

January 21 Hearing Operational Impacts
01/22/2016

Bill and Mike

Please see my comments below in response to Judge Chalfant's tentative decision.

Judge Chalfant did not issue the temporary restraining order sought by United Walnut and the City. This will allow construction of the solar project to proceed upon receipt of the required federal and state permits. We remain in contact with the permitting agencies and, with the support of our environmental consultants, have responded to all requests for additional information. At this time, we believe that a copy of Judge Chalfant's tentative decision, followed by a call from district counsel to each agency, will remove the final barrier to permit issuance. Upon receipt of permits we will immediately mobilize contractors and begin grading activities. Initial earthwork activities will involve about 30 days of site preparation followed by about 100 calendar days of earth hauling. Solar panels will be installed approximately 60 days after completion of the earthmoving.

We are still unclear if permits will be issued prior to the California Gnatcatcher breeding season. If so, work will begin by mid February. If not work may be delayed until September. It is very unlikely that our incentives and loan will be affected by the potential delay. Construction activities to prepare the California Black Walnut and Coastal Sage Scrub mitigation areas east of Grand avenue will run concurrently with the solar project.

The City and United Walnut may seek to add new environmental analysis regarding the solar project to the official record. The judge in his verbal comments asserted very clearly that he would not allow either party to "bootstrap" new information onto the case. Based on the judges comments and his extensive reliance on the declaration of the college's environmental consultant in his tentative decision, I believe that the city and United Walnut will focus most heavily on the parking structure element of the case going forward.

I believe that a parking structure on the lot A site remains as our best and safest solution to serve our students while minimizing traffic around the college, however we may wish to consider a smaller structure that complies with Walnut zoning standards, along with secondary structures north of Temple avenue at the lot D and Lot F sites. This would be significantly more expensive than a single structure, but may give us our best opportunity at settling the case and establishing a constructive basis for our future working relationship with Walnut, while still balancing traffic impacts and student parking needs. I am working to prepare some scenarios for your consideration.

The Athletics complex remains an issue in this litigation, however counsel for United Walnut

gave some indication that this issue could be dropped, pending discussion and further exchange of information with district counsel. The subsequent environmental impact report to address the Athletics complex is underway, and will allow for stadium construction to start in October of 2016.

Finally, the City of Walnut has contracted for an update to their general plan, specifically to address the west valley development. While this effort appears to be limited to the commercial area near Valley and Brea Canyon, it may provide an opportunity for us to work with the city to change the "residential planned development" designation given to the college in Walnut's current general plan. A good outcome of this effort would be to develop reasonable guidelines for campus projects where the impact of city zoning law is currently unclear. I believe that this is a crucial step to the future development of college facilities and would provide a means to improve our image in advance of any future bond measure. With your approval, I will reach out at the appropriate level to the City staff to indicate our interest in the process.

Generally, I believe that the tentative decision is very favorable to the college. The United Walnut representatives were clearly very disappointed, and this judge appears to be reasonable.

I will be happy to respond to any specific questions you have.

Gary

Gary Nellesen
Director, Facilities Planning and Ma