

OBJECTIONS TO 2015 FACILITIES MASTER PLAN UPDATE AND PHYSICAL EDUCATION PROJECTS, DRAFT SUBSEQUENT PROGRAM/PROJECT EIR TO FINAL PROGRAM EIR

By United Walnut Taxpayers
Dennis G. Majors, P.E., UWT Board Member
July 21, 2016

The following comments are provided in objection to the 2015 Facilities Master Plan Update and Physical Education Projects, Draft Subsequent Program/Project EIR to Final Program EIR (2015 SEIR/FMP). Additionally, the following objections have been filed with the Mt. SAC Board of Trustees reflecting concerns with the Mt. SAC capital improvement program, which are relevant to the current 2015 SEIR/FMP objections.

Objections to Draft Addendum to the Mt. San Antonio College 2012 Facility Master Plan, by United Walnut Taxpayers, Dennis G. Majors, P.E., UWT Board Member, January 13, 2016

Comments on NOP Draft Subsequent Project and Program EIR for 2015 Master Plan Update and Physical Education Projects, by United Walnut Taxpayers, Dennis G. Majors, P.E., UWT Board Member, February 10, 2016

Comments on Notice of Intent to Make Findings Pursuant to CEQA Guidelines and Adopt CEQA Thresholds of Significance, by United Walnut Taxpayers, Dennis G. Majors, P.E., UWT Board Member, April 1, 2016

CONSIDERATION AND DISCUSSION OF ALTERNATIVES TO THE PROPOSED PROJECT

CEQA Guidelines Section 15126.6 (a) Alternatives to the Proposed Project state, “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives, which are infeasible”.

However, an interpretation of alternatives in the traditional sense of a project and array of alternatives that would feasibly attain most of the basic objectives of the project as prescribed by CEQA 15126.6. (a) Alternatives to the Proposed Project, is difficult since comparable alternatives are not clearly defined. Specifically, Alternative 2 omits comparably sized parking structures at the different locations to fulfill build-out parking needs. Alternative stadium

development and operational options in Alternatives 1, 3 and 4 are not comparably sized or functionally equivalent, but provide some basis for comparison in the 2015 SEIR/FMP.

The proposed “Project” consists of those new projects added by the 2015 Facilities Master Plan Update which will be occupied by 2020, including the Physical Education Project (Phase 1), Physical Education Project (Phase 2), Pedestrian Overcrossing at Bonita and Temple and Communications Tower.

No parking structure or other alternatives were presented in the Notice of Preparation so there has been no opportunity to comment at an early stage. The alternatives to the project selected for further evaluation include the No-Project (no-build) Alternative (35,986 fall enrollment headcount); Alternative 1: Revise Physical Education Project, which restricts all future development as of January 2016; Alternative 2: Parking Structures, which includes three parking structure locations of different capacities; Alternative 3: No 2020 Olympic Track & Field Trials, which builds new Phase 1 and 2 Physical Education Projects but does not host the Olympic Track & Field Trials; and Alternative 4, which would include build out of all of the projects included in the 2012 Facilities Master Plan, meaning with respect to the stadium that only renovation would occur.

The SEIR describes Alternative 2, Parking Structures, as the “preferred” alternative to the “Project” which is not comprehensible given the “Project” is defined in the SEIR as those new projects added by the 2015 Facilities Master Plan Update which will be occupied by 2020. Table 2.5, New Projects Added by the 2015 Facilities Master Plan Update describes these facilities as the Physical Education Project (Phase 1), the Physical Education Project (Phase 2), Pedestrian Overcrossing at Bonita and Temple and Communications Tower. Given the definition of the “preferred” alternative as Parking Structures (Alternative 2), meaning that other stadium alternatives are rejected (Alternatives 1, 3 or 4), we are left with the conclusion that the “Project” alternative has been selected as well, which includes the Physical Education Projects (Phase 1 and 2). The logic that emerges from this narrative and as noted later in these objections is that Mt. SAC currently intends to build Parking Structure J and Physical Education Project (Phase 1) at a cost of \$111 million dollars (SEIR, Table 5.1, Page 471), none of which were identified in Measure RR Ballot Materials provided voters.

Heretofore in the 2012 Facilities Master Plan, the Physical Education Project (Phase 1) was defined as stadium renovation facilities, while Physical Education Project (Phase 2) was defined as reconstruction of the existing gym and pool complex south of Temple and east of Bonita. However, in a recent redefinition of terms, Mt. SAC has changed the term “stadium renovation” in 2012 SEIR and FMP to “Physical Education Project (Phase 1)”, in an apparent attempt to

draw the term “stadium renovation” after-the-fact in line with wording contained in Measure RR Ballot Materials provided to the voters in 2008.

While the development of a stadium renovation is described in the 2012 SEIR and FMP, neither stadium renovation or stadium demolition and reconstruction are not described in Measure RR Ballot Materials provided voters in 2008. The current stadium demolition and reconstruction plans at a cost of \$66 million dollars are clearly omitted from and violate the intent of 2008 Ballot Materials.

PROJECT IMPACTS OF LAND USE PLANS (Section 3.1.2)

The Residential Planned Development (RPD) zoning designation and the designation of “School” in the City of Walnut General Plan are appropriate land use designation at Mt. SAC to institute reasonable controls for compatible land use development within the City. This zoning designation provides the mechanism for land use planning and decision-making for development consistent with residential land uses, particularly in the peripheral areas of campus that abut residential communities providing *"appropriate and desirable use of land which is sufficiently unique in its physical characteristics and other circumstances to warrant special methods of development."* Walnut City Code § 25-88. RPD zoning as a matter of history, has not denied consideration of Mt. SAC development in both scale and purpose proposed by the college. However, in the case of Parking Structure J and the West Parcel Solar Project, RPD zoning places a check on peripheral land uses of the campus that are “sufficiently unique to warrant special methods of development” and fundamentally inconsistent with adjacent high-value residential land uses. In particular, the 2,300 space parking structure places a major underground facility as close as 125 feet away from Walnut residents and the West Parcel Solar Project converts highly visible open space forming the northern gateway to the City into a disposal dump site for excess dirt dug out from campus projects.

The significance of the RPD zoning designation is highlighted and reinforced in rulings of the LA Superior Court in favor of United Walnut Taxpayers in 2015 and 2016. RPD zoning was specifically cited in Judge Lavin’s ruling on the Preliminary Injunction, May 13, 2015, stating that such zoning calls for:

...."appropriate and desirable use of land which is sufficiently unique in its physical characteristics and other circumstances to warrant special methods of development." Walnut City Code § 25-88.

Further, Judge James C. Chalfant on January 21, 2016 reiterated Judge Lavin’s ruling stating,

... "the parking structure is a no classroom facility that cannot be exempted from the City's zoning laws under Section 53094." Sherman Decl. Ex. A, p.4. Walnut further alleges that

District is not entitled to the exemption in Government Code section 53094(a) because District is a community college district, not a school district. Thus, under Government Code section 53091, Walnut adequately alleges that District has a mandatory duty to comply with City's zoning laws. This IS sufficient for standing under CCP section 1085."

EVALUATIONS AT PARKING STRUCTURE J, PARKING STRUCTURE D AND PARKING STRUCTURE F (Section 5.0)

Section 5.0 Alternatives to the Project, Alternative 2: Parking Structures includes parking structures at three locations of differing space counts. Mt. SAC recommends building a Parking Structure J (2,300 spaces) by 2020, Parking Structure D (1,400 spaces) by 2025, and Parking Structure F (1,528 spaces) by 2025, however acknowledges that "the costs for constructing up to three parking structures in the next fifteen years is prohibitive, since structured parking spaces are extremely expensive (e.g. about \$19,600 per space)". It goes on to state, "However, given the long timeframe to secure funding, approvals and construction, this is not an unreasonable timeframe for completion". The United Walnut Taxpayers concur that the cost to construct the three parking structures is prohibitive, particularly since no funding source has been identified to build the structures at a combined cost of \$102 million dollars (SEIR, Table 5.1).

Project build-out parking needs in 2025 is 8,716 spaces (SEIR, Table 3.2.9). The total parking spaces that exist on campus today are 8,985 spaces (Table 3.2.3) or sufficient to meet all future need if parking spaces that exist today could be retained. However, Mt SAC will remove 2,459 spaces in the future to build new facilities or parking structures on them, meaning the parking deficit Mt. SAC will experience is largely self-imposed. Further, as noted in the SEIR, page 474 of the SEIR, "the costs for constructing up to three parking structures in the next fifteen years is prohibitive....." The cost penalty of removing 2,459 parking spaces as proposed by Mt. SAC comes at a cost of at least \$45 million dollars (Parking Structure J, SEIR, Table 5.1) currently without any source of public funding.

Adding the 2,300 parking spaces to the campus results in a total of 9,016 parking spaces at project build-out in 2025 compared to a total parking need of 8,716 spaces, which as noted in SEIR, Tables 3.2.3 and 3.2.9 assumes 2,459 spaces lost from campus construction activities through 2025. Parking could also be added through the expansion of either Parking Structure D or Parking Structure F to 2,300 total spaces since the footprint areas available at these sites are at or greater than that available at Parking Structure J (Parking Structure J: about 180,000 square feet; Parking Structure D: about 200,000 square feet; Parking Structure F: about 300,000 square feet after deleting new classroom areas). Approximate measurements of footprint areas cited above are taken from the 2012 Facility Master Plan, page 10.

CUMULATIVE IMPACTS OF PARKING STRUCTURE J (LOT A, LOT 1A, PAY LOT A)

An additional significant impact of Parking Structure J is its contribution to traffic gridlock during a combined emergency evacuation involving Timberline and Mt. SAC, which could occur during a severe fire combined with moderate winds, which prevail on most days. Cumulative traffic impacts must be addressed regarding the evacuation of a Parking Structure J in an emergency when already significant traffic congestion exists on roadways shared with the Timberline community and Mt. SAC, as demonstrated by the March 24, 2016 evacuation of the Mt. SAC campus resulting from a bomb threat. Regarding Cumulative Impacts, CEQA Guidelines §15355, Cumulative Impacts states:

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

(a) The individual effects may be changes resulting from a single project or a number of separate projects.

(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period.

However, Section 3.2.6, Traffic/Parking CEQA Cumulative Conditions Impacts, omits the disclosure of existing + project + cumulative impacts, which account for fire emergencies addressing concurrent evacuation of the entire Timberline community and the Mt. SAC campus. As noted in comments to Findings Pursuant to CEQA Guidelines and Adopt CEQA Thresholds of Significance by the United Walnut Taxpayers, April 1, 2016, Mt. SAC cannot unilaterally claim exemption from such evaluation of cumulative impacts in CEQA documents, particularly involving public safety issues.

In the evacuation of the Mt. SAC campus due to a bomb threat on March 24, 2016, I witnessed up to a 20-minute delay exiting on Mountaineer Road from the Timberline community to Grand Avenue. I witnessed an individual making an illegal right turn from Stoddard Wells Road into wrong way traffic on south bound Edinger Way in desperation to somehow find a way to the Grand Avenue exit. A severe fire emergency accompanied by daily prevailing winds initiated in or near the Mt. SAC campus or Timberline community could spread through the community and Mt. SAC lands mobilizing the evacuation of all Timeline residents and Mt. SAC. Even without any evacuation of Timberline, the emergency evacuation of Mt. SAC during the recent bomb threat caused a severe delay. The added evacuation of Parking Structure J in these circumstances would complicate traffic gridlock and the potentially catastrophic consequences of fire spread and smoke inhalation.

Since fire spread in an uncontrolled wildfire are primarily influenced by wind speed and terrain slope, the relatively steep natural terrain in the Timberline community of up the 50% and daily breezes which can exceed 5 -10 mpg (<http://www.sailflow.com/map>), create conditions for relatively rapid fire spread rate ([http://www.fs.fed.us/psw/publications/weise/psw_2005_weise\(koo\)005.pdf](http://www.fs.fed.us/psw/publications/weise/psw_2005_weise(koo)005.pdf)). It should be anticipated in such a fire event that evacuation of the Timberline community and Mt. SAC campus would be ordered resulting in uncertain risks to residents and students desiring to quickly exit the area through Mountaineer Road to Grand Avenue or through other exits for Mt. SAC students. Given this combined evacuation of Mt. SAC students and Timberline residents, and the implicit availability of other alternative parking structure locations, Mt. SAC cannot employ a Statement of Overriding Concerns considering the public safety and life-threatening circumstances that would prevail.

IMPROPER USE OF MEASURE RR FUNDS FOR STADIUM RECONSTRUCTION

As previously noted in comments to the NOP, Measure RR has been characterized as a “Classroom Repair, Education Improvement, Public Safety/Job Training Measure” supporting educational interests of Mt. San Antonio College by highlighting needs to renovate, construct and update classroom facilities. However, the subject 2015 SEIR/FMP seeks to change the objective of Measure RR by characterizing a stadium reconstruction project not identified in Measure RR Ballot Materials provided to the voters as a “physical education” facility, in an attempt to align and associate the stadium reconstruction with two vaguely worded Ballot Materials citations that address physical education facilities, stating:

....“Upgrade....physical and health educationfacilities”.....

....“phase two of the athletic complex, including hard courts, gym, fields and tracks,”...

While the Measure RR ballot narrative clearly documents the need for classroom and technology related upgrades, the proposed stadium reconstruction, vastly expanded field house beneath the reconstructed west bleachers and ancillary structures are excluded. Most notably the terms “stadium”, “stadium renovations”, “stadium reconstruction” or “new stadium” were not even mentioned in Ballot Materials provided voters. The use of Measure RR funds for such facilities violates the intended use of these bond funds. For example, Mt. SAC has improperly funded mass excavation of a large hill formation west of the existing stadium to achieve final grades for stadium demolition and reconstruction, proposes a \$66 million dollar Phase 1 stadium reconstruction project marketed to the US Olympics Committee as the site of the 2020 US Olympic Track and Field Trials, and proposes the dangerous trucking of excess dirt from the hill through public streets, to be piled up some 70 feet above Grand Avenue in front of homes at their West Parcel Solar Project site using Measure RR funds which were also not disclosed in Ballot Materials to voters.

Most importantly, there was no mention of stadium renovation or reconstruction of any type in the 2008 SEIRs and FMPs, and only scant mention of upgrading “field and Tracks” in the Measure RR Ballot Materials. The scale of the Phase 2 Physical Education Project, including a 77,569 square foot field house underneath the west bleachers more than seven times its current size, could have never been anticipated in Ballot Materials provided voters, which briefing states “physical education” facilities. The 2008 and 2012 SEIRs and FMPs included reference to replacing the existing “gym”. However, the proposed expanded 117, 898 square foot athletic complex more than doubling the size of the existing “gym” could not have been expected given the vaguely wording Ballot Materials.

IMPROPER USE OF MEASURE RR FUNDS FOR STADIUM RECONSTRUCTION PHASE 1 GRADING AND EARLIER GRADING CONTRACTS

As noted above, the terms “stadium”, “stadium renovations”, “stadium reconstruction” or “new stadium” was not mentioned in Measure RR Ballot Materials provided voters. The use of Measure RR funds for such facilities or related earthwork activities violates the intended use of these bond funds. SEIR, page 333 states the initial preliminary grading for athletic buildings D1 - D5 began in June 2014 and was completed in September. This excavation, which was exported to the Lot M Fire Academy area, also helped achieve final grades for stadium reconstruction. The scope and scale of these dirt moving activities violates the intent of Measure RR since such work was never presented to and could have never been anticipated by voters in the written Ballot Materials provided to them.

Remarkably, Mt. SAC intends to use Measure RR funds in proposed Phase 1 Grading to move the dirt that is left at the stadium hill (estimated to be around 160,000 cubic yards) to the West Parcel Solar site. Specifically, the SEIR, page 56, Table 2.2, Projects with Measure RR Bond Funding (May 2016) includes Physical Education Project (Phase 1 Grading). However, this work is not defined as either export from the stadium hill or import to the West Parcel site in Measure RR. The scope of the dirt moving activities violates the intent of Measure RR since it was never presented to and could have never been anticipated by voters from the written Measure RR Ballot Materials. Amplifying this concern is the fact that Mt. SAC proposes the dangerous trucking of this dirt through public streets, to be piled up some 70 feet above Grand Avenue in front of homes at their West Parcel Solar Project site.

IMPROPER USE OF MEASURE RR FUNDS FOR STADIUM RECONSTRUCTION PHASE 2 GRADING

The SEIR, page 331 states, “Truck Hauling Plan for PEP Earth Export Iteris, Inc. completed a Truck Haul Plan for Phase 2 Grading of the PEP site in April 2016”. Earlier this year, Mt. SAC exported dirt from the Business Computer Technology Center (BCT) and placed the dirt on the top of the excavated stadium hill remnant that was left after cutting the hill down in 2014. Based

on visual assessment, roughly 70,000 cubic yards of dirt has been placed on top of the hill remnant. This was an apparent temporary storage location for the excess dirt from the BCT that will later be removed to help achieve final construction grades for the new stadium and athletic complex (Physical Education Project, Phases 1 and 2). Specifically, Mt. SAC now intends to export to an offsite location about 81,429 cubic yards of dirt from the hill (Phase 2 Grading) via the Bonita Avenue/Grand Avenue intersection, east along Temple Avenue to SR-57 and north on SR-57 to an unspecified destination. Empty trucks would return along the same route to the campus.

The Notice of Preparation (NOP) of a Draft Subsequent Project and Program EIR for the Mt. San Antonio College 2015 Facilities Master Plan Update and Physical Education Projects states, “The District intends to use Measure RR funds to design and construct the Physical Education Projects”. Again, as in the case of Phase 1 Grading, the Phase 2 Grading violates the intent of Measure RR since such work was never presented to and could have never been anticipated by voters from the written Measure RR Ballot Materials.

WEST PARCEL SOLAR PROJECT

The SEIR, page 57 states, “The West Parcel Solar project (as of May 2016) is subject to litigation pending in the Superior Court of Los Angeles County. A motion or preliminary injunction was denied by the Court on January 21, 2016. In addition, the West parcel Solar project cannot commence until receipt of Section 404 Nationwide Permit from the Army Corps, Section 401 Water Quality Certification from the California State Water Resources Board, a Section 1600 Streambed Alteration Agreement from the California Department of Fish and Wildlife and recorded Restrictive Covent that will install, preserve, and maintain into perpetuity a habitat plan for the West Parcel Solar project”. SEIR, Table 2.3 Projects Under Construction (January 2016) also states that the project is formally “On Hold” apparently in large part because of the permit status described above.

SEIR, page 484 states, “The no-project alternative is rejected from further consideration because the facilities required for the College to meet its educational objectives would not be fulfilled and the Habitat Mitigation Plan previously adopted by the Board of Trustees would not be implemented. The District would also be in violation of permits received from the California Fish & Wildlife Service for the West Parcel Solar Project”. The fulfillment of a project mitigation program cannot be cited as a valid CEQA rationale for not proceeding with a project because the mitigation program is the “consequence” of the project and not the project itself. The expansion of the wildlife preserve is a separately disclosed action that can proceed independent of the Solar Project mitigation program.

Further, SEIR, page 485 states “The 2015 FMP is rated as environmentally superior to the 2012 FMP since it implements the habitat mitigation plans required for the West Parcel Solar project

and complies with the state and federal agency permit requirements for the project. The 2015 FMPU also expands the acreage for the Open Space/Wildlife Sanctuary Zone”. Again, the fulfillment of a project mitigation program cannot be cited as a valid CEQA rationale for proceeding with a project because the mitigation program is itself a “consequence” of the project and not the project itself. The expansion of the wildlife preserve is a separately disclosed action that can proceed independently.

The United Walnut Taxpayers delivered objections on the draft Addendum to the Mt. San Antonio College 2012 Facility Master Plan Subsequent Program EIR to the Mt. SAC Board of Trustees at their meeting of January 13, 2016. The comments focused on visual impacts through a line of sight analysis, severe land form reconfiguration, inappropriate use of an Addendum in lieu of a project specific EIR with comprehensive alternatives analyses, significant changes to site plans since 2013, and public safety risks imposed by commingling a dangerous dirt moving haul route with public traffic on city streets.

Mt. SAC has not disclosed the significant aesthetic impacts of natural hillsides destruction at the northern entrance of the City witnessed by thousands of motorists and residents each day. While limited aesthetics line of sight analysis were presented by staff to the Board of Trustees to secure approval of the project, on September 16, 2015, these studies were undisclosed and omitted the line of sight hillside devastation experienced by motorists. Mt. SAC conducted limited line of site aesthetic impact evaluation regarding the effects of the solar project on surrounding residents, however these studies were not included in the Addendum to the SEIR. Further, there has been no evaluation of the solar project’s significant aesthetic impact with respect to the City of Walnut’s designation of Grand Avenue as a scenic highway. A related effect is the destruction of rare native habitat that supports bird species such as the coastal California gnatcatcher and coastal cactus wren.

The West Parcel Solar Project results in severe community, aesthetics and hillside coastal sage scrub habitat impacts, and lacks alternatives analysis to avoid or minimize these impacts and to avoid impacts to waters of the United States. As well, the project lacks critical community input highlighting significant impacts to the heart of the City, the effects of which have heretofore been consistently discounted by Mt. SAC. The alternative of using of canopy-mounted solar panels over existing parking lots, as opposed to ground-mounted systems at the West Parcel, offers a unique opportunity to achieve the equivalent solar power benefits while completely avoiding impacts to waters of United States.

The United States Environmental Protection Agency website (<https://www.epa.gov/cwa-404/section-404-permit-program>) states, “The basic premise of the Clean Water Act Section 404 Program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation’s waters

would be significantly degraded. In other words, when you apply for a permit, you must first show that steps have been taken to avoid impacts to wetlands, streams and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts.”

Mt. SAC must initially demonstrate that steps have been taken to avoid impacts to wetlands, streams and other aquatic resources through a project alternatives analysis. However, there is no evidence from Mt. SAC’s solar project initiatives that any effort to avoid impacts to waters of the United States has been pursued through such analysis. Significantly, the practicable alternative of canopy-mounted solar panels over existing parking lots would in fact have absolutely no impact to the waters of the United States, but has not been disclosed in CEQA documents and subjected to public review. Such alternatives evaluation to avoid impacts to waters of the United States and address alternatives to the proposed project must be considered in CEQA documents.

Dirt moving operations for the Solar Project alone involve 11,000 dump truck loads of dirt transport along city streets, which is a major construction operation. An Addendum to current CEQA documents discloses dump trucks will be dispatched from the Stadium Hill borrow source to the Solar Project at a rate of twenty (20) truckloads per hour or at a spacing of 3 minute intervals, 9 hours a days for 73 days over a 6-mile haul route through the cities of Walnut, Pomona and Industry, two college campuses and an unincorporated county area. The City of Walnut by letter of November 4, 2015 informed Mt. SAC that an any such truck traffic would require a Conditional Use Permit (CUP) from the City including truck routes and other conditions which to date has not been provided. In disregard of the City’s requirement, the Thresholds of Significance only require traffic congestion analysis when truck hauling exceeds fifteen (15) truckloads per hour and 100,000 cubic yards of earth movement for a single project, meaning much of the massive earthmoving operations to construct the Solar Project would be considered insignificant. Real time safety implications of such operations are not addressed, particularly for the generally unprecedented and dangerous co-mingling of a 6-mile long dirt moving haul route on public streets.

Mt. SAC has not disclosed alternatives analyses of the Solar Project in CEQA environmental documents as requested by the City of Walnut and the United Walnut Taxpayers. Further, in an email of September 23, 2015, US Fish and Wildlife Service requested a review of a canopy-mounted solar panel alternative above parking lots similar to those at Cal Poly Pomona. The City of Walnut has stated in their letter of October 28, 2015 to Mt. SAC that “Absent new environmental analysis of the Solar Project by Mt. SAC, the City will assume lead agency role pursuant to CEQA Guidelines Section 15096(e). Pending the City’s approval of such CEQA documentation and Conditional Use Permit (CUP), Mt. SAC must not commence any construction activity”. The City has consistently requested comprehensive alternatives analyses in CEQA documents, which heretofore has not been conducted. The Addendum to CEQA

documents certified on January 13, 2016, provided an opportunity to disclose these alternatives; however, Mt. SAC chose to exclude these analyses in the Addendum in indifference to the requests for alternatives analysis by the City of Walnut, the United Walnut Taxpayers and the US Fish and Wildlife Service.

Internal Mt. SAC studies (2013) obtained by UWT have stated that canopy-mounted solar panels over parking lots could not be constructed effectively because of disruption to student traffic. However, current thermal tank and building construction on the north side of campus is eliminating more than 900 parking spaces for more than a year apparently with acceptable effects to student parking. In contrast, canopy-mounted solar panels can be pre-fabricated off-site and installed with minimal traffic disruption during recess periods of several months a year. Canopy-mounted solar panels completely avoid the destruction of hillsides, critical habitat, wildlife and primary viewsheds of the City.

CHRONOLOGY OF EXCAVATION AND TRANSPORT OF DIRT AT THE STADIUM HILL TO ON-CAMPUS AND OFF-CAMPUS LOCATIONS

The strategy for excavation and transport dirt to support on campus construction programs has been a central element of the Mt. SAC capital improvement program. It is instructive to summarize the timing and quantities of dirt movement to shed light on Mt. SAC's objectives and related concerns to the United Walnut Taxpayers.

2011: Psomas Associates develops earthwork plan identifying 261,000 cubic yards of earth export from the stadium hill entirely to the West Parcel site (8-19-11). This plan was placed in the 2012 SEIR, however the West Parcel Solar Site did not move ahead upon SEIR completion in 2013 as planned and dirt exports from the stadium hill had to go elsewhere.

2012: Psomas Associates develops earthwork plan identifying 425,450 cubic yards of dirt import to the Driving Range Parcel (7-24-12). While there was no Fire Training Academy identified at the driving range at that time, the 425,450 cubic yards was adequate to accommodate dirt exports from excavating the lower levels of Parking Structure J, cutting down a part of the stadium hill to make space for the new stadium and athletic facilities, and other excavation exports from the central portion of campus. This plan was also placed in the 2012 SEIR as a site to dispose of dirt exports from other parts of campus largely because the West Parcel was unavailable at the time.

2014: The stadium hill was partially cut down with dirt exports placed at the Driving Range Parcel (now named the Fire Training Academy). It is concluded that the 261,000 cubic yards of dirt originally intended for the West Parcel was diverted to the Driving Range Parcel because the West Parcel was unavailable at the time.

2015: Excavation from the lower levels for the Parking Structure J in an amount of about 100,000 cubic yards was to be placed at the Driving Range Parcel (now named the Fire Training Academy), but the contract to do so was terminated as a result of Judge Luis A. Lavin's May 13, 2015 Injunction.

2016: About 70,000 cubic yards of dirt was exported from the Business Computer Technology Center (BCT) and placed on the top of the excavated stadium hill remnant that was left after cutting the hill down in 2014. As a temporary storage site, this dirt now has to be exported off site, as noted above under Phase 2 Grading.

2017: Mt. SAC intends to move about 160,000 cubic yards of dirt from the remaining stadium hill remnant to the West Parcel disposal site, which will finally bring the hill down to surrounding ground level in preparation for new stadium and athletic complex construction.

As a result, approximately 261,000 cubic yards has been placed at the Driving Range Parcel by partially cutting down the stadium hill in 2014. About 70,000 cubic yards of dirt has been exported from the Business Technology Center, which has temporarily built the hill back up again, to be removed and exported off-site under Phase 2 Grading. All of this work has been done using Measure RR funds, which was not described in Measure RR Ballot Materials provided to voters.

IMPROPER APPLICATION OF CEQA THRESHOLDS OF SIGNIFICANCE BY MT. SAC IN THE 2015 SEIR/FMP (SEIR, Section 3.0)

The United Walnut Taxpayers have filed objections with the Mt. SAC Board of Trustees relative to Mt. SAC's Notice of Intent to Make Findings Pursuant to CEQA Guidelines and Adopt CEQA Thresholds of Significance on April 1, 2016.

The Thresholds of Significance appear to employ a tailored CEQA compliance mechanism to controvert valid city and county zoning and ordinances for the protection to and compatibility with residential and open space areas of the City. The Thresholds of Significance state that non-compliance with their self-defined internal Land Use Plan, Facility Master Plan and Campus Zoning is a significant impact, which does not constitute valid impact assessment under CEQA. Nonetheless, the college excludes recognition of CA Gov. Code 53094(b), which requires compliance with applicable city and county zoning. As such, Mt. SAC appears to render irrelevant the City of Walnut's planning and zoning ordinances, specifically the application of Residential Planned Development (RPD) zoning which has been upheld and favorably ruled on by the LA Superior Court in 2015 and 2016. UWT objects to any inappropriate application of CEQA procedures to potentially controvert the application of City of Walnut zoning and ordinances.

Non-compliance with a discretionary Energy Conservation Plan as a significant impact does not constitute a valid impact assessment under CEQA. A self-imposed Energy Conservation compliance mechanism would be one method of citing significant impacts of not implementing site-specific projects, which conversely requires the implementation of the project to reduce impacts to a level of insignificance. The consequence of such an interpretation could require implementation, for example, of the West Parcel Solar Project to reduce self-imposed impacts to a level of insignificance, but providing justification for the acceptance of other significant impacts of the project.

Within the Thresholds of Significance document, Mt. SAC defines environment impacts as baseline + project impacts, while excluding the disclosure of existing + project + cumulative impacts. Mt. SAC cannot unilaterally claim exclusion from evaluation of cumulative impacts in CEQA documents. An example is the cumulative traffic impacts that must be considered when the need arises to evacuate a potential Parking Structure J during an actual fire emergency when already significant traffic congestion exists on roadways shared with the Timberline community and Mt. SAC, as demonstrated by the March 24, 2016 evacuation of the Mt. SAC campus resulting from a bomb threat.

The Thresholds of Significance set self-identified impact thresholds indicating that non-compliance with campus parking demand projections for the latest FMP (or that occurring every five years) is a significant impact. However, non-compliance with parking demand projections is not a valid impact category under CEQA. The Thresholds of Significance also require traffic congestion analysis when truck hauling exceeds fifteen (15) trucks per hour and 100,000 cubic yards of dirt movement for a single project, meaning anything less than these criteria is not significant. Further, no analysis can consider real time safety implications of such operations, particularly for the generally unprecedented and dangerous co-mingling of a 6-mile long dirt moving haul route on public streets proposed with the solar project.