

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

November 28, 2017

Re: *Mt. San Antonio College West Parcel Solar Project; Grading Plan Submittal*

Dear Tom:

Please find enclosed (4) sets of documents related to the Mt. San Antonio College West Parcel Solar Project as more fully described in the following documents:

1. Updated Geotechnical Study Report (12/19/14)
2. Storm Water Pollution Prevention Plan – WDID# 4 19C378229
3. State Water Resources Control Board-Receipt of Notice of Intent (10/12/16)
4. Grading Plans
5. Hydrology Analysis
6. Truck Haul Plan (7/20/17)
7. Water Quality Management Plan prepared for the RWQCB 401 & CWA 404 Permits – Low Impact Development Plan (LID)

The first phase of the project requires site clearing operations and pre-construction geotechnical testing. Mt. SAC expects to receive final clearance from the federal and state regulatory agencies to commence this first phase of the project on or about December 14, 2017. This first phase will be followed by grading operations, which is a critical path component of the project. For this reason, it is vital that grading operations commence **no later than January 2, 2018** so that the project may proceed and meet construction schedules under contracts that have been awarded after public bidding.

Mt. SAC wants to point out that there has been a judicial determination that the project is an electrical energy generation facility and exempt from all City of Walnut land use, zoning and building controls. For this reason, 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

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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.)

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 of the Los Angeles Building Code and WMC.

In addition, the project received final CEQA project clearance by official action of the Board of Trustees of Mt. SAC ("Board") at the regularly noticed meeting on October 11, 2017. At the meeting, the Board adopted Resolution No. 17-03 and took the following actions: 1) approved and certified the Mt. San Antonio College West Parcel Solar Project Tiered Draft Environmental Impact Report (SCH 2002041161), (2) approved and adopted a Statement of Facts and Findings and (3) approved and adopted a Mitigation Monitoring Program.

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 Nelesen  
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