



**Mt. San Antonio College**  
**1100 N. Grand Ave. ■ Walnut, CA 91789 ■ (909) 274-7500**

August 15, 2017

Tom Weiner  
Community Development Director  
City of Walnut  
21201 La Puente Road  
P.O. Box 682  
Walnut, CA 91789

Re: *Mt. San Antonio College Physical Education Project; Grading Plan Submission*

Dear Tom:

Please find enclosed the following documents related to the Mt. San Antonio College Physical Education Projects ("PEP") as more fully described in the following documents:

1. Geotechnical Study Report (7/31/15) – Telecommunications Building D
2. Updated Geotechnical Study Report (3/14/16)
3. California Geological Survey Approval Letter (5/20/16)
4. Storm Water Pollution Prevention Plan – WDID# 4 19C379762
5. State Water Resources Control Board - Receipt of Notice of Intent (5/9/17)
6. DSA Approved Grading Plans
7. Hydrology Analysis
8. Truck Haul Plan

The PEP is subject to significant time sensitivity due to the critical path of grading at the PEP site ("Site"). It is vital that grading commence **no later than August 25, 2017** so that the project may proceed and meet construction schedules under contracts that have been awarded after public bidding. For this reason, Mt. San Antonio College (Mt SAC) requests that your department confirm within ten (10) days of the date of this letter that the City of Walnut will review and process for approval the grading and truck hauling plans in a timely manner consistent with Government Code section 53097 and Walnut Municipal Code ("WMC") sections 6-5.3 *et seq.* In particular, I would like to point out WMC section 6-5.3, which provides:

Development standards relative to grading within the City of Walnut are hereby established to complement the provisions set forth in Appendix Chapter J of the Los Angeles Building Code as currently adopted and as may be amended from time to time. In cases of conflict between the provisions of said Building Code and these development standards, the development standards shall prevail as to design concepts and nature and scope of permitted earthwork development. **The Building Code shall prevail as to geotechnical and engineering design and construction and to administration of the permit process.**

(Emphasis added.)

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Under Government code section 53097, the City of Walnut's review and approval of the grading plans is a ministerial duty undertaken by the City of Walnut's building official, City Engineer David Gilbertson, solely for the purpose of ensuring that grading plans meet design and construction safety standards in conformity with applicable provisions in the WMC. You will find that the grading plan prepared by Mt. SAC's civil engineer PSOMAS satisfies the relevant engineering and technical portions of the criteria listed in Appendix J to the Los Angeles Building Code and WMC. As will be explained below, the PEP is exempt from City of Walnut zoning and land use controls; accordingly, WMC section 6-5.6, subd. (b), which provides the Planning Commission has "discretionary approval" of a grading plan that proposes a change in elevation of five feet or more from existing elevation is inapplicable to the PEP grading plans.

I want to further note that the enclosed grading plans are identical to the grading plans I submitted to you concerning Mt. SAC's temporary parking project and which Mr. Gilbertson has already reviewed.

To assist with your review of the plans, below is background information you will find helpful.

1. *Project Background*

The grading plans for the PEP prepare the Site for Phase I work consisting of the following critically needed facilities: the new Hilmer Lodge Stadium, new field house/teaching space, track and field facilities and outbuilding. The Phase 2 work consists of the construction of a new Physical Education Gym Facility and Physical Education, Kinesiology and Wellness building consisting of approximately 118,000 gross square feet. The Phase 2 work consisting of the aquatic center and parking facility will not be proceeding at this time.

The Phase 1 and 2 work described above is essential to Mt. SAC meeting the physical education program requirements that are a part of Mt. SAC's accreditation. The work will also allow Mt. SAC to ensure Title IX equitability requirements, which view athletic programs as educational programs and activities. Mt. SAC is committed to ensuring its students, both women and men, are provided equitable opportunities to participate in Mt. SAC sports and athletic programs. The new Hilmer Lodge Stadium, new Physical Education Gym and new track and field facilities meet this important goal. The Physical Education, Kinesiology and Wellness building will allow Mt. SAC to provide classroom instruction to its many students interested in pursuing career opportunities or academic interests in the multi-dimensional field of physical education, health and kinesiology. For the moment, Mt. SAC uses a combination of on-site antiquated facilities and off-site facility rentals to provide sports and physical education programming to its students. Additionally, student graduation occurs off-site, which is a burden to Mt. SAC's faculty, administration and students.

I also want to remind you that Mt. SAC has been awarded the 2020 US Olympic Track and Field Trials, a ten-day event that will enhance the stature and prestige of Mt. SAC and will also be a great economic boost to the business community in the tens of millions of dollars. The Olympic time trials will also be a tremendous source of pride for the tens of thousands of students who attend Mt. SAC. Delaying the review and approval of the grading plan beyond September 15, 2017 will threaten the 2020 Olympic Track and Field Trials.

2. *State Approvals and CEQA Clearance*

The PEP has received all State of California ("State") approvals. The Division of State Architect ("DSA") approved the plans and specifications for the PEP on December 1, 2016. DSA has exclusive

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authority to provide design and construction oversight for community college facilities related to accessibility, structural safety, and state building code compliance. The California Geological Survey, which is a State agency, is responsible for reviewing the geological condition of State projects. The enclosures include a letter from CGS accepting the Site after geohazard review.

With regard to CEQA compliance, Mt. SAC is the lead agency for ensuring the PEP complies with CEQA. The PEP received final CEQA project clearance by official action of the Board of Trustees of Mt. SAC ("Board") at the regularly noticed meeting on August 9, 2017. At the meeting, the Board adopted Resolution No. 17-01 and took the following actions: 1) approved and certified the Physical Education Project Subsequent Program/Project Final EIR; 2) approved the Mitigation Monitoring Program; 3) approved the Statement of Overriding Considerations; and (4) approved the Statement of Facts. The PEP first received project specific CEQA review in the 2015 Final PEP Subsequent EIR that was certified and approved by the Board at the October 12, 2016 Board meeting.

3. PEP Exemption from City of Walnut Zoning and Land Use Controls

Pursuant to Government Code section 53094, the Board adopted Resolution No. 16-03 at the October 12, 2016 Board meeting exempting the PEP from City of Walnut zoning ordinances and land use controls. As discussed above, the PEP furthers the educational mission of Mt. SAC to provide sports, athletic programs and educational instruction to its students. Under Government Code section 53097, this means the PEP is subject to City of Walnut local grading ordinances limited to "review and approval of grading plans regulating drainage improvements and requiring the review and approval of grading plans as such grading ordinance provisions relate to the design and construction of onsite improvements." (Emphasis added.) As noted above, this review and approval is a ministerial function of the City of Walnut's building official, not the Planning Commission. Indeed, the City of Walnut's website states "the five member Planning Commission reviews matters related to zoning, land use, building and planning which may not be approved at a staff level." The Planning Commission lacks the expertise (or authority) to review grading plans for design and construction safety elements; that is a function carried out by the City of Walnut building official.

Because of the pending legal action between the City of Walnut and Mt. SAC concerning the PEP, I have copied this letter to the City of Walnut City Attorney. The City Attorney should direct all questions concerning the PEP and this letter to Mt. SAC's attorney of record in the pending legal action.

I look forward to hearing from you within the next ten days, but in the meantime, please do not hesitate to contact me if you have any questions. I am available at (909) 274-5179 should you wish to discuss this submittal in more detail.

Gary Nellesen  
Director, Facilities Planning & Management  
Mt. San Antonio College

cc: Dr. William Scroggins, CEO President, Mt. SAC  
Michael Gregoryk, Vice President Administrative Services, Mt. SAC  
Sean B. Absher, Stradling Yocca Carson & Rauth  
Barbara Leibold, City of Walnut City Attorney

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