

NATIVE AMERICAN HERITAGE COMMISSION

August 16, 2023

Governor's Office of Planning & Research

Aug 18 2023**STATE CLEARINGHOUSE**

Joelle Guerra
City of Walnut
21201 La Puente Rd
Walnut, CA 91789

Re: 2017101010, Walnut Business Park Project, Los Angeles County

Dear Mr. Guerra:

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

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

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

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

AB 52

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

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

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

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

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

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

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

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

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

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

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

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

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

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



August 24, 2023

Joelle Guerra, Planning and Code Enforcement Manager
City of Walnut, Community Development
21201 La Puente Road
Walnut, CA 91789

RE: Walnut Business Park, SCH #2017101010

Dear Ms. Guerra:

Thank you for the opportunity to provide comments on the Notice of Preparation for the Walnut Business Park project. While the logistics industry is an important component of our modern economy, warehouses can bring various environmental impacts to the communities where they are located. For example, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.² The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate can contribute to traffic jams, deterioration of road surfaces, traffic accidents, and unsafe conditions for pedestrians and bicyclists. Depending on the circumstances of an individual project, warehouses may also have other environmental impacts.

To help lead agencies avoid, analyze, and mitigate warehouses' environmental impacts, the Attorney General Office's Bureau of Environmental Justice has published a document containing best practices and mitigation measures for warehouse projects. We have attached a

¹ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

² Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

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copy of this document to this letter, and it is also available online.³ We encourage you to consider the information in this document as you prepare the draft environmental impact report for this project.

Priority should be placed on avoiding land use conflicts between warehouses and sensitive receptors and on mitigating the impacts of any unavoidable land use conflicts. However, even projects located far from sensitive receptors may contribute to harmful regional air pollution, so you should consider measures to reduce emissions associated with the project to help the State meet its air quality goals. A distant warehouse may also impact sensitive receptors if trucks must pass near sensitive receptors to visit the warehouse.

The Bureau will continue to monitor proposed warehouse projects for compliance with the California Environmental Quality Act and other laws. We are available to discuss as you prepare the draft environmental impact report and consider how to guide warehouse development in your jurisdiction. Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

Sincerely,



CHRISTIE VOSBURG
Supervising Deputy Attorney General

For ROB BONTA
Attorney General

³ <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>.

From: William Martinez-Cerezo <WMartinezCerezo@dpw.lacounty.gov>
Sent: Thursday, August 31, 2023 7:17 AM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Cc: James Benken <JBENKEN@dpw.lacounty.gov>
Subject: Walnut Business Park

Hello Ms. Guerra,

On behalf of Los Angeles County Public Works, we have reviewed the proposal for the Walnut Business Park project. The Los Angeles County Flood Control District storm drain BI 8301 – Line B, runs through the proposed development. A Los Angeles County Flood Control District permit is required for any and all work occurring within the Flood Control easement, including but limited to demolition work and proposed surface improvements.

To apply for LACFCD Permits, you can utilize the County's permit website EpicLA: <https://epicla.lacounty.gov/SelfService/#/home>. For any permit related questions, you can Email: FloodPermit@pw.lacounty.gov or Call: (626) 458-3129.

Thank you,

William Martinez-Cerezo
Civil Engineering Student
Los Angeles County Public Works
Longden: 626-445-7630

DEPARTMENT OF TRANSPORTATION

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**Governor's Office of Planning & Research** *Making Conservation
a California Way of Life***September 8 2023****STATE CLEARINGHOUSE**

September 8, 2023

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

RE: Walnut Business Park
Notice of Preparation (NOP) of a Draft
Supplemental Environmental Impact
Report (SEIR)
SCH # 2017101010
Vic. LA-060/PM: R21.608
GTS # 07-LA-2017-04297

Dear Joelle Guerra:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced NOP. The Walnut Business Park is a proposed development of a multibuilding warehouse and distribution uses. The project site is currently developed with an existing business park accommodating primarily commercial and light industrial uses, including a beef jerky manufacturer, chorizo manufacturer, roofing material supplier, a car body shop repair facility, a pizza restaurant, Mexican food supply store, rent-a-car office, and pet food supply outlet, with a building area totaling 357,544 square feet. The existing uses on the project site would be demolished and project development would occur in one phase with an anticipated start date of January 2025. The City of Walnut's 2018 General Plan Update (GPU) designates the plan area as "Industrial," which permits light manufacturing, commercial storage, craftsman and artisan assembly and production, and limited vehicle service repair uses. Limited commercial retail and office uses are also permitted. The proposed project would not change the land use designation of the project site but would increase the building space on the site from the existing 357,544 square feet to 414,778 square feet. The City of Walnut is the Lead Agency under the California Environmental Quality Act (CEQA).

The project location is approximately less than a mile from State Route 60 (SR-60). According to the NOP, the Lead Agency determined that a SEIR will be prepared for the proposed project as it identified probable environmental effects of the project, including transportation. Caltrans looks forward to reviewing the forthcoming SEIR. The following information is included for your consideration.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<https://opr.ca.gov/ceqa/#guidelines-updates>

Caltrans encourages the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For additional TDM options, please refer to the Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). This reference is available online at:

<http://ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

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

If you have any questions, please feel free to contact Karen Herrera, the project coordinator, at Karen.Herrera@dot.ca.gov and refer to GTS # 07-LA-2017-04297.

Sincerely,



MIYA EDMONSON
LDR/CEQA Branch Chief

cc: State Clearinghouse



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region
3883 Ruffin Road | San Diego, CA 92123
wildlife.ca.gov

Via Electronic Mail Only

September 13, 2023

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

Subject: Notice of Preparation of a Draft Supplemental Environmental Impact Report for Walnut Business Park Project, SCH #2017101010, City of Walnut, Los Angeles County

Dear Joelle Guerra:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report from the City of Walnut for the Walnut Business Park Project (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, §21069; CEQA Guidelines, §15381). CDFW expects that it may

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need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project Applicant obtain appropriate authorization under the Fish and Game Code.

Project Summary

General Site Description: The Project site is currently developed with an existing business park accommodating primarily commercial and light industrial uses, including a beef jerky manufacturer, chorizo manufacturer, roofing material supplier, a car body shop repair facility, a pizza restaurant, Mexican food supply store, rent-a-car office, and pet food supply outlet. The sparse vegetation spread throughout the site consists of ornamental vegetation in the parking areas.

Location: The Project site is in the southern portion of the City of Walnut in Los Angeles County. The Project site is approximately 25 acres and is bordered by Valley Boulevard to the south, South Lemon Avenue to the west, Paseo Del Prado to the north, and an existing development to the east.

Objective: The Walnut Business Park will include a multibuilding construction for warehouse, office, and distribution uses. The development would consist of four buildings that would encompass a total of 414,778 square feet of building space. The Project would include approximately 1,097 parking stalls, and approximately 115,030 square feet of landscaping, comprising approximately 11.5 percent of the Project site. The existing uses on the Project site would be demolished and Project development would occur in one phase with an anticipated start date of January 2025.

Comments and Recommendations

CDFW offers comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub.

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Resources Code, §21061; CEQA Guidelines, §§15003(i), 15151]. CDFW looks forward to commenting on the DEIR when it is available.

Specific Comments:

- 1) Nesting Birds. CDFW recommends the DEIR include measures to avoid potential impacts to nesting birds that may find habitat in the ornamental vegetation on site. Project activities occurring during the bird breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
 - a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
 - b) CDFW recommends that measures be taken to fully avoid impacts to nesting birds and raptors. Ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
 - c) If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures where future housing development facilitated by the Project mitigates for impacts. CDFW recommends surveys by a qualified biologist with experience conducting breeding bird and raptor surveys. Surveys are needed to detect protected native birds and raptors occurring in suitable nesting habitat that may be disturbed and any other such habitat within 300 feet of the project disturbance area, to the extent allowable and accessible. For raptors, this radius should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

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- 2) Loss of Bird and Raptor Nesting Habitat. The biggest threat to birds is habitat loss and conversion of natural vegetation into another land use such as development (e.g., commercial, residential, industrial). In the greater Los Angeles region, urban forests and street trees, both native and some non-native species, provide habitat for a high diversity of birds (Wood and Esaian 2020). Some species of raptors have adapted to and exploited urban areas for breeding and nesting (Cooper et al. 2020). For example, raptors (*Accipitridae*, *Falconidae*) such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*) can nest successfully in urban sites. Red-tailed hawks commonly nest in ornamental vegetation such as eucalyptus (Cooper et al. 2020). According to eBird, there are multiple observations of red-tailed hawks and Copper's hawks within the City.
- a) CDFW recommends the DEIR provide measures where future housing development facilitated by the Project avoids removal of any native trees, large and dense-canopied native and non-native trees, and trees occurring in high density (Wood and Esaian 2020). CDFW also recommends avoiding impacts to trees protected by any local Tree Ordinance. CDFW also recommends avoiding impacts to understory vegetation (e.g., ground cover, subshrubs, shrubs, and trees).
 - b) If impacts to trees cannot be avoided, trees should be replaced to compensate for the temporal or permanent loss habitat within a project site. Depending on the status of the bird or raptor species impacted, replacement habitat acres should increase with the occurrence of a California Species of Special Concern. Replacement habitat acres should further increase with the occurrence of a CESA-listed threatened or endangered species.
 - c) CDFW recommends planting native tree species preferred by birds. This includes coast live oak (*Quercus agrifolia*) and California sycamore (*Platanus racemosa*) (Wood and Esaian 2020). CDFW recommends Audubon Society's [Plants for Birds](#) for more information on selecting native plants and trees beneficial to birds (Audubon Society 2020).
- 3) Landscaping. CDFW recommends the use of native plants for any project proposing landscaping. CDFW strongly recommends avoiding non-native, invasive plants for landscaping, particularly any species listed as 'Moderate' or 'High' by the California Invasive Plant Council (Cal-IPC 2022). CDFW recommends the use of native species found in naturally occurring plant communities near to the Project area. Finally, CDFW recommends planting

Joelle Guerra
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species of vegetation with high insect and pollinator value.

General Comments

- 1) Biological Baseline Assessment. The DEIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document should include the following information:
 - a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023a);
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation Online](#) should also be used to inform this mapping and assessment (CNPS 2023).

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Adjoining habitat areas should be included in this assessment if the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;

- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur on the Project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See [CDFW's Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2023b). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and,
- f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a 1-year period, and assessments for rare plants may be considered valid for a period of up to 3 years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.

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- 2) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 3) Scientific Collecting Permit. A scientific collecting permit will be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023c).
- 4) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."
 - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency "shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures" (Pub. Resources Code, § 21081.6). CDFW recommends the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be

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fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.

- b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the DEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure **about the Project's proposed** mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 5) Data. CEQA requires that information developed in environmental impact reports 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 by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023d). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2023e). The City should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 6) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The DEIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should

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be fully evaluated in the DEIR;

- b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
 - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the DEIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 7) CESA. An appropriate take authorization from CDFW under CESA may include an ITP or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW

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issue a separate DEIR for the issuance of an ITP for the Project unless the Project's DEIR addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's DEIR should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's DEIR. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's DEIR may not necessarily satisfy mitigation required to obtain an ITP. Please visit CDFW's [California Endangered Species Act \(CESA\) Permits](#) webpage for more information (CDFW 2023f).

- 8) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 9) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, a DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

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Conclusion

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

Sincerely,

DocuSigned by:

C3D449ECB7C14DE...

Jennifer Turner, acting for:
David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW
Jennifer Turner, San Diego – Jennifer.Turner@wildlife.ca.gov
Felicia Silva, Seal Beach – Felicia.Silva@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

OPR
State Clearinghouse – State.clearinghouse@opr.ca.gov

References:

- Audubon Society. 2022. Plants for Birds. Available from:
<https://www.audubon.org/PLANTSFORBIRDS>
- [Cal-IPC] California Invasive Plant Council. 2022. The Cal-IPC Inventory. Available from: <https://www.cal-ipc.org/plants/inventory/>
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September 15, 2023

Ref. DOC 7003255

VIA EMAIL jguerra@cityofwalnut.org

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

Dear Ms. Guerra:

NOP Response to Walnut Business Park

The Los Angeles County Sanitation Districts (Districts) received a Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report (DSEIR) for the subject project located in the City of Walnut on August 17, 2023. The proposed project is located within the jurisdictional boundaries of District No. 21. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Lemon Avenue Trunk Sewer, located in South Lemon Avenue at Valley Boulevard. The Districts' 18-inch diameter trunk sewer has a capacity of 7.6 million gallons per day (mgd) and conveyed a peak flow of 0.6 mgd when last measured in 2014.
2. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant (WRP) located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average recycled flow of 62.7 mgd.
3. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits and select Will Serve Program, and click on the [Table 1, Loadings for Each Class of Land Use](#) link.
4. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, please contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

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

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

Very truly yours,

Patricia Horsley

Patricia Horsley
Environmental Planner
Facilities Planning Department

MNH:PLH:plh

From: Rania S <rania.siddiq@gmail.com>

Sent: Sunday, August 20, 2023 10:42:18 PM

To: Joelle Guerra <jguerra@ci.walnut.ca.us>

Subject: In Opposition to Walnut Business Park Development

Hello Joelle Guerra,

My name is Rania Siddiq. I am a resident of Walnut for the last 25 years.

I am writing to express my strong objection to the of the Walnut Business Park development on the northeast corner of Lemon and Valley ave.

This project will bring unwanted heavy truck traffic, noise, and pollution to our beautiful city. It will destroy local businesses already in place. It will not generate revenue for our city and its members, but rather put money into the pockets of businesses and corporations who do not know this city and will do nothing to improve it.

Walnut is a residential city, prided for its history, natural beauty, quiet, and safety. The development of the Walnut Business Park will bring the machine of corporation marching right onto our doorsteps.

Please put an end to this project. It is harmful to our city, our businesses, our clean air, and the beautiful peaceful environment we have worked so hard to maintain.

Thank you,

Rania Siddiq

rania.siddiq@gmail.com


19460 Colina Dr.

Walnut, CA 91789

From: [Jello Lynne](#)
To: [Joelle Guerra](#)
Date: Monday, August 21, 2023 4:04:22 PM

I am a Walnut resident and I am writing to express my concern about the warehouse project that is planned for Valley and Lemon. I do not want to bring more trucks to the area. How does this benefit the residents of Walnut and the city?

Thank you.

Jeannie Ingal

Jellolynne@gmail.com





T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email

August 21, 2023

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

Chris Vasquez, Community Development Director
Community Development Department
City of Walnut
21201 La Puente Road
Walnut, CA 91789
cvasquez@cityofwalnut.org

Teresa De Dios, City Clerk
City of Walnut
21201 La Puente Road
Walnut, CA 91789
tdedios@cityofwalnut.org

Re: CEQA and Land Use Notice Request for the Walnut Business Park (SCH# 2017101010)

Dear Ms. Guerra, Mr. Vasquez, and Ms. De Dios

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Walnut Business Park (SCH# 2017101010), including all actions related or referring to the proposed construction of four buildings that would encompass a total of 414,778 square feet of building space, including 392,490 square feet of warehousing space and approximately 22,290 square feet of office/retail space, bounded by Valley Boulevard to the south, Lemon Avenue to the west, and Paseo Del Prado to the north, (APNs: 8720-024-058, 8720-034-005, 8720-034-019, 8720-034-001, 8720-034-035, 8720-034-020, 8720-034-002, 8720-034-016, 8720-034-030, 8720-034-003, 8720-034-017, 8720-034-031, 8720-034-004, 8720-034-018, 8720-034-032, 8720-034-033, 8720-034-034, 8720-034-024, 8720-034-025, and 8720-034-026) in the City of Walnut (“Project”).

We hereby request that the City of Walnut (“City”) send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:

August 21, 2023

CEQA and Land Use Notice Request for the Walnut Business Park (SCH# 2017101010)

Page 2 of 2

- Notices of any public hearing held pursuant to CEQA.
- Notices of determination that an Environmental Impact Report (“EIR”) is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Madeline Dawson
Layne Fajeau
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
madeline@lozeaudrury.com
layne@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Layne Faeau
Lozeau | Drury LLP

From: [Abdul-Sattar Siddiq](#)
To: [Joelle Guerra](#)
Subject: Email about the new proposed warehouse in Walnut on Lemon drive
Date: Friday, August 25, 2023 7:59:10 AM

Hello Joelle Guerra,

My name is Sattar Siddiq. I have been a resident of Walnut for the last 25 years. I am writing to express my strong objection to the Walnut Business Park development on the northeast corner of Lemon and Valley Ave.

Thank you,

Sattar Siddiq
sattarsiddiq@gmail.com

19460 Colina Dr.
Walnut, CA 91789

From: [Helen Ton](#)
To: [Joelle Guerra](#)
Subject: Disagree of the redevelop the North East corner of Lemon and Valley
Date: Saturday, August 26, 2023 7:11:57 PM

Dear Mr Guerra,

I am a resident in Walnut, I would like you to know that I disagree with the city's plan to redevelop the NE corner of Lemond & Valley. Because it will have more heavy truck traffic and noise and adding pollution in the city.

Please reconsider your decision.

Helen Ton

From: [H&W Toy](#)
To: [Joelle Guerra](#); [Vijay Vakil](#); [Charles Isaac](#); [William Harrison](#)
Subject: Warehouse Application
Date: Monday, August 28, 2023 7:52:59 AM

Morning Joelle,

Could you forward us a copy of the warehouse developer's application? I'd like to see ownership info as well if not on the application.

Is it proposed as one story or multiple story buildings?

Thanks.
Sincerely,
Wendy

From: Andres X. Alatorre <axa.esq@gmail.com>

Sent: Tuesday, September 12, 2023 1:24:45 PM

To: Joelle Guerra <jguerra@ci.walnut.ca.us>

Cc: Nancy Tragarz <ntragarz@ci.walnut.ca.us>

Subject: Objection to Proposed Lemon Avenue Re-Development Project-Walnut Business Park

Dear Mayor Tragarz and Planning and Code Enforcement Manager Guerra,

I am writing to you as a concerned resident regarding the proposed redevelopment at the North -East corner of Valley Blvd. and Lemon Avenue in the City of Walnut, known as the “Walnut Business Park.”

I have been a resident of the City of Walnut, for over 33 years. I was raised here. I now chose to raise my family here. All three of my children attend school in the community and play soccer at Walnut Rach Park, where I coach their teams and referee games. My son plays baseball at Creekside Park, on the City’s Boys U-8 team, that was recently honored by the City Counsel for

representing Walnut in the Southern California PONY Baseball League World Series. In short, my ties to the Walnut community run deep.

Recently, I have spoken with countless friends and neighbors about the proposed Development Project titled: Walnut Business Park, and most if not all of the persons I have spoken with share many of the same concerns that I have with the possible diminishment of the quality of life, to the residents and visitors of the City of Walnut – threatened by the proposed warehoused re-development project – known as “Walnut Business Park.”

Many of them have expressed that the proposed redevelopment is not well suited for the community and would not benefit the residents of Walnut in any material way. Not only does the Proposed project seem to offer very little direct benefit to the residents of Walnut; to the contrary, the proposed Lemon Avenue Redevelopment Project seems to have many obvious costs to quality of life to the residents of Walnut.

Some of my objections to the proposed redevelopment include:

-Safety concerns over Increased Traffic

The proposed Project will add to already increased heavy traffic on Lemon Avenue. Added congestion from non-stop delivery trucks, dropping off and picking up merchandise as well as the many employees needed to run the proposed facilities will only make traffic worse on Lemon Avenue.

-Health Concerns from an Increase in Air Pollution

Along with the increased traffic will come an increase in Air Pollution in our City as the proposed four warehouses (including one building along lemon Avenue that will covering nearly 200,000 square feet of “last mile” warehouse space) will undoubtably bring a steady stream of heavy polluting diesel fuel burning tracker-trailers and dozens and dozens “last mile” delivery trucks. Each of these trucks will all release carcinogenic-toxic particulate pollution into the air reducing the already stressed air quality and thereby threatening the health of the entire community, (not to mention the pollution that would be brought on a daily basis by the hundreds of works that will be needed to run the proposed “last mile” shipping and receiving facilities proposed.

To this end, I have many questions and concurs:

Has anyone estimated the number of Semi-Trucks will be visiting the site each day?

Has anyone estimated that number of “last mile” delivery trucks that this proposed project will draw into the city on a daily basis.

Has anyone estimated the number of hours that all of these tuck engines will be running each day? Each Month?

Has anyone calculated total the increase in Air Pollution to the surrounding community from the proposed Lemon Avenue Redevelopment Project?

Since it is well established that an increases in Air Pollution is linked to countless health risks, this project clearly threatens the health of the entire community, the City Council and Mayor, must ask themselves is this project really in the best interest of the RESIDENTS of Walnut?

What benefit will WALNUT RESIDENTS gain out of the proposed Lemon Avenue Redevelopment Project by allowing this redevelopment project that carries such obvious health risks, other than an increase in tax revenues?

**THE WALNUT CITY COUNSEL SHOULD NOT APPROVE
A PROJECT THAT THREATENS THE HEALTH OF COMMUNITY**

-Loss of small business and of the “Small Town” feel of the Community in the City of Walnut.
At the moment the proposed warehouse development site is home to many small business, some of which have become a fixture in the neighborhood and add immeasurable charm to the small town feel Walnut is known for. The Conversion of a once quite neighborhood into a commercial warehouse hub does not bring much direct befit to the residents of Walnut.

These are just a few of my primary objections to the proposed redevelopment. I want to be heard by the City Council BEFORE the proposed project is approved by the Walnut City Counsel. Please inform me via email or written correspondence as to when my concerned neighbors and I can be heard by the entire Walnut City Council on this matter before a final vote is taken.

Very kind regards,

--
Andres X. Alatorre, Esq.
Alatorre & Associates
12631 Imperial Hwy. Suite B-202
Santa Fe Springs, California 90607
Tel: (562) 863-5200
Fax: (562) 800-0750

NOTICE IS HEREBY GIVEN that this office **does not accept ex parte notice via email and does not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly.** Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.

Notice of Confidentiality. This e-mail message and attachments, if any, are intended solely for the use of the addressee hereof. In addition, this message and attachments, if any, may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, distributing, disseminating, or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any right or privilege. If you have received this message in error, please promptly notify the sender by e-mail and immediately delete this message from your system.

From: H&W Toy <toysysltd@gmail.com>

Sent: Friday, September 15, 2023 4:37:34 PM

To: Joelle Guerra <jguerra@ci.walnut.ca.us>

Cc: Chris Vasquez <cvasquez@ci.walnut.ca.us>; Vijay Vakil <abav928@yahoo.com>; Charles Isaac <cisaac1969@gmail.com>; William Harrison <harrisonwilliamg@yahoo.com>

Subject: Warehouse NOP Commentary

Hi Joelle,

Please accept the attached letter as our group NOP Commentary for the "Walnut Business Park" (Warehouse) Project.

Thank you.

Sincerely,

Wendy

RE: NOP Commentary “Walnut Business Park” Warehousing Project

Dear Joelle,

We are responding within the project commentary period proposing 414,778 sf of building space on 20 parcels totaling 25 acres, primarily for warehousing use (392,490 sf) at the NE corner of Valley & Lemon in the City of Walnut. We understand you are currently seeking environmental impact concerns, however, as residents, we will take this opportunity to outline all concerns known to date.

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We feel that warehousing is contrary to what Walnut is about. The warehouses that do exist in Walnut have created problems for homeowners. To add to that without complementary benefits is a repeat of a past mistake. Nearby, City of Industry caters to this type of business – Walnut does not.

2018 GENERAL PLAN EIR:

- We have been told that an EIR for this project was completed in 2018 and the developer is now seeking a supplement. According to the NOP, the previous EIR identified 13 potential areas of environmental concerns.

As residents we have concerns in all 13 areas but will limit our emphasis to Aesthetics/Land Use Planning, Hydrology, Traffic/Air Quality/Noise as well as “Quality of Life” as stated above. Other concerns may become apparent as this proposal moves forward.

AESTHETICS/LAND USE PLANNING:

- While the acreage of the parcels will not change, the current one-story buildings will be replaced with 37’ high buildings. The developer is stating this is a one-story building (because future tenants will dictate interior design) but it is actually the maximum height allowed in Walnut, equivalent to a 3-story building. This will be a much more obtrusive-aesthetic and while more modern/updated buildings would be anticipated we wonder how the overall architectural aesthetics will blend in with the rest of the city.
- The Lemon/Valley corner is an entrance to our City where the addition of large, 3-story buildings will not make a positive statement about our Community.
- The developer states that, depending upon tenancy, they may create ‘mezzanine space’ in the buildings. Therefore, they are projecting 2-story use (possibly doubling the usable space).

We feel that if tenancy dictates, the developer could create 3-story use, thereby tripling the projected 400,000 sf of usable space. Supporting this possibility is that the NOP states the current building area is 357,544 sf. We find this to be a false equivalency: If you only needed to add another 40,000 sf (totaling 392,490), then this project, as proposed, would not be necessary.

TO: Joelle Guerra, Manager City of Walnut
RE: Warehousing NOP Commentary

September 15, 2023

AESTHETICS/LAND USE PLANNING: (continued)

- The 22,290 sf that will be dedicated to office/retail space is minimal (5% or possibly less). There are no actual tenants identified at this time.
- To say that it is sad that at least 8 longer-term small businesses will need to relocate is an understatement. It may force some of them out-of-business altogether. This does not reflect the values of most Walnut residents.

As this project is proposed to be built before tenants are identified, any possible tenant descriptions related by the developer is simply hypothetical. This unknown makes this project impossible to fairly & accurately form an opinion at this time. Residents will not know what we are facing until it is too late. Additionally, and of vital importance, is that this proposed project may produce little, if any, revenue to the City and very possibly less than what the City derives now from sales tax. Unless there is a major point-of-sale entity deriving sales tax, revenue could be minimal. Therefore, it is imperative to note that there is no City benefit anticipated and certainly no Community benefit foreseen.

HYDROLOGY:

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The entire Lemon Creek Watershed is of regional importance. Associated erosion and riparian habitat problems are known to exist and are of concern. Problems in one area create problems in others. This SEIR report requires a comprehensive analysis & review in this regard including the consideration of grading and residential building on the Brookside property and its hydrology concerns.

- We feel the preservation of the Brookside property is of vital importance should the warehouse project be approved.

TRAFFIC/AIR QUALITY/NOISE:

- Currently, morning commuters are well aware of trucks lining City of Industry warehouses' ingress & egress. Residents trying to access the freeway in recent years have continued to experience slowing of traffic, both on city streets and freeway access.
- Currently, there is no roadway/train grade separation at Lemon/Lycoming and even on off-peak hours traffic backs up when the trains are crossing.
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The question of how many trucks will be entering & exiting daily was asked at the August 29 Scoping Meeting. While that is to be discussed in the SEIR its accuracy will be questionable as tenancy is unknown. Electric fueled trucks were mentioned but unless that is a requirement of tenancy, that will probably take many years to achieve.

TO: Joelle Guerra, Manager City of Walnut
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September 15, 2023

ALTERNATIVE:

A mixed-use residential/commercial alternative was briefly discussed with the developer on August 29. One of the signatories on this letter met with the developer several years ago discussing this possibility with a council member present. While most Walnut residents would prefer this, it would create the need for rezoning. The developer's is clear their business does not wish to pursue rezoning due to the lengthy process & their business model does not support residential real estate endeavors.

CONCLUSION & COMMUNITY EXPECTATION:

We feel strongly that this warehousing project in Walnut, as proposed, offers no value or enhancement to our Community. Further we feel that all developers in Walnut should be giving back to the Community. This was required many years ago during build-out of our City. In order for the Walnut Community to thrive in the future, we must have developers enhancing our City, not slowly destroying our way of life.

We fear that if this project moves forward, it opens the possibility for other parcels to be purchased for more warehousing, either by this developer or others. Therefore, the expectation is for this developer to consider a serious, substantial, and ongoing community partnership with residents to maintain the quality of life that residents have enjoyed.

We anticipate and will appreciate further communications with the developer. We look forward to reviewing the SEIR.

Sincerely,

Vijay Vakil Wendy Toy William Harrison Charles Isaac

From: janelflaw@aol.com
To: [Joelle Guerra](#)
Subject: Warehouse Project in Walnut
Date: Saturday, September 16, 2023 4:43:11 PM
Attachments: [Warehouse NOP Commentary 15Sep2023.pdf](#)

Hello Mr. Guerra,

Please let the record reflect that I am in agreement with the attached letter.

Thank you,

Janel Law
640 Valley Springs Dr.
Walnut, CA 91789

RE: NOP Commentary “Walnut Business Park” Warehousing Project

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September 15, 2023

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Sincerely,

Vijay Vakil Wendy Toy William Harrison Charles Isaac

From: [Sharon Miller](#)
To: [Joelle Guerra](#)
Subject: Fwd: Warehouse Project in Walnut
Date: Sunday, September 17, 2023 12:28:59 PM
Attachments: [Warehouse NOP Commentary 15Sep2023.pdf](#)

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Sincerely,

Vijay Vakil Wendy Toy William Harrison Charles Isaac

From: CREED LA <creedla@creedla.com>
Sent: Monday, September 18, 2023 1:12 PM
To: Joelle Guerra <jguerra@ci.walnut.ca.us>
Subject: NOP COMMENTS- Walnut Business Park Project

Ms. Guerra,

On behalf of CREED LA, attached please find our NOP comments on the proposed Walnut Business

Park Project.

Thank you.

Godfrey
CARE CA

09/18/2023

VIA EMAIL ONLY

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

RE: NOP Comments for Walnut Business Park Project

Dear Ms. Guerra,

The comments are submitted on behalf of Coalition for Responsible Equitable Economic Development ("CREED LA") regarding **the Notice of Preparation ("NOP")** for a Supplemental Environmental Impact Report ("SEIR") for the Walnut Business Park project (**the "Project"**). The proposed Project would consist of four buildings that would encompass a total of 414,778 square feet of building space.

The goal of an EIR is to provide decisionmakers and the public with detailed information about the effects of a proposed project on the environment, how significant impacts will be minimized and alternatives to the project (Pub. Res. Code § 21002.2). We, therefore, respectfully request a complete analysis of all identified impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives. In addition, we have some concerns related to warehouse development that we would like to ensure are addressed as part of the SEIR process.

1. Industrial warehouse projects typically include 24 hours a day, 7 days a week operation in day and night shifts. The SEIR should analyze a Project Alternative that restricts operations to fewer hours.
2. The NOP states that the tenants or planned operations are unknown at this stage of development. The SEIR should reflect a good faith effort at full disclosure by including as much information on the nature of operations as can be reasonably obtained. In addition, the SEIR should clearly articulate and quantify all proposed future uses of the 392,490 square feet of warehousing space. This is important because different types of high cube warehouses have different levels of environmental impacts.

For instance, the NOP raises the possibility of food and beverage pick-up and e-commerce last-mile tenants. Therefore, the SEIR must analyze the impacts of transportation refrigeration units (TRUs) on the environment during Project operation. If the Project will not include cold storage, then the SEIR must include California Air Resources Board (CARB) recommended design measures in the Mitigation Monitoring and Reporting Program (MMRP). CARB recommends requiring contractual language in tenant lease agreements or restrictive covenant over parcels to prohibit use of transport refrigeration units (TRUs).

3. Goods movement industry is one of the major contributors of air pollutants across Southern California. Warehouse operations including trips by heavy duty trucks and cargo handling equipment (like forklifts, tractors) and even backup generators contribute to local pollution and global climate change. There is also overwhelming evidence that warehouse operations have a significant negative impact on public health due to the particulate pollution.

If, as expected, the **Project's** air quality impacts are significant, the SEIR must fully mitigate the impacts to ensure that the Project is in compliance with AQMP in both construction and operational phases. The SEIR must also include a mobile source HRA. Every effort should also be made to ensure that public health impacts are studied, quantified, and fully mitigated.

4. Warehouse development projects are significant contributors of GHG emissions. Therefore, the SEIR **must include a detailed discussion on the Applicant's plan to offset the Project's GHG emissions. Any** measures to address climate change threats must be considered. After all, it should be all about the letter and spirit of the law!

In addition to addressing these concerns, we request that the City make every effort to mitigate all impacts to the fullest extent feasible. This includes adopting mitigation measures from other jurisdictions such as the Fontana Warehouse Ordinance. The ordinance includes measures such as requiring a buffer zone with large drought-resistant trees, plug-in system for trucks with TRUs, zero emission motorized operational equipment, 10% EV parking, and solar panels for non-refrigerated uses. Mitigation measures can also include requirements to install cool roofs to reduce operational energy demand, and solar canopies on the parking lot to generate energy.

Thank you for the opportunity to submit NOP comments. Again, CREED LA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on the SEIR. Please provide all sources and referenced materials when the SEIR is made available.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Modrzejewski", with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director

SIGN IN SHEET
 Scoping Meeting Presentation
 Walnut Business Park Supplemental Environmental Impact Report
 August 29, 2023 at 6:00 PM

Please print clearly

NAME	ADDRESS	PHONE NO.
1. Jose Garcia	1123 Park View Court	[REDACTED]
2. VIJAY VAKIL	928 N BRIDLE PATH Lane	[REDACTED]
3.	Walnut CA 91785	[REDACTED]
4. HASSAN JASSI	1608 N. Timber Ridge Ln	[REDACTED]
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COMMENT CARD

Walnut Business Park

Supplemental Environmental Impact Report – Scoping Meeting

August 29, 2023 at 6:00 PM

Please identify any comments or concerns you may have regarding the Walnut Business Park SEIR, including any additional environmental topic areas, potential mitigation measures, or project alternatives (please print):

Please consider
1) No Project alternative
2) Change of Zone
3) No Distribution Center, we have enough across the street in City of Industry

Name: HASSAN SASSI
Address: 1608 N. Timber Ridge Lane Walnut CA 91789

Please do one of the following:

- 1) Return this card to Lexie Zimny, Planner with PlaceWorks, at the end of the Scoping Meeting
- 2) Email your comments to jguerra@cityofwalnut.org
- 3) Mail this comment card to:

City of Walnut
Planning Department
Attn: Joelle Guerra
21201 La Puente Road
Walnut, CA 91789