical Appendices in Section 5.6 will be revised as shown below in the FEIR.

Appendix J ~~K~~

SECTION 5.7, HAZARDS AND HAZARDOUS MATERIALS

All references to Technical Appendices in Section 5.7 will be revised as shown below in the FEIR.

Appendix K ~~L~~

SECTION 5.8, HYDROLOGY, DRAINAGE, AND WATER QUALITY

All references to Technical Appendices in Section 5.8 will be revised as shown below in the FEIR.

Appendix L ~~M~~

Appendix M ~~N~~

Appendix M will be replaced in its entirety as shown below in the FEIR.

Appendix M, *Tentative Tract Map No.45378 Hydrology and Hydraulics Report*, prepared by Michael Baker International, dated April 22, 2016 will be replaced in its entirety in the FEIR *Tentative Tract Map No.45378 Hydrology and Hydraulics Report*, prepared by Michael Baker International, dated January 2019.

The text beginning with the second paragraph under the Proposed Regional Hydraulics heading on DEIR page 5.8 will be revised as shown below in the FEIR,

Proposed Regional Hydraulics

To determine the starting water surface elevation in the proposed condition, the same process with WSPGW and FlowMaster was utilized. The crest length was reduced to three hundred (300) feet as the Post-Development conditions and proposed lots would constrict the overflow on the road by about one hundred (100) feet in comparison to the Pre-Development condition. The resulting water surface elevation (WSE) was 572.75 feet, three (3) inches above the Pre-Development elevation. The water conveyed through the culvert measured 2,025 cfs, slightly higher than the existing condition.

~~At station 26+61, the existing 81-inch culvert would remain in place for the Post-Development condition. In addition, a new bridge would be constructed over Lemon Creek downstream of this 81-inch culvert and trail crossing. The bridge would span the width of Lemon Creek and thus, would not affect the creek hydraulics upstream of station 23+27 as compared to the Pre-Development condition. Thus, flooding in the Post-Development condition would have no effect on the proposed grading along the banks of the Lemon Creek.~~

~~Flooding along the east bank of the Lemon Creek was a concern at the bridge/culverts located at stations 14+13 and 11+16 in the Pre-Development condition. The low elevation of the east bank in the Pre-Development condition results in major flooding towards San Vicente Drive and overtopping of both trail crossings. In order to address the issue, the downstream 72-inch culvert at station 11+31 would be removed to ensure that Lemon Creek does not experience such constrictions. In addition, the trail crossing across the bridge at station 14+26 would be graded in the Post-Development condition to act as a small levee that prevents water from entering proposed Street B. The result of these improvements yields a water surface elevation at the bridge of 578.2 feet.~~

~~Downstream of the bridge at station 14+26, the water surface at station 11+51 is 573.2 feet. Flooding in this area is a result of the undersized culvert at La Puente Road, which is off-site. The ponding depth at the bridge does not allow water to be conveyed efficiently through these sections. The flood waters would inundate the water quality control basin and proposed road. However, the proposed pad elevations on Lots 34, 35, 36, and 37 are above the water surface elevation. The pad elevation of Lot 34 is 577 feet, about 4.5 feet above the water surface elevation at station 12+58 which measured 572.5 feet. Lot 37 has an elevation of 574 feet, 1.25 feet above overflow water surface elevation which is 572.75 feet.~~

At station 26+61, a 10-foot x14-foot box culvert has been proposed for the post-development condition which lowers the WSE to 591.2 feet. The resulting water surface elevation is below the proposed grading, minimizing the need for additional bank protection. Flooding in the post-development condition would not have any effect on the proposed grading along the banks of Lemon Creek.

Flooding along the east bank of the Lemon Creek was a concern at the bridge/culverts located at station 14+13 and 11+16. The low elevation of the east bank in the pre-development condition resulted in major flooding towards San Vicente Drive and overtopping of both trail crossings. In order to address the issue, the downstream culvert

at 11+31 would be removed so the channel does not experience a constriction. In addition, the trail across the bridge at 14+26 would be graded in such a way to act as a small levee to keep water from entering the proposed road. These improvements yield a water surface elevation at the bridge of 578.2 feet.

Downstream of the bridge, the water surface at station 11+51 is 573.2 feet. Flooding in this area is a result of the undersized culvert at La Puente Road. The ponding depth at the bridge does not allow water to be conveyed efficiently through these sections. The flood waters would inundate the water quality control basin and proposed road. However, the proposed pad elevations on Lots 25, 26, 27, and 28 are above the water surface elevation. The pad elevation of Lot 26 is 578 feet, about 5.5 feet above the water surface elevation at station 12+58 which measured 572.5 feet. Lot 28 has an elevation of 574 feet, 1.25 feet above overflow water surface elevation which is 572.75 feet. All pads are a minimum of one foot above the 50-year flood level. Refer to *Exhibit 5.8-4*, *Post-Development 50-Year Floodplain Map*.

Exhibit 5.8-3, Post-Development Hydrologic Map, will be revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

Exhibit 5.8-4, Post-Development 50-Year Floodplain Map, will be revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

Exhibit 5.8-5, BMP Map, will be revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

SECTION 5.9, LAND USE

The table that begins on DEIR page 5.9-10 and continues onto page 5.9-11 will be revised as shown below in the FEIR to update lot area and flat pad area for many of the lots, based upon revisions to the Tentative Tract Map in January 2020.

~~Lot Number~~	~~Lot Area (SF)~~	~~Flat Pad Area (SF)~~		~~Lot Number~~	~~Lot Area (SF)~~	~~Flat Pad Area (SF)~~
~~1~~	~~27,291~~	~~11,318~~		~~15~~	~~19,788~~	~~16,178~~
~~2~~	~~21,513~~	~~12,625~~		~~16~~	~~17,633~~	~~17,194~~
~~3~~	~~22,803~~	~~20,035~~		~~17~~	~~14,955~~	~~11,449~~
~~4~~	~~75,773~~	~~64,066~~		~~18~~	~~14,904~~	~~14,904~~
~~5~~	~~16,841~~	~~16,841~~		~~19~~	~~16,325~~	~~15,902~~
~~6~~	~~19,758~~	~~18,154~~		~~20~~	~~17,384~~	~~13,438~~
~~7~~	~~21,728~~	~~18,469~~		~~21~~	~~16,618~~	~~11,498~~
~~8~~	~~17,616~~	~~15,105~~		~~22~~	~~15,907~~	~~12,837~~
~~9~~	~~15,243~~	~~13,876~~		~~23~~	~~15,772~~	~~13,457~~
~~10~~	~~16,291~~	~~12,257~~		~~24~~	~~20,386~~	~~15,145~~
~~11~~	~~17,830~~	~~13,823~~		~~25~~	~~14,997~~	~~14,497~~
~~12~~	~~15,032~~	~~14,599~~		~~26~~	~~14,969~~	~~14,517~~
~~13~~	~~15,080~~	~~14,597~~		~~27~~	~~15,705~~	~~14,889~~
~~14~~	~~15,268~~	~~12,629~~		~~28~~	~~15,706~~	~~15,706~~
~~Source: Michael Baker International (October 2017)~~						
~~SF = square feet~~						

Lot Number	Lot Area (SF)	Flat Pad Area (SF)		Lot Number	Lot Area (SF)	Flat Pad Area (SF)
1	24,693	11,318		15	19,900	16,500
2	21,466	12,568		16	17,550	16,100
3	21,429	18,660		17	14,955	11,449
4	32,900	22,640		18	14,904	14,904
5	16,510	16,510		19	16,325	15,902
6	19,758	18,262		20	17,384	13,438
7	21,728	18,466		21	16,618	11,498
8	17,616	15,000		22	15,907	12,837
9	15,243	15,243		23	15,772	13,457
10	15,975	12,040		24	20,386	15,145
11	16,336	10,500		25	14,997	14,497
12	14,476	12,130		26	14,969	14,517
13	15,100	12,100		27	15,705	14,889
14	15,100	12,240		28	15,706	15,706
Source: Michael Baker International (February 2020)						
SF = square feet						

SECTION 5.10, NOISE

Exhibit 5.10-3, Noise Modeling Locations, will be revised in the FEIR to reflect revisions to the Tentative Tract Map in February 2020.

SECTION 5.13, TRAFFIC

All references to Technical Appendices in Section 5.13 will be revised as shown below in the FEIR.

Appendix O ~~P~~

SECTION 5.11, FIRE PROTECTION

DEIR page 5.11-5 will be revised as shown below in the FEIR.

~~FP-9 Concurrent with the issuance of building permits, the Project Applicant or designee shall participate in the Developer Fee Program to the satisfaction of the Los Angeles County Fire Department and/or City of Walnut.~~

REVISED OR NEW TECHNICAL STUDIES

The following revised or new technical studies are provided in Volume IIA.

Technical Appendix D1, Arroyo Chub and Southern Western Pond Turtle Survey

This new technical appendix will be added to the FEIR.

Technical Appendix F1, Tree Survey and Arborist Report

The technical appendix was revised in February 2020, and will be added to the FEIR. The 2020 revised study will replace the existing July 2017 study in the Draft EIR.

Technical Appendix M, Hydrology & Hydraulics Study

This technical appendix was revised in January 2019, and will be added to the FEIR. The 2019 revised study will replace the existing 2016 study in the Draft EIR.

Technical Appendix Q, Structural Engineering Report

This new technical appendix will be added to the FEIR.

REVISED OR NEW EXHIBITS

The following revised or new exhibits are provided on the following pages.

Section 3.0, Project Description

Exhibit 3-3	Tentative Tract Map
Exhibit 3-4	Conceptual Illustrative Plan
Exhibit 3-5~~4~~	Proposed Open Space
Exhibit 3-6	Conceptual Trails Plan
Exhibit 3-7~~5~~	Tree Preservation/Replacement Plan
Exhibit 3-8~~6~~	Walls and Fences Plan
Exhibit 3-9~~7~~	Off-Site Public Street
Exhibit 3-10~~8~~	On-Site Public and Private Streets
Exhibit 3-11~~9~~	Public Street Cross-Sections
Exhibit 3-12~~10~~	On-Site Street Cross-Sections

Section 5.1, Aesthetics

Exhibit 5.1-2	View Simulation Key Map
Exhibit 5.1-3	View A Key Map
Exhibit 5.1-4	View A View Simulation – All Conditions
Exhibit 5.1-5	View B Key Map
Exhibit 5.1-7	View C Key Map
Exhibit 5.1-9	View D1 Key Map
Exhibit 5.1-11	View D2 Key Map
Exhibit 5.1-13	View E Key Map
Exhibit 5.1-15	View F Key Map
Exhibit 5.1-16	View F View Simulation – All Conditions
Exhibit 5.1-17	View G Key Map

Section 5.3, Biological Resources

Exhibit 5.3-2	Tagged Trees and Bushes
Exhibit 5.3-3	Tree Inventory Summary
Exhibit 5.3-5	Preserved Trees
Exhibit 5.3-6	Preserved and Removed Native Trees

Section 5.18, Hydrology, Water Quality, and Drainage

Exhibit 5.8-3	Post-Development Hydrologic Work Map
Exhibit 5.8-4	Post-Development 50-Year Floodplain
Exhibit 5.8-5	BMP Map

Section 5.10, Noise

Exhibit 5.10-3	Noise Modeling Locations

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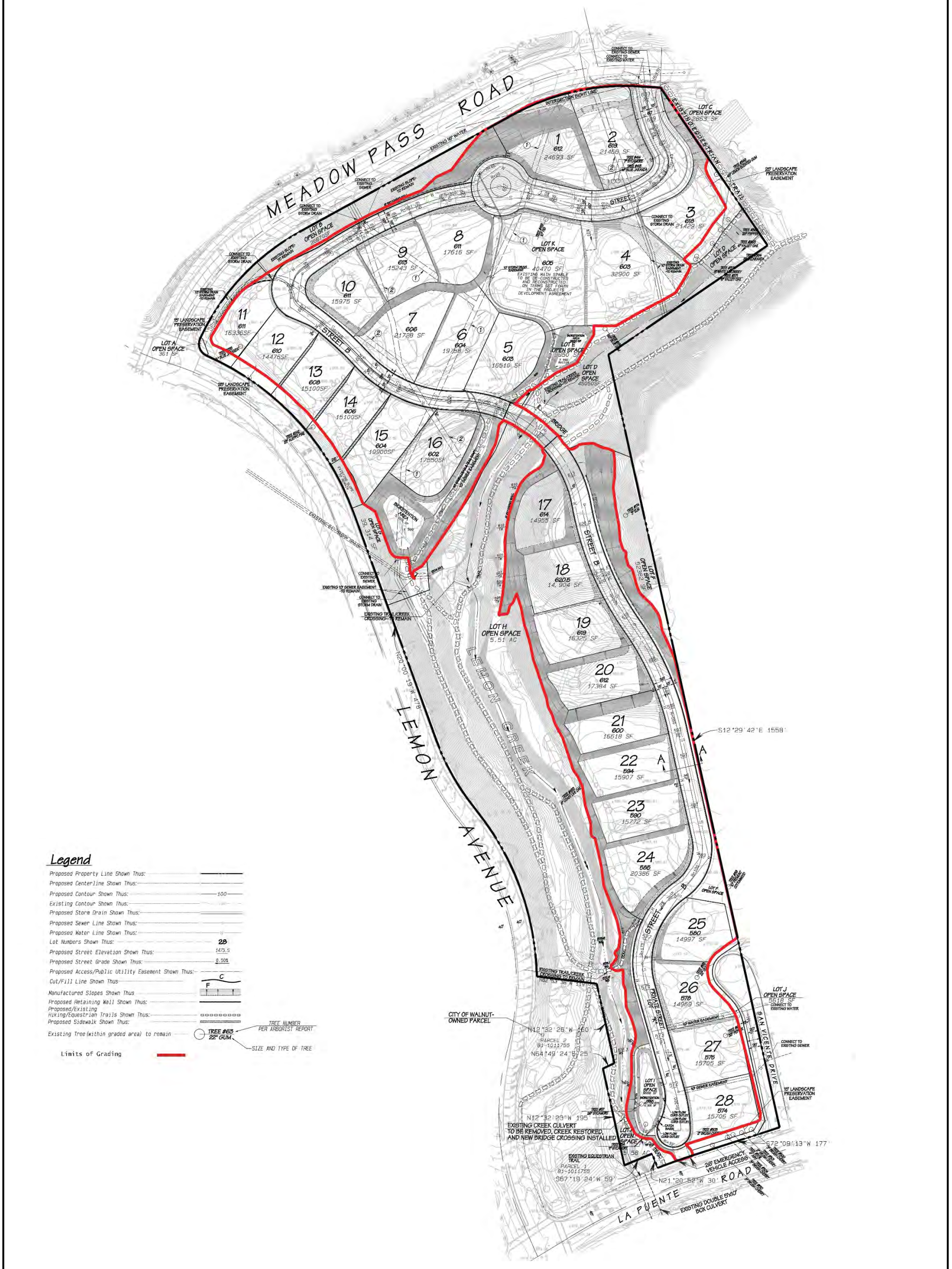


Source: Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 3-3

TENTATIVE TRACT MAP

Source: Placeworks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 3-4

CONCEPTUAL ILLUSTRATIVE PLAN

Source: Michael Baker International & Placeworks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 3-5

PROPOSED OPEN SPACE

Source: Placeworks
January 2020

The Brookside Project
Environmental Impact Report

Exhibit 3-6

CONCEPTUAL TRAILS PLAN

Tree Replacement Schedule

TREES WITHIN PROJECT LIMITS	COUNT
EXISTING TREES	1,876
TOTAL TREES REMOVED	446
TOTAL TREES REPLACED	518
TOTAL TREES WITHIN PROJECT LIMITS	**1,948**
TOTAL TREE INCREASE[5]	**72**

TREE REMOVED	REMOVED	RATIO	REPLACEMENT TREE	SYMBOL	SIZE	COUNT
VALLEY OAK (Protected CA Native)	5	3:1	VALLEY OAK		24" Box	15
BLACK WALNUT (Protected CA Native)	1	3:1	BLACK WALNUT		24" Box	3
CA NATIVE (Non-Protected)	30	3:1	CA NATIVE		24" Box	90
NON NATIVE	410	1:1	CA NATIVE		15 Gal	410
TOTAL	**446**					**518**

Trees planted within Grading Limits: 449
Trees planted outside Grading Limits: 69

DEVELOPMENT EDGE

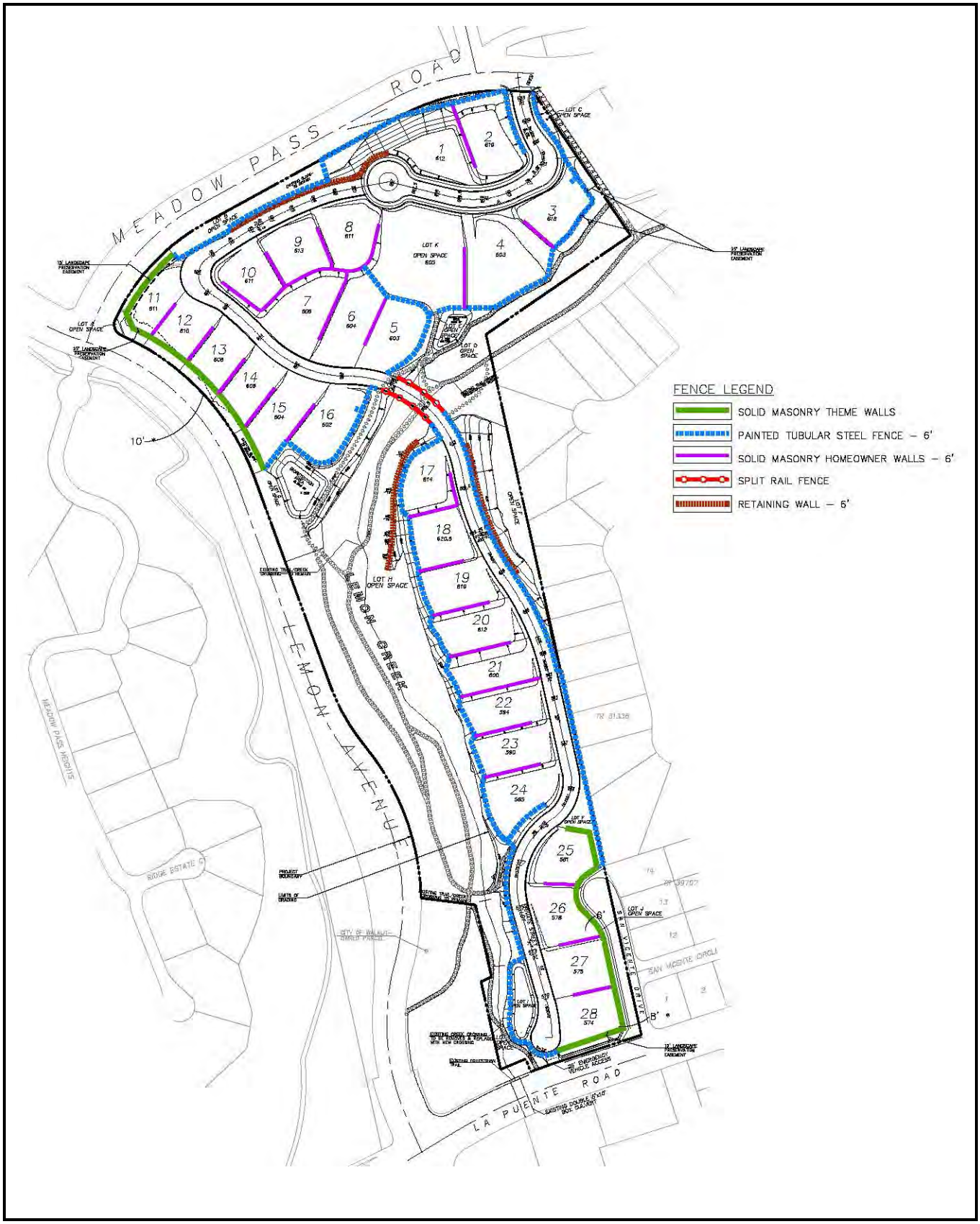
LANDSCAPE EASEMENT

NOTES:
1. All replacement trees shall be California Natives not currently on the California Invasive Plant Council Watch or Invasive Species Lists and selected from City Parkway Approval List or LOSMD and Median Approval List and be planted and maintained in accordance with applicable city standards.
2. HOA maintained landscape areas and trees to be replaced/planted prior to first building permit.
3. Individual private property landscape areas to be planted prior to certificate of occupancy.
4. The 1,430 existing trees that will remain in place are shown in their current locations represented in the aerial image.
5. The total increase does not reflect trees that will be planted by homeowners within the individual lots.

Source: Michael Baker International & Placeworks
February 2020

Exhibit 3-7

TREE PRESERVATION/REPLACEMENT PLAN

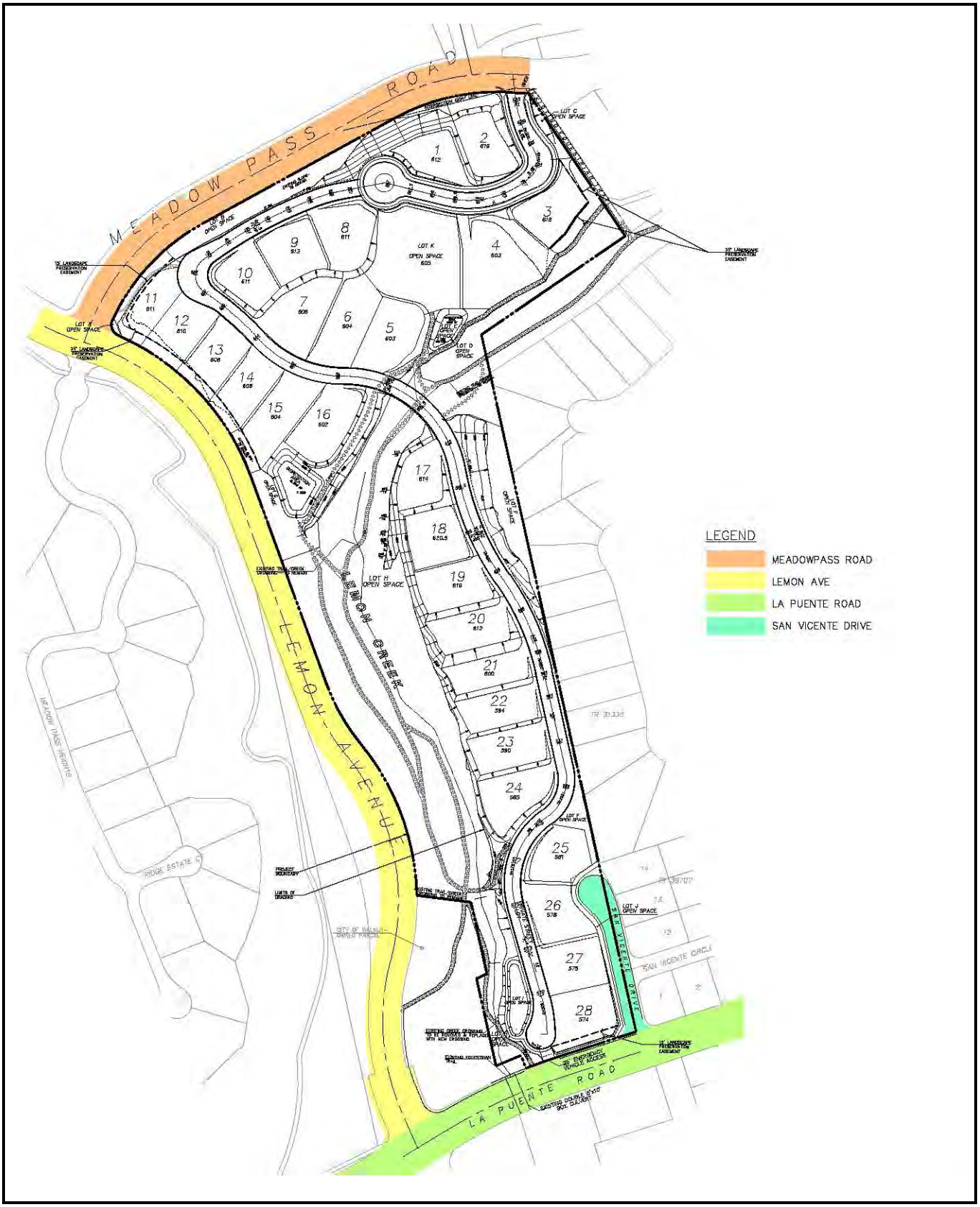


Source: Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 3-8

WALLS AND FENCES

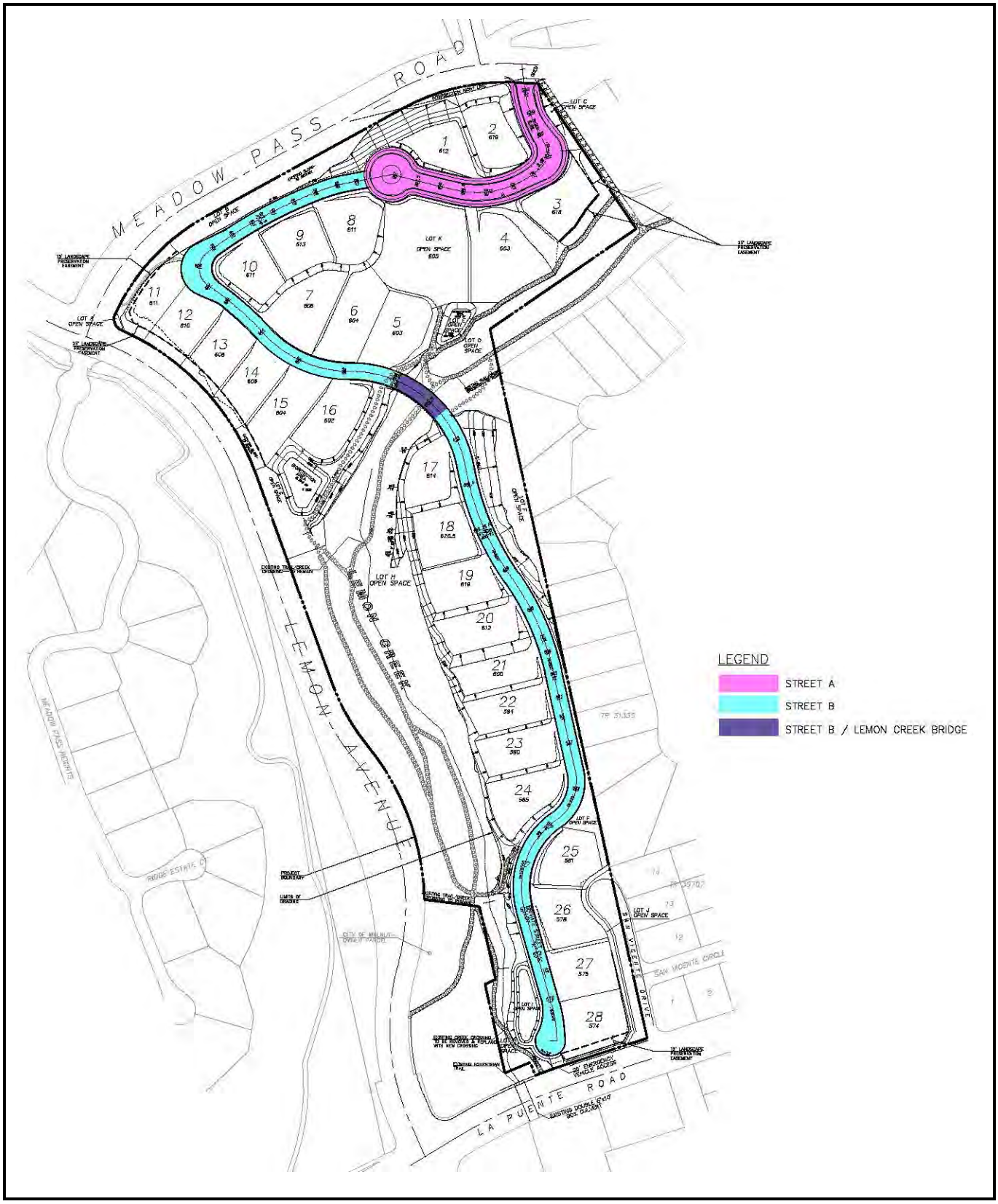


Source: Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 3-9

OFF-SITE PUBLIC STREETS

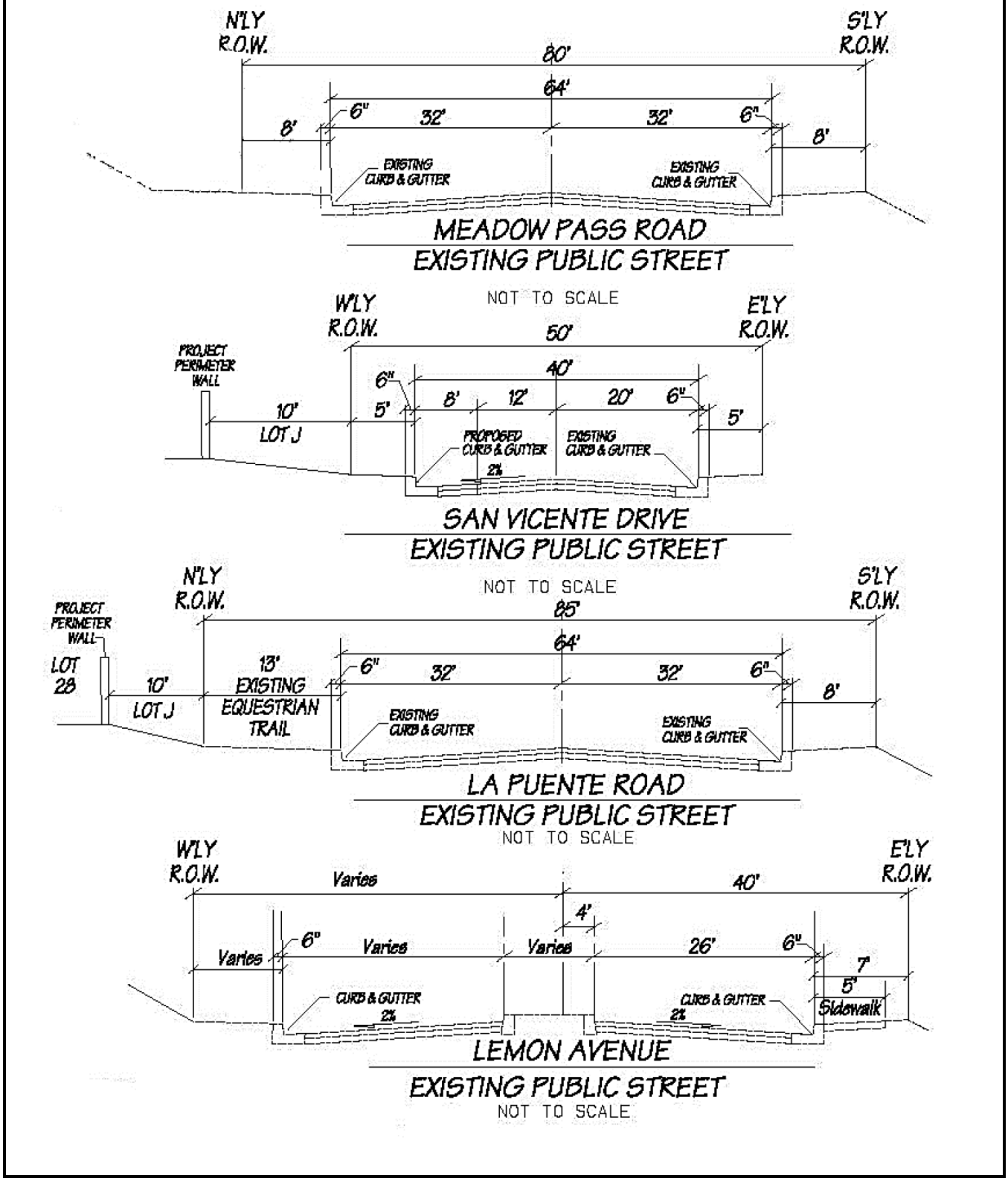


Source: Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 3-10

ON-SITE PUBLIC AND PRIVATE STREETS

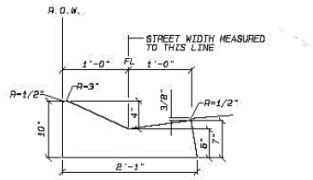


Source: Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

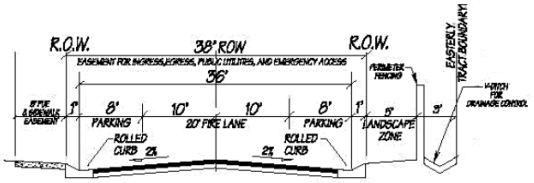
Exhibit 3-11

PUBLIC STREET CROSS-SECTIONS



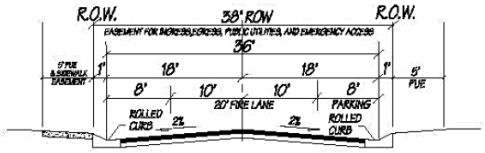
ROLLED CURB

NOT TO SCALE



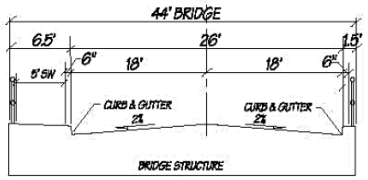
TYPICAL SECTION "A-A"

NOT TO SCALE



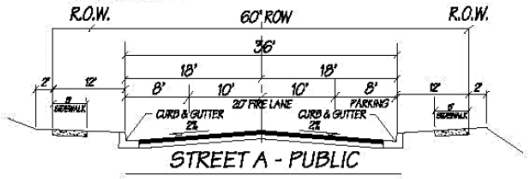
STREET B - PRIVATE

NOT TO SCALE



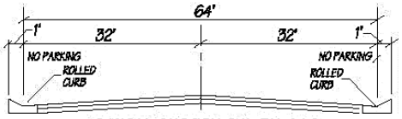
STREET B - PRIVATE
LEMON CREEK BRIDGE

NOT TO SCALE



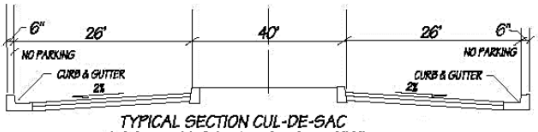
STREET A - PUBLIC

NOT TO SCALE



TYPICAL SECTION CUL-DE-SAC
AT THE END OF PRIVATE STREET "B"

NOT TO SCALE



TYPICAL SECTION CUL-DE-SAC
AT THE END OF PUBLIC STREET "A"

NOT TO SCALE

Source: Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 3-12

ON-SITE STREET CROSS-SECTIONS

Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-2

VIEW SIMULATION LOCATION KEY MAP

Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-3

VIEW A KEY MAP

EXISTING CONDITIONS

PROPOSED CONDITIONS

DAY 1

2-3 YEARS

5-10 YEARS

Source: PlaceWorks
January 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-4

VIEW A SIMULATIONS

Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-5

VIEW B KEY MAP

Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-7

VIEW C KEY MAP

Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-9

VIEW D1 KEY MAP

Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-11

VIEW D2 KEY MAP

Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-13

VIEW E KEY MAP

Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-15

VIEW F KEY MAP

EXISTING CONDITIONS

PROPOSED CONDITIONS

DAY 1

2-3 YEARS

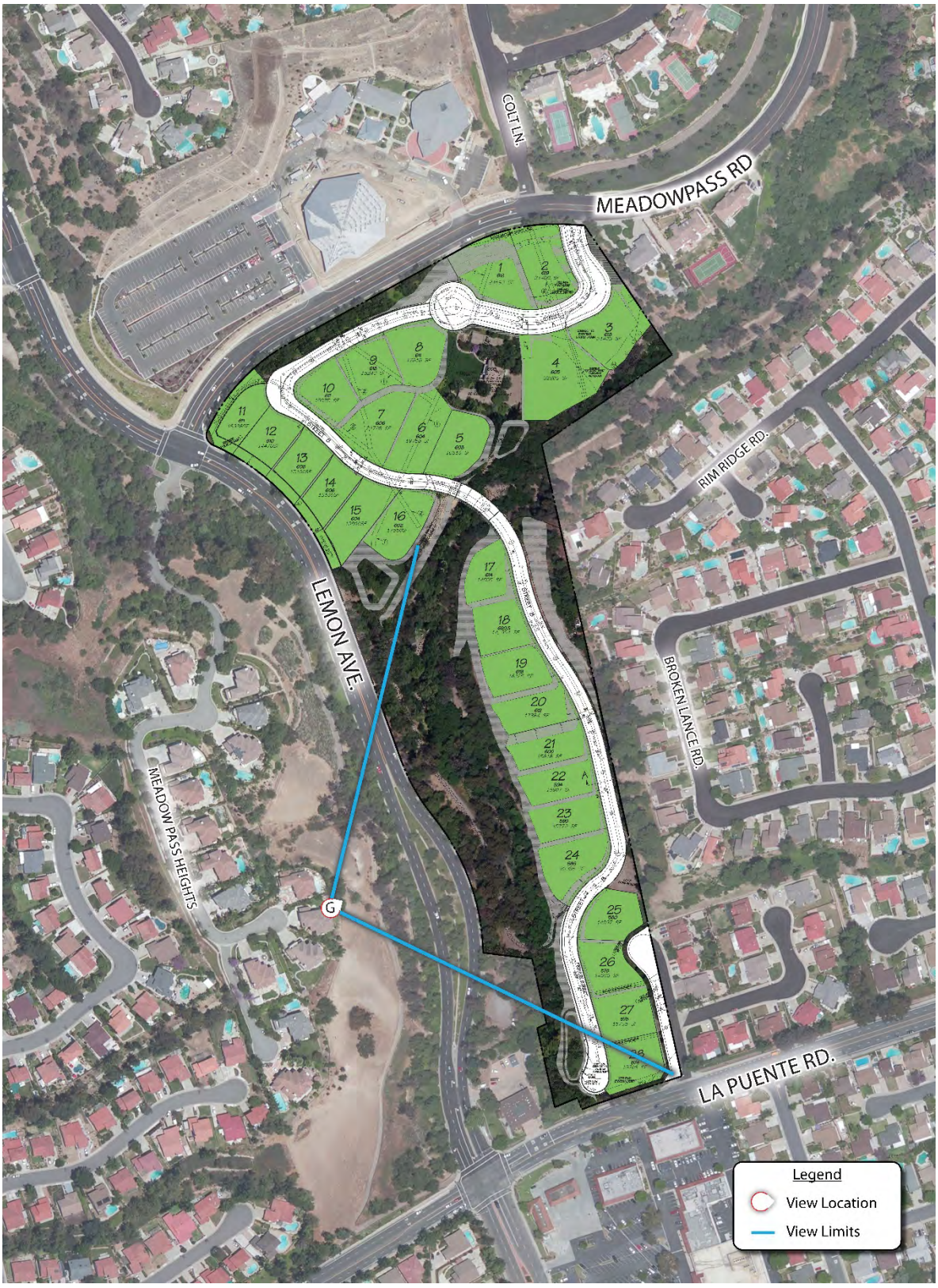
5-10 YEARS

Source: PlaceWorks
May 2018

The Brookside Project
Environmental Impact Report

Exhibit 5.1-16

VIEW F SIMULATIONS

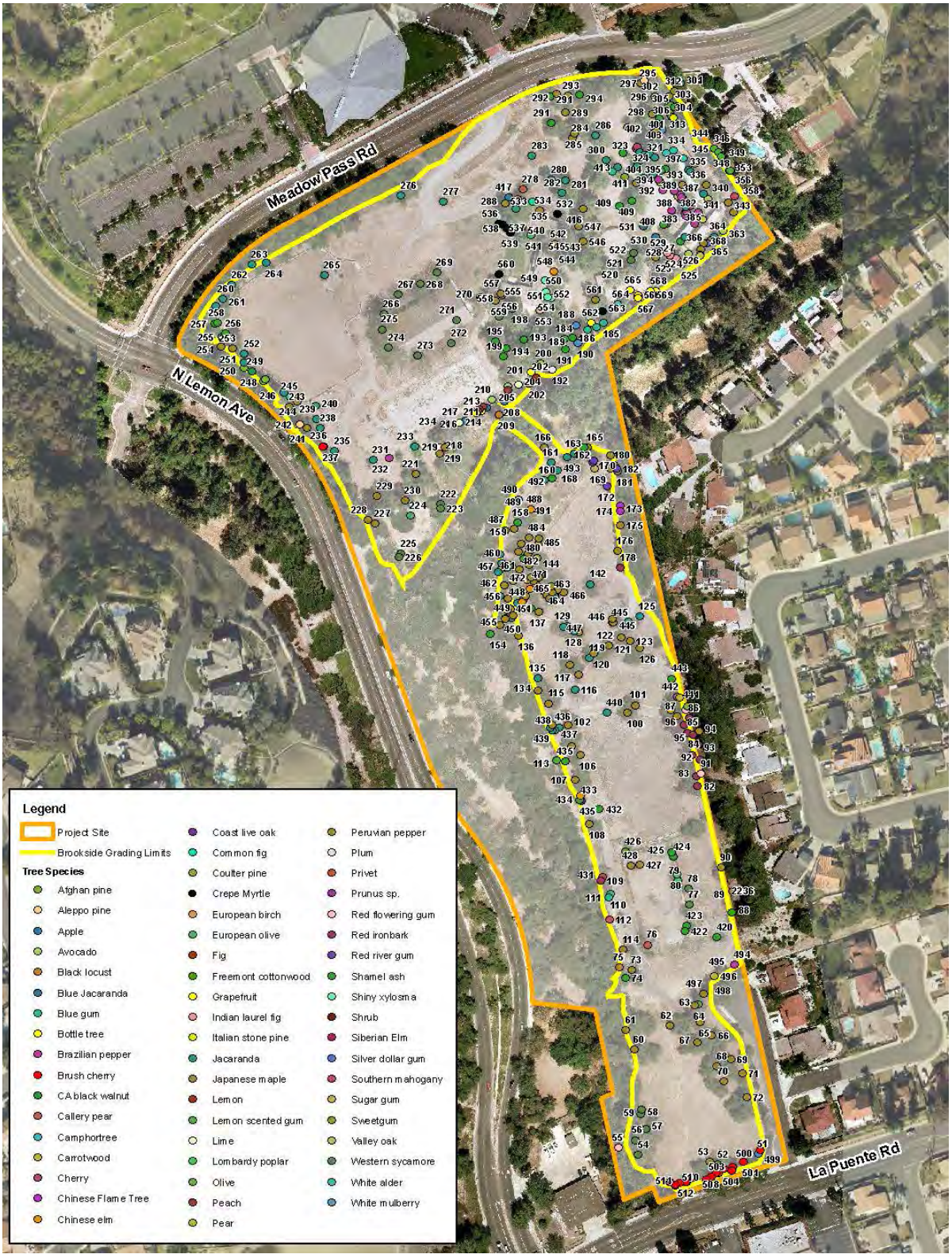


Source: PlaceWorks
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.1-17

VIEW G KEY MAP

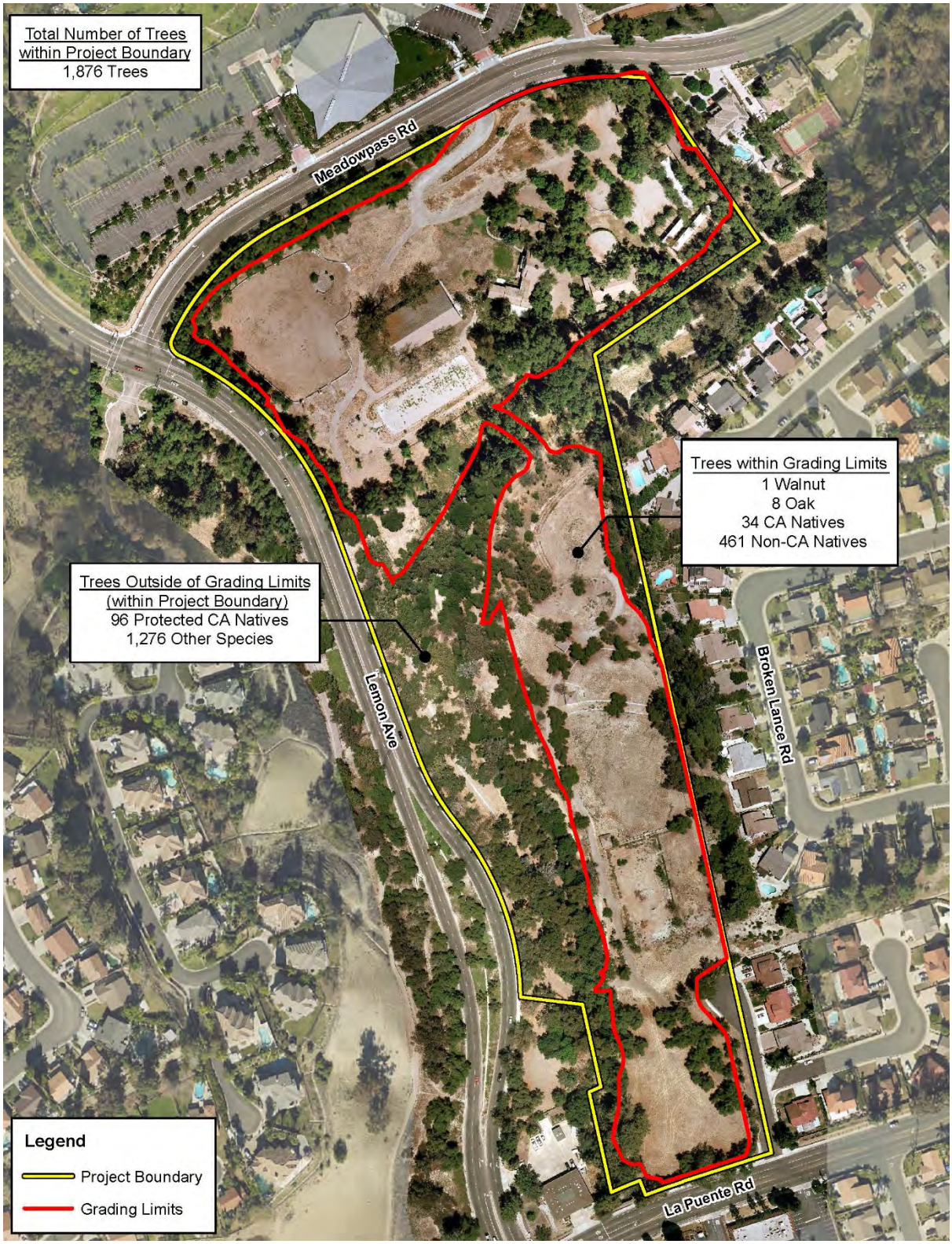


Source: Golden State Land & Tree Assessment and Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.3-2

TAGGED TREES AND BUSHES

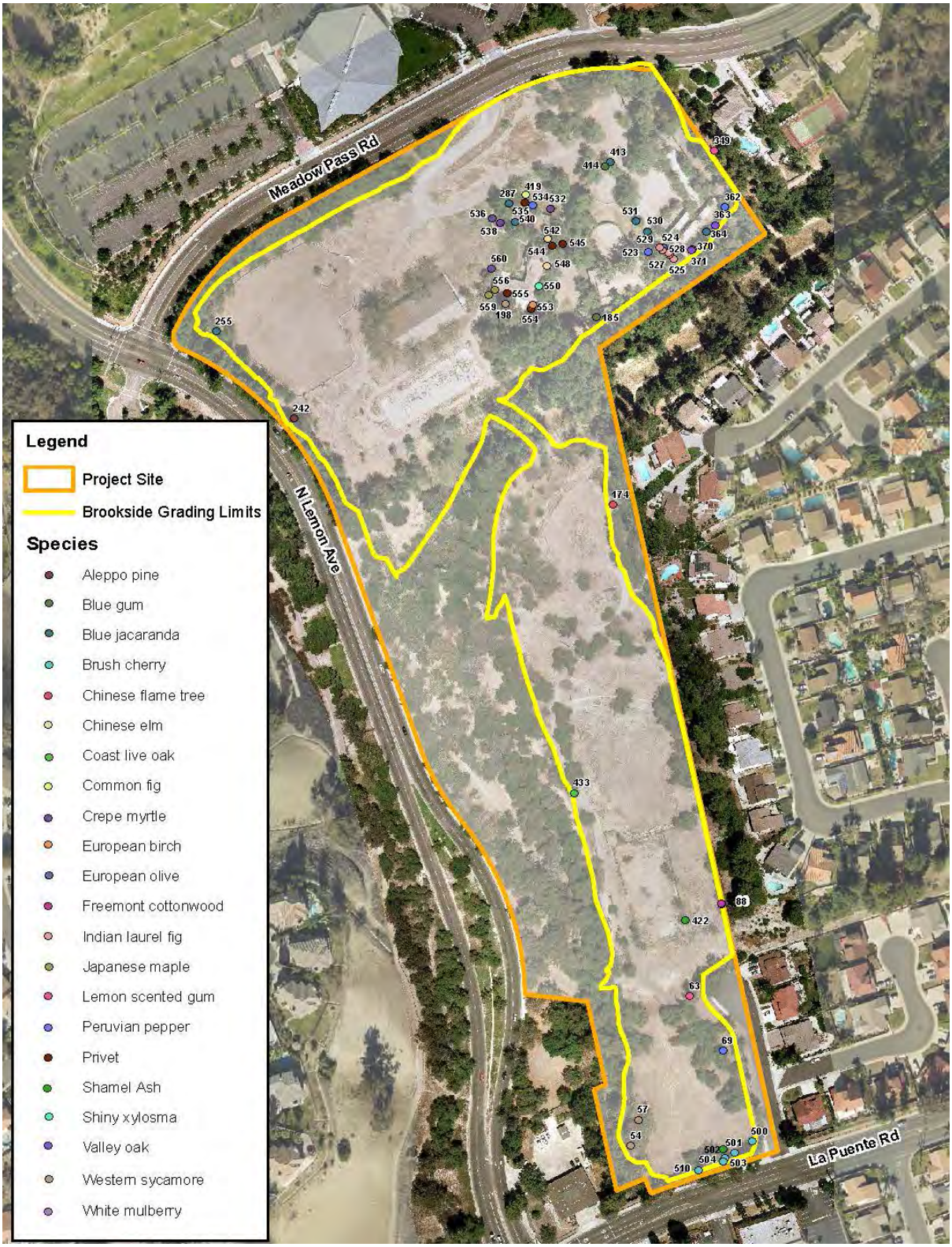


Source: Golden State Land & Tree Assessment and Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.3-3

TREE INVENTORY SUMMARY

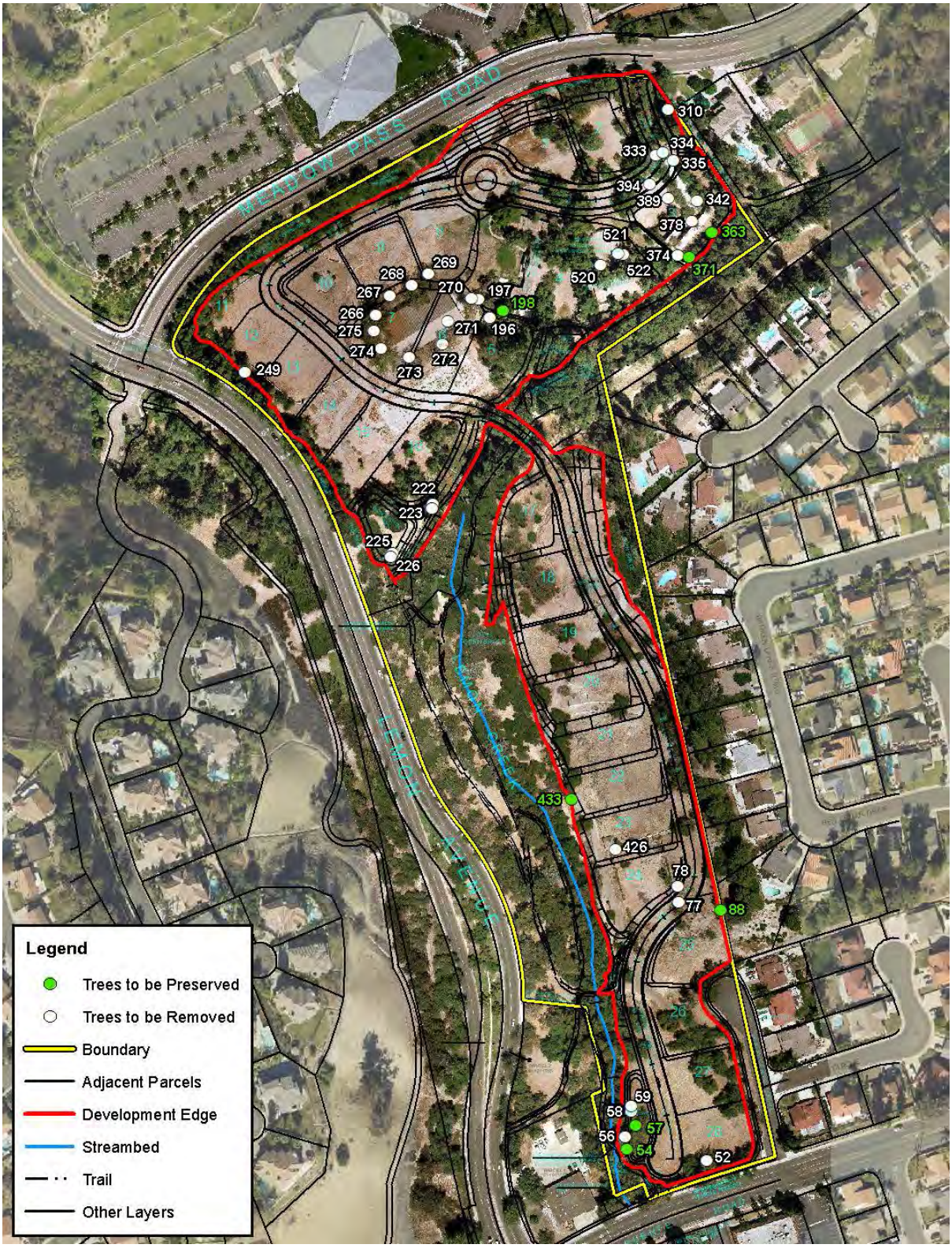


Source: Golden State Land & Tree Assessment and Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.3-5

PRESERVED TREES

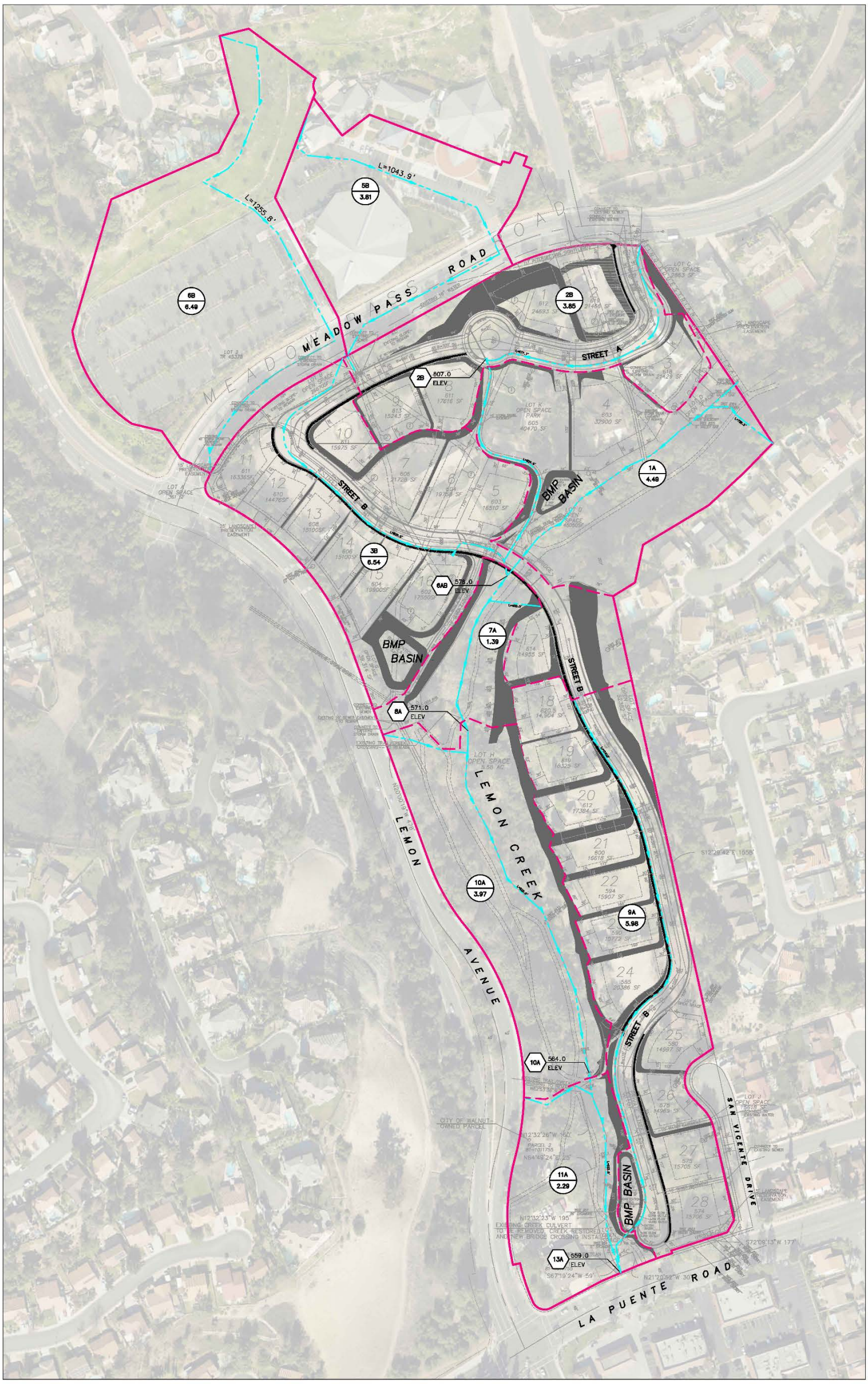


Source: Golden State Land & Tree Assessment and Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.3-6

PRESERVED AND REMOVED NATIVE TREES

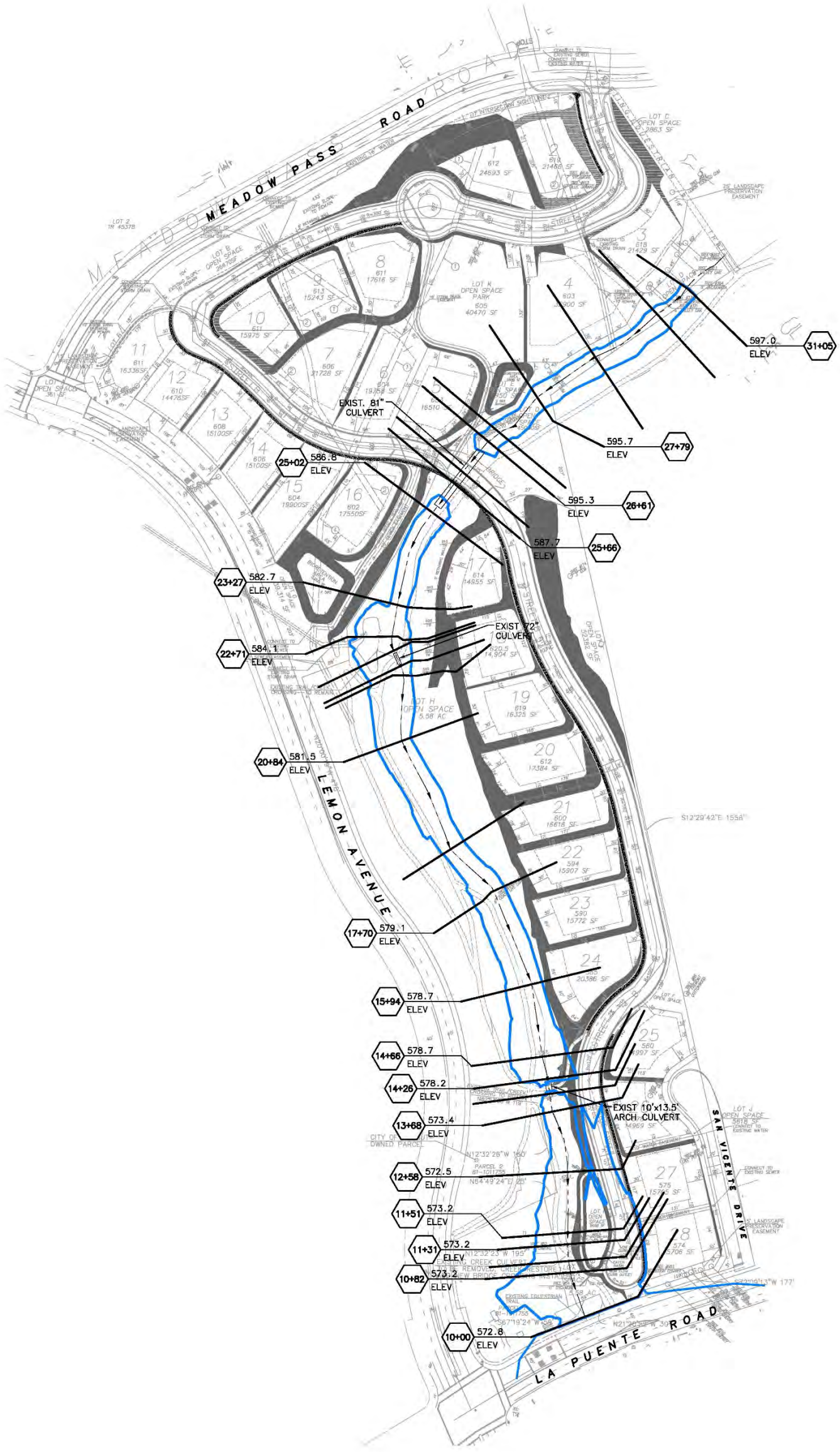


Source: Michael Baker International
January 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.8-3

POST-DEVELOPMENT HYDROLOGIC MAP



LEGEND

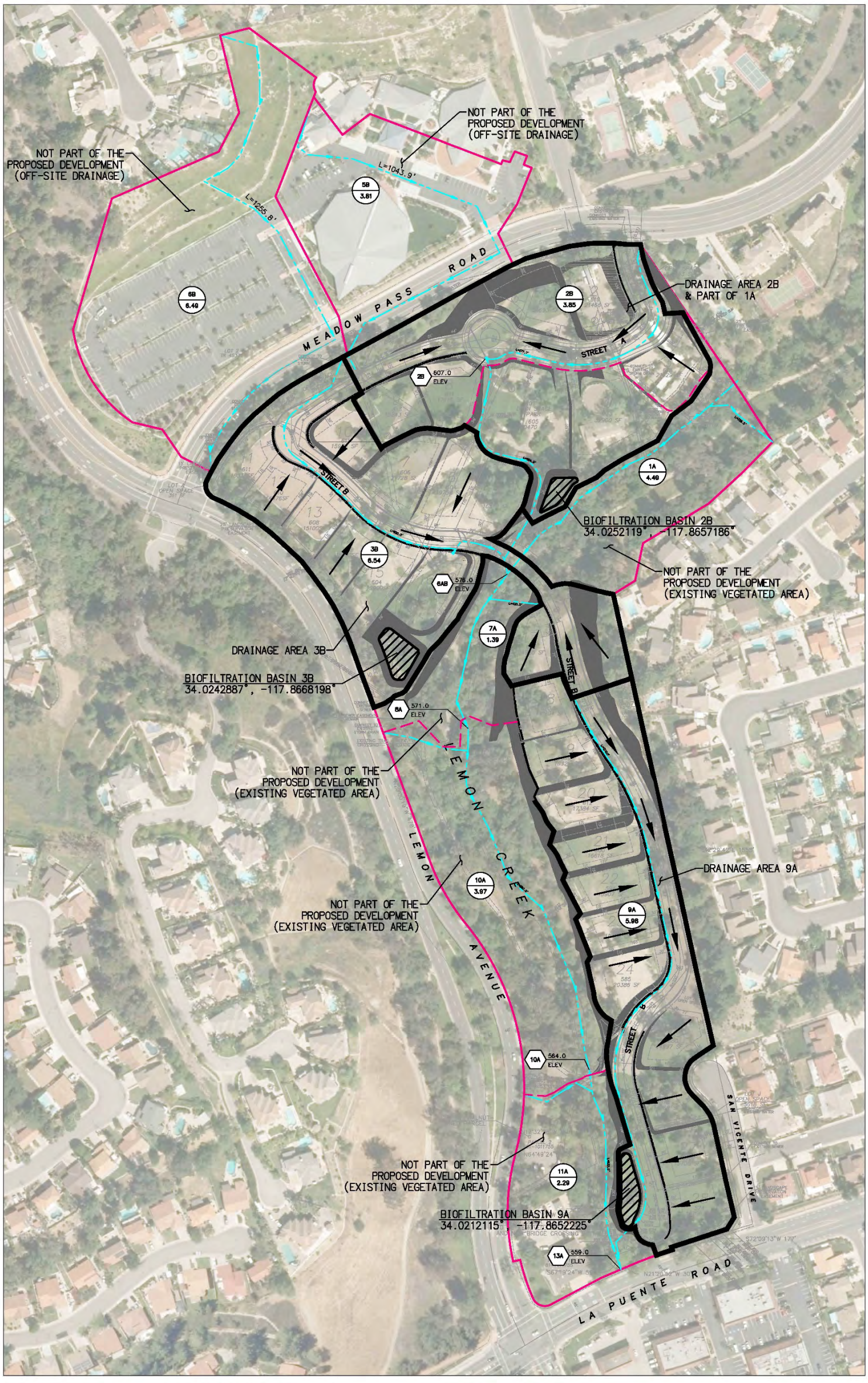
- 50-YEAR FLOODPLAIN
- HEC-RAS CROSS SECTION
- FLOW PATH
- 10+00 / 572.0 ELEV — HEC-RAS STATION AND WATER SURFACE ELEV.

Source: Michael Baker International
January 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.8-4

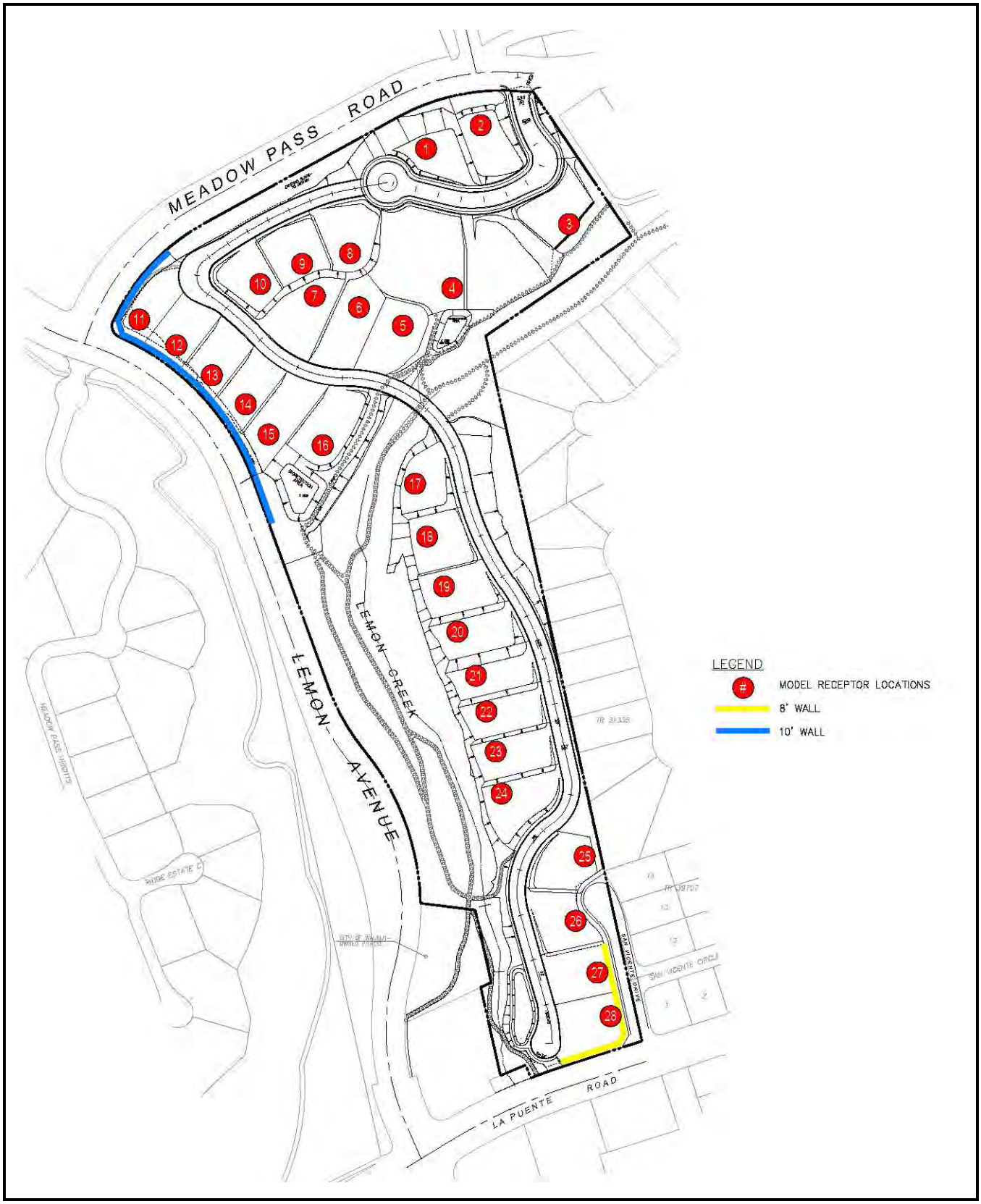
POST-DEVELOPMENT 50-YEAR FLOODPLAIN MAP



Source: Michael Baker International
January 2020

The Brookside Project
Environmental Impact Report

Exhibit 5.8-5
BMP MAP



Source: Michael Baker International
February 2020

The Brookside Project
Environmental Impact Report

Exhibit 5-10.3

NOISE MODELING LOCATIONS