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# PLANNING COMMISSION

## CITY OF INDUSTRY

REGULAR MEETING AGENDA  
SEPTEMBER 12, 2017 11:30 A.M.



CHAIRMAN MICHAEL GREUBEL  
VICE CHAIRMAN JIM DIVERS  
COMMISSIONER HILDA RODRIGUEZ  
COMMISSIONER BECKY SIMON  
COMMISSIONER ANDRIA WELCH

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*Location: City Council Chamber, 15651 East Stafford Street, City of Industry, California*

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### **Addressing the Planning Commission:**

- ▶ **Agenda Items:** Members of the public may address the Planning Commission on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any item listed on the Agenda. Anyone wishing to speak to the Planning Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary prior to the individual being heard by the Planning Commission.
- ▶ **Public Comments (Non-Agenda Items):** Anyone wishing to address the Planning Commission on an item not on the Agenda may do so during the "Public Comments" period. In order to conduct a timely meeting, there will be a three-minute time limit per person for the Public Comments portion of the Agenda. State law prohibits the Planning Commission from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the Planning Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary and prior to the individual being heard by the Planning Commission.

### **Americans with Disabilities Act:**

- ▶ In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 333-2211. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

### **Agendas and other writings:**

- ▶ In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Friday 9:00 a.m. to 5:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211.

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1. Call to Order
  2. Flag Salute
  3. Roll Call

4. Public Comments

5. **PUBLIC HEARING**

- 5.1 Public Hearing to consider Conditional Use Permit (CUP) No. 17-5, submitted by LobsterNow to allow alcohol service in conjunction with an existing fast food restaurant located at 17501 Colima Road, Suite G2, in the City of Industry.

Consideration of Resolution No. PC 2017-05 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 17-05, TO ALLOW ALCOHOL SERVICE IN CONJUNCTION WITH AN EXISTING RESTAURANT LOCATED AT 17501 COLIMA ROAD, SUITE G2, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF.

*RECOMMENDED ACTION: Adopt Resolution No. PC 2017-05.*

- 5.2 Public Hearing to consider Amendment No 2 to Conditional Use Permit (CUP) No. 05-8, submitted by the County Sanitation District of Los Angeles County to extend the term of the interim use allowed at the established intermodal facility located at 2500 Pellissier Place, in the City of Industry.

Consideration of Resolution No. PC 2017-06 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO CONDITIONAL USE PERMIT NO. 5-8 TO EXTEND THE TERM OF THE INTERIM USE AT THE INTERMODAL FACILITY LOCATED AT 2500 PELLISSIER PLACE, CITY OF INDUSTRY, CALIFORNIA, WITHIN THE "I" INDUSTRIAL ZONE, FROM FIVE TO TEN YEARS, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF.

*RECOMMENDED ACTION: Adopt Resolution No. PC 2017-06.*

6. **ORAL COMMENTS FROM THE PLANNING COMMISSION**

7. **ORAL COMMENTS FROM STAFF**

8. Adjournment. Next regular meeting will be on Tuesday, October 10, 2017 at 11:30 a.m.

*PLANNING COMMISSION*

ITEM NO. 5.1

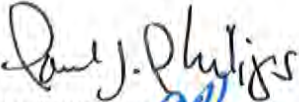




# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## MEMORANDUM

**To:** Planning Commission

**From:** Paul J. Philips, City Manager 

**Staff:** Troy Helling, Planning & Safety Manager   
Dina Lomeli, Consultant Assistant Planner II 

**Date:** September 12, 2017

**Subject:** Conditional Use Permit 17-5, LobsterNow, 17501 Colima Rd, Suite G2.

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### Proposal

Section 17.12.025(14) of the Industry Municipal Code requires approval of a Conditional Use Permit ("CUP") by the Planning Commission for the operation of a fast food restaurant with alcohol service. CUP 17-5 is a request for a new alcohol beverage control license (Type 41 ABC License) for beer and wine in conjunction with a fast food restaurant known as "LobsterNow". LobsterNow is located in an existing 1,518 square foot suite, in a multi-tenant building within the Puente Hills Mall campus, as shown on the site plan (Exhibit B). The restaurant is located at 17501 Colima Road, Suite G2 ("Property"). LobsterNow offers a variety of Chinese seafood and traditional dishes. The restaurant has been in operation since March 2, 2016, with business hours of 11:30 AM to 10:00 PM, seven days a week, with approximately 10 employees. As shown on the floor plan (Exhibit C), the establishment will accommodate 50 seats inside.

### Location and Surroundings

As shown on the location map (Attachment 1), the project site is located on the northwest corner of Colima Road and Albatross Road, within an existing multi-tenant building within the Puente Hills Mall campus. The property is surrounded by improved commercial developments and streets.

### Staff Analysis

The request for a new alcohol beverage control license (Type 41 ABC License) for beer and wine in conjunction with an existing 1,518 square foot fast food restaurant known as "LobsterNow" is consistent with the Zoning "C" (Commercial) and General Plan (Commercial) designations of the site and complies with the standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code.



### *Property*

The Property meets all requirements of the Zoning Code, such as adequate in size, shape, topography, and location to accommodate the yards, walls, fences, parking and loading facilities, landscaping, required by Sections 17.12.050 and 17.36.060 of the Municipal Code. There are adequate utilities to accommodate the proposed use, as the applicant is already operating a restaurant, and the request is only to add the service of alcoholic beverages. The commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

### *Access*

The Property is accessed by two major streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. There is no expansion of the footprint of the building, and the Property is currently accessed by Colima Road and Albatross Road, which is of adequate capacity to serve the commercial use.

### *Compatibility*

A fast food restaurant with alcohol service is compatible with surrounding properties and uses because the surrounding area is composed of retail stores, restaurants, and the addition of alcoholic beverages at LobsterNow will provide additional dining options to restaurant goers in that area. The uses of the surrounding properties may change, but the character will remain commercial in nature, consistent with the General Plan and Zoning designations of the site. The proposed use of alcohol service in conjunction with a fast food restaurant is a common arrangement in many restaurant uses. The proposed use will add to the diversity of menu items which the fast food restaurant can offer to its customers.

### *Parking*

The existing site is developed with 132 parking spaces. The approval of this request for an ABC License will not require additional parking spaces.

## **Environmental Analysis**

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 2.54 acre site for the development occurs within city limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 20,375 square foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center; and (5) the site is adequately served by all required utilities and public services. The Notice of Exemption (Attachment 4) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

## **Public Hearing**

The required Public Hearing Notice (Attachment 5) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site,

and published in the *San Gabriel Valley Tribune* by September 1, 2017, pursuant to Government Code section 65091.

### **Fiscal Impact**

Conditional Use Permit 17-5 has no fiscal impact to the City of Industry.

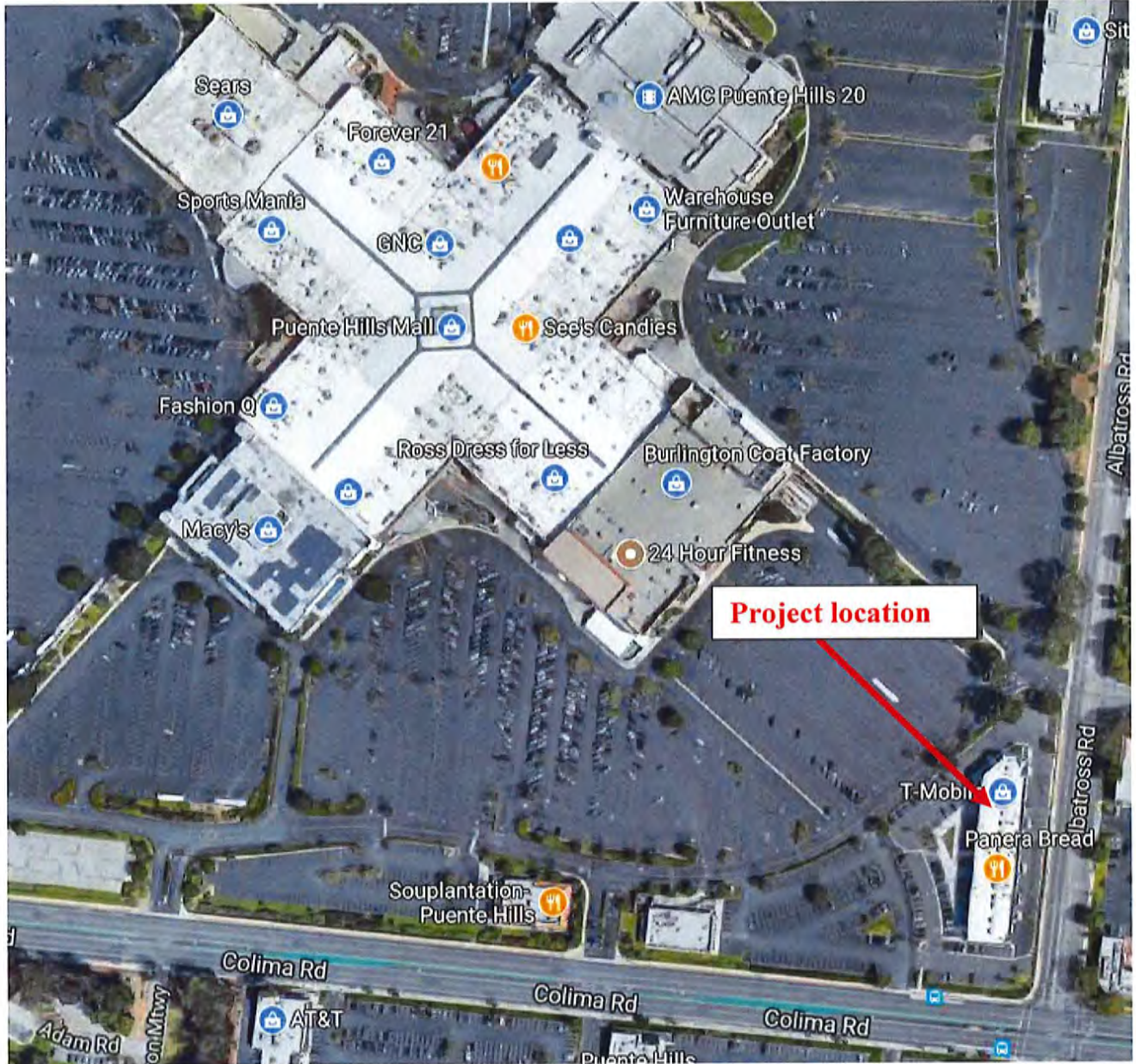
### **Recommendation**

The proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution. Staff recommends that the Planning Commission adopt Resolution No. PC 2017-05 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution (Attachment 6) and direct staff to file the Notice of Exemption.

### **Exhibits**

- Exhibit A: Location Map
  - Exhibit B: Site Plan
  - Exhibit C: Floor Plan
  - Exhibit D: Notice of Exemption
  - Exhibit E: Public Hearing Notice
  - Exhibit F: Resolution No. PC 2017-05 approving Conditional Use Permit No. 17-5 with findings of approval, Standard Requirements and Conditions of Approval
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# Exhibit A Location Map CUP 17-5



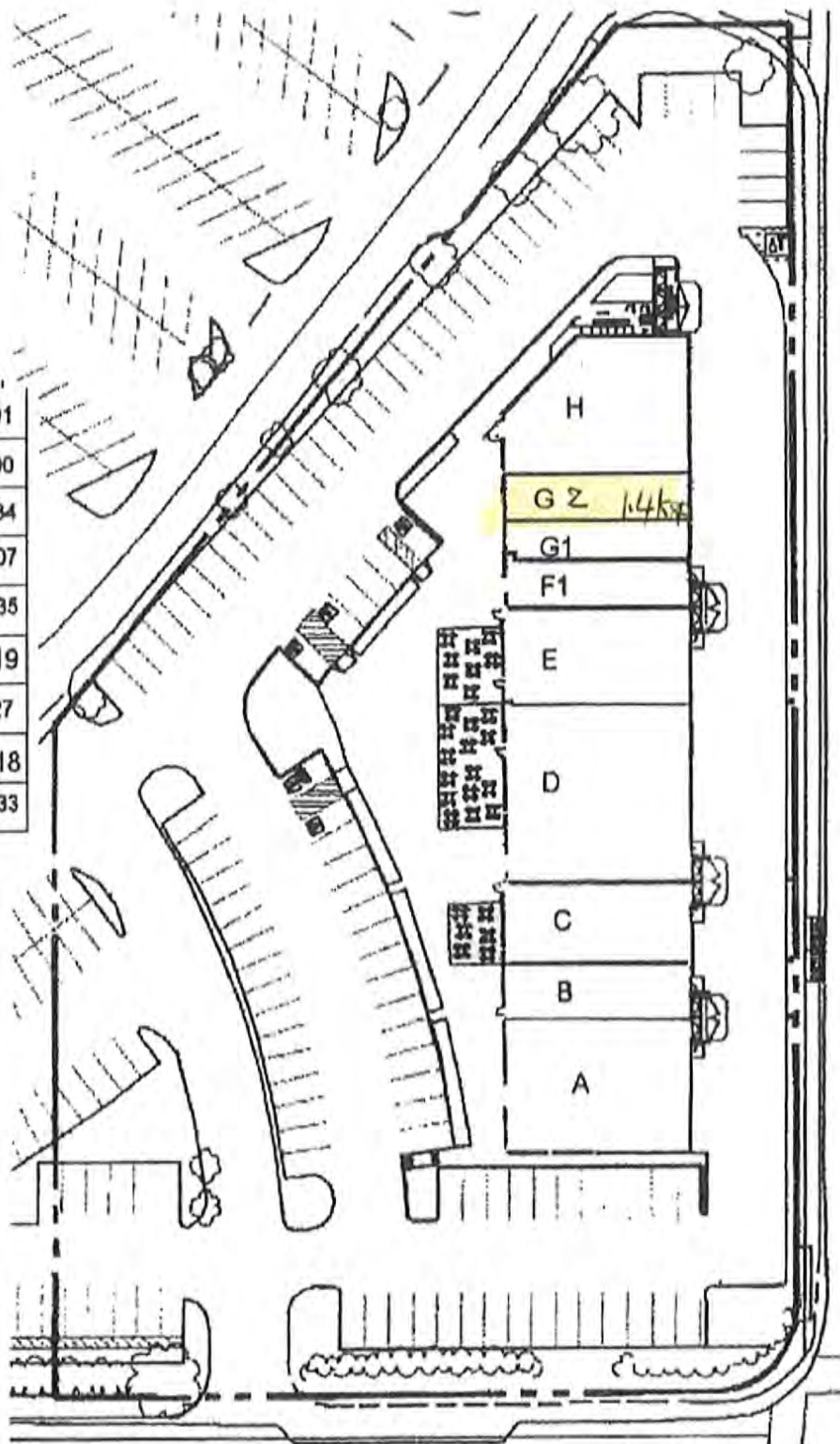


# Exhibit B

## Site Plan

### CUP 17-5

A	Vitamin Shoppe	3,401
B	Jamba Juice	1,400
C	Chipotle	2,034
D	Panera Bread	4,407
E	Niko Niko Sushi	2,435
F1	Terras	1,219
G1	Poke Factory	1,327
G2	LobsterNow	1,518
H	T-Mobile	2,433

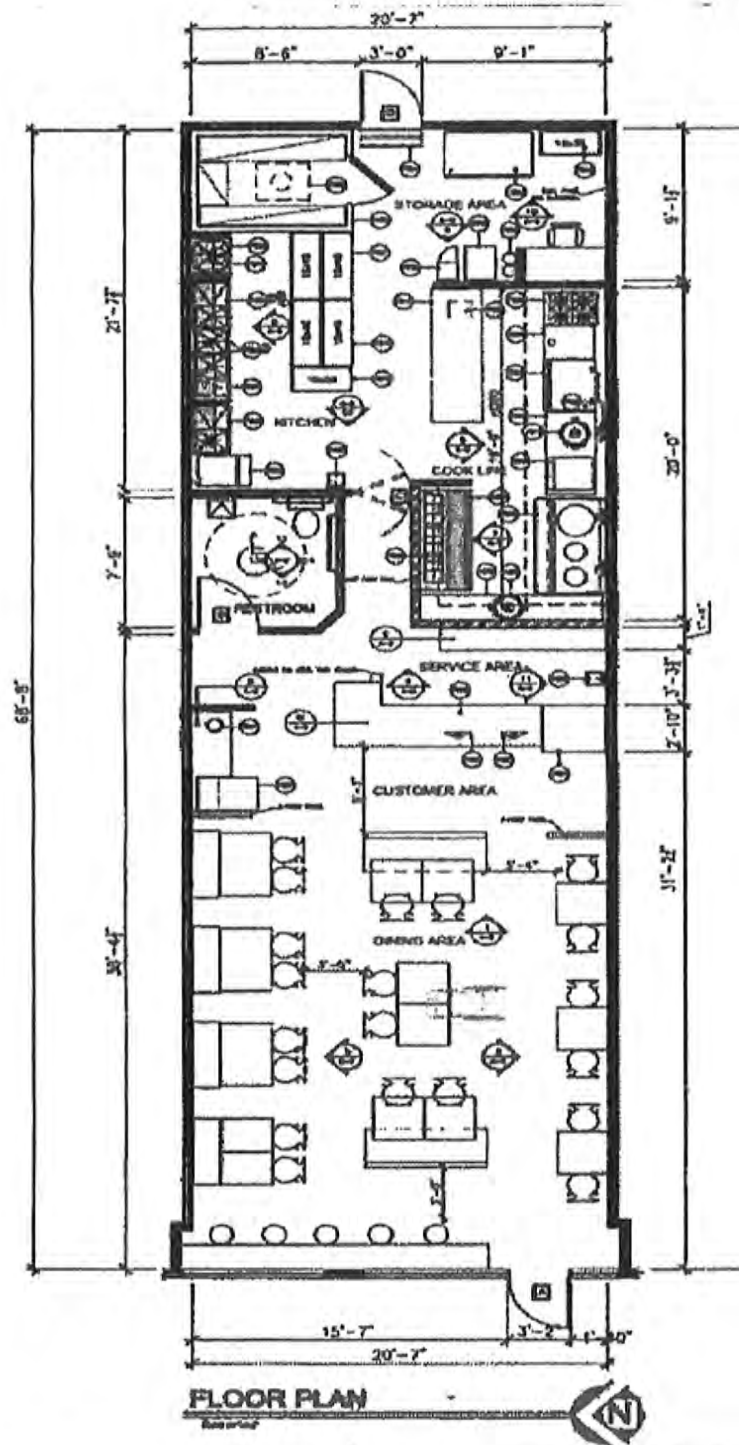




# Exhibit C

## Floor Plan

### CUP 17-5



# Exhibit D

## Notice of Exemption

### CUP 17-5

**To:** County Clerk  
County of Los Angeles  
Environmental Filings  
12400 East Imperial Highway #2001  
Norwalk, CA 90650

**From:** City of Industry  
15625 E. Stafford Street, Suite 100  
City of Industry, CA 91744

**Project Title:** CUP 17-5

**Project Location - Specific:** 17501 Colima Road

**Project Location-City:** City of Industry **Project Location-County:** Los Angeles

**Description of Project:** Conditional Use Permit 17-5 a request for a new alcohol beverage control license (Type 41 ABC License) for beer and wine in conjunction with a fast food restaurant known as "LobsterNow" within an existing 1,518 square foot suite located within a multi-tenant building within the Puente Hills Mall campus in the (C) Commercial zone.

**Name of Public Agency Approving Project:** Planning Commission, City of Industry

**Name of Person or Agency Carrying Out Project:** LobsterNow

**Exempt Status:** *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. *State type and section number:* 15332 Class 1
- Statutory Exemptions. *State code number:*

**Reasons why project is exempt:** Section 15332 Class 1, which exempts projects that consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures. The location of this project is in an existing 1,518 square foot suite located within a multi-tenant building within the Puente Hills Mall campus. The project proposes to continue the fast food restaurant use and include the sale beer and wine (Type-41 ABC License) with no expansion of square footage. There is no possibility that the activity in question may have a significant impact on the environment. A CUP is required for the fast food restaurant with alcohol service in the "C" Commercial zone and there will be no modifications to the existing space that would intensify the existing use.

**Lead Agency**

**Contact Person:** Dina Lomeli

Telephone: (626) 333-2211

Signature: \_\_\_\_\_

Date: 09/12/2017

Title: Consultant Assistant Planner II

# Exhibit E

## Public Hearing Notice

### CUP 17-5

On August 1, 2017 notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from LobsterNow for Conditional Use Permit 17-5 located at 17501 Colima Road in the City of Industry. Conditional Use Permit 17-5 is to establish alcohol service (Type 41 ABC License) for beer and wine at a fast food restaurant.

A copy of all relevant material, including the Conditional Use Permit application, and Notice of Exemption are on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Dina Lomeli, Consultant Assistant Planner II, at the City of Industry at 626-333-2211 extension 115 or by email at [dlomeli@cityofindustry.org](mailto:dlomeli@cityofindustry.org) if you have questions.

The time, date, and place of the hearing will be as follows:

**Time:** 11:30 a.m.  
**Date:** September 12, 2017  
**Place:** City Council Chamber  
15651 East Stafford Street  
City of Industry, CA 91744

Any person wishing to be heard regarding this matter may appear at the above time, date, and place. Written comments may be sent via US Mail or by hand delivery to the City of Industry at the address listed above or via email to the email address listed above. All comments must be received at, or prior to, the date and time of the hearing listed above.

If you challenge the Conditional Use Permit in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission of the City of Industry at, or prior to, the public hearing.

  
Diane Schlichting  
Chief Deputy City Clerk of the City of Industry



# **Exhibit F**

**Resolution No. PC 2017-05**

## RESOLUTION NO. PC 2017-05

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 17-5, TO ALLOW ALCOHOL SERVICE IN CONJUNCTION WITH AN EXISTING RESTAURANT LOCATED AT 17501 COLIMA ROAD, SUITE G2, CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

#### RECITALS

**WHEREAS**, on July 28, 2017 LobsterNow ("Applicant") filed a complete application requesting approval of Conditional Use Permit ("CUP") No. 17-5 described herein ("Application"); and

**WHEREAS**, the Application applies to an existing 1,518 square-foot fast food restaurant located on an existing 2.54 acre property at 17501 Colima Road, Suite G2, within the Puente Hills Mall Campus, City of Industry, California, Assessor's Parcel Number 8265-004-124 ("Property"); and

**WHEREAS**, the Applicant request a new alcohol beverage control license (Type 41 ABC License) for beer and wine in conjunction with a full service restaurant known as "LobsterNow in the "C" Commercial zone and, in accordance with Section 17.12.025(14) of the City's Municipal Code ("Code"), a CUP is required for this type of activity; and

**WHEREAS**, the Land Use Element of the General Plan designates the Property as Commercial. The proposed use is consistent with the General Plan as it would provide essential goods and services commonly available at other shopping centers, and does not conflict with the established goals and objectives of the Land Use Element. Fast food restaurants with alcohol service are permitted in the "C" Commercial zone, subject to the approval of a CUP pursuant to Section 17.12.025(14) of City's Code; and

**WHEREAS**, an Environmental Assessment form was submitted by the Applicant pursuant to the City's requirements. Based upon the information received and Staff's review and assessment, the project was determined not to have a significant impact on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section (15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 2.54 acre site for the development occurs within City limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 20,375 square foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center; and (5) the site is adequately served by all required utilities and public services; and

**WHEREAS**, notice of the Planning Commission's September 12, 2017 public hearing on CUP No. 17-5 was published in the *San Gabriel Valley Tribune* on September 1, 2017, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on September 1, 2017; and

**WHEREAS**, notice of the Planning Commission's September 12, 2017 public hearing on CUP No. 17-5 was also mailed to property owners within 300 feet of the Property on September 1, 2017; and

**WHEREAS**, on September 12, 2017, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE**, it is hereby found, determined and resolved by the Planning Commission of the City of Industry as follows:

**SECTION 1:** The Planning Commission finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

**SECTION 2:** All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law and the Municipal Code of the City of Industry.

**SECTION 3:** Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for CUP No. 17-5, the Planning Commission hereby finds and determines that CUP No. 17-5 will not result in or have a significant impact on the environment for the following reasons: (1) the addition of the service of alcoholic beverages at an existing restaurant is a commercial use, which is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 2.54 acre site for the development occurs within City limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 20,375 square foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center, and the addition of alcoholic beverage service involves only a minor expansion of the existing use, which will not impact the current traffic, increase noise, have an impact on air quality, or impose an additional demand for water or degrade the water quality; and (5) the site is adequately served by all required utilities and public services. Therefore, the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Based on these findings, the Planning Commission adopts the Notice of Exemption and directs Staff to file same as required by law.



**SECTION 4:** Based upon substantial evidence presented to the Planning Commission during the September 12, 2017 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

(a) The proposed use is consistent with the goals and objectives of the General Plan. The General Plan designates the site as Commercial, which allows for a fast food restaurant with alcohol service. The Zoning Ordinance, which implements the General Plan, allows for a fast food restaurant with alcohol service with approval of a CUP. In addition, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property meets all requirements of the code, such as adequate in size and shape, topography and location to accommodate the yards, walls, fences, parking and loading facilities, landscaping required by Sections 17.12.050 and 17.36.060 of the Municipal Code, and there are adequate utilities to accommodate the proposed use as the applicant is already operating a restaurant, and the request is only to add the service of alcoholic beverages. The Property complies with the development standards outlined in Chapter 17.36, Zoning Code of the Industry Municipal Code and the commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

(c) The Property is served by street access adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. There is no expansion of the footprint of the building, and the Property is currently accessed by Colima Road and Albatross Road which is of adequate capacity to serve the commercial use.

(d) The fast food restaurant with alcohol service use is compatible with surrounding properties and uses because the surrounding area is composed of retail stores and restaurants, and the addition of the service of alcoholic beverages at an existing restaurant provides an additional dining option for restaurant goers in that area. The uses of the surrounding properties may change, but the character will remain commercial in nature, consistent with the General Plan and zoning designations of the site. The proposed use of alcohol service in conjunction with a fast food restaurant is a common arrangement in many restaurant uses. The proposed use will add to the diversity of menu items which the fast food restaurant can offer to its customers.

(e) The nature, condition and proposed development of adjacent uses, buildings and structures have been considered, and the requested alcohol service in conjunction with fast food restaurant, will not adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare, in that the surrounding area is composed of other similar commercial uses. The fast food restaurant with alcohol service will be consistent with the adjacent uses. Further, the establishment must remain in compliance with all of the conditions adopted by the Planning Commission throughout the life of the CUP.

**SECTION 5:** Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 17-5, subject to the conditions contained in Exhibit A.

**SECTION 6.** The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

**SECTION 7:** The Planning Commission Secretary shall certify to the adoption of this Resolution and the same shall be in full force and effect.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Industry at a regular meeting held on September 12, 2017 by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

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Michael Greubel  
Chairman

**ATTEST:**

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Diane M. Schlichting  
Secretary



# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## ATTACHMENT 1

### Standard Requirements and Conditions of Approval

**Application:** Conditional Use Permit 17-5  
**Applicant:** Chao Wang, LobsterNow  
**Location:** 17501 Colima Road  
**Use:** Fast food Restaurant with an ABC License Type 41 for Beer and Wine

### Conditions of Approval

*Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. Alcohol sales shall be limited to the hours of 11:30 a.m. to 10:00 p.m.
3. High definition 24-hour time lapse security cameras shall be installed and properly maintained in the interior of the business at locations set forth by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
4. Upon the one (1) year anniversary of approval of the CUP, staff shall bring back the CUP for review and evaluation by the Planning Commission of the Applicant/Owner's operation of the facility, which may include the modification of any existing condition of approval and/or the incorporation of any new conditions.



5. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department may review and revise the security plan and Applicant is required to implement those provisions required by the City and Sheriff. That may include hiring a security guard and limiting hours of alcohol service.
6. No changes to the approved floor plan are permitted without prior written permission from the City in consultation with the Los Angeles County Sheriff's Department.
7. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
8. Prior to building final or operation of the use/business approved by the CUP, the Applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
9. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
10. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 17-5.
11. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
12. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
13. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
14. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
15. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.

16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.
17. The approval is for a bona fide restaurant with on-site sale of beer, wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.

### **Code Requirements and Standards**

*The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.

10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 A.M. and 10:00 P.M or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
  - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
  - 50 dBA between 10:00 p.m. - 7:00 a.m.for a cumulative period of more than 30 minutes in any hour;



- (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 15 minutes in any hour;
- (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;
- (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.

- 24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
- 25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
- 26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

**Interpretation and Enforcement**

- 1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
- 2. The Planning Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

**Indemnification and Hold Harmless Condition**

- 1. The owner of the property that is the subject of this project, and the Applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should

cooperate fully in the defense thereof.

2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions for CUP 17-5 within 10 days of approval.

*PLANNING COMMISSION*

ITEM NO. 5.2



# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## MEMORANDUM

**To:** Planning Commission  
**From:** Paul J. Philips, City Manager *Paul J. Philips*  
**Staff:** Troy Helling, Planning and Safety Manager *TH*  
**Date:** September 12, 2017  
**Subject:** Amended Conditional Use Permit 5-8 – Puente Hills Intermodal Facility  
2500 Pellissier Place

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### Background

Conditional Use Permit 5-8 was approved in 2008 and allowed the operation of the Puente Hills Intermodal Facility (PHIMF) at 2500 Pellissier Place. The Conditional Use Permit ("CUP") was amended by the Planning Commission on October 13, 2016 (Exhibit A), to allow an interim use for 5 years, to allow the utilization of the (PHIMF) for storage, loading and unloading of vehicles, plastic pellets, construction related items such as sand, lumber, shingles, steel, tractors, fencing, soil transfer and dry grain products such as flour, corn/soybean meal, malt and sugar, and other products such as vegetable oils and biodiesels.

### Proposal

The Sanitation Districts of Los Angeles County ("Applicant") has a tenant that has used the site for 90 days for vehicle storage and is willing to sign a long term lease. The Applicant now desires to amend the CUP to allow extending the term of the interim use from 5 years to 10 years. The Applicant contends that the amendment will allow it to optimize the unused capacity at the PHIMF, to generate revenue from the interim uses in a manner consistent with the impacts identified in the previously certified EIR, while offsetting the District's capital and maintenance costs for the PHIMF, which would otherwise be idle. The Applicant is now requesting to change condition number 47 as follows:

47. Upon the ~~five~~(5) ten (10) year anniversary of approval of the amended CUP on 9-12-17, the Amended Use shall automatically expire, and shall be of no further force or effect, and all work under the Amended Use shall cease. The applicant hereby waives any right to a revocation hearing for the amended CUP. Notwithstanding the foregoing, the underlying Use may continue, without expiration.



## **Environmental Analysis**

Approval of the proposed CUP amendment will not result in an increase in severity of any previously identified significant impact from the adopted 2008 FEIR that would require major revisions to the FEIR (CEQA Guidelines Section 15162[a][1]). Further, no physical changes or modifications to the PHIMF will be required to accommodate the proposed CUP amendment. Therefore, there have been no changes in the environmental conditions not contemplated and analyzed in the 2008 FEIR that would result in new or substantially more severe environmental impacts.

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. Changing one of the conditions of approval for allowing the operation of an existing interim use at an existing facility from five (5) years to ten (10) years does not involve the expansion of the operation of the existing use.

## **Public Hearing**

The required Public Hearing Notice (Exhibit C) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, and published in the San Gabriel Valley Tribune by September 1, 2017.

## **Fiscal Impact**

The City will receive a portion of the lease income per an agreement with the Sanitation Districts of Los Angeles County.

## **Recommendation**

Because the proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission approve Resolution No. PC 2017-06 (Exhibit D) with the findings for approval and Standard Requirements and the amended Conditions of Approval contained in the Resolution.

## **Exhibits**

- Exhibit A: October 13, 2016 Staff Report and Conditions.
  - Exhibit B: Notice of Exemption
  - Exhibit C: Public Hearing Notice
  - Exhibit D: Resolution No. PC 2017-06 approving amended Conditional Use Permit No. 5-8 with findings of approval, Standard Requirements and amended Conditions of Approval
-



# Exhibit A

## CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

### MEMORANDUM

To: Planning Commission

From: Paul J. Philips, City Manager

Staff: Troy Helling, Senior Planner

Date: October 13, 2016

**Subject: Amended Conditional Use Permit 5-8 – Puente Hills Intermodal Facility**

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#### Proposal

The Sanitation Districts of Los Angeles County ("Applicant") is requesting an amendment to its previously approved Conditional Use Permit ("CUP") No. 5-8, for the operation of the Waste by Rail ("WBR") Puente Hills Intermodal Facility ("PHIMF"), located at 2500 Pellissier Place, in the City.

The Applicant owns the PHIMF, and the previously approved CUP allows the Applicant to construct and operate the PHIMF under a phased operation plan. Under the existing CUP, the Applicant is permitted to load and unload rail-ready shipping containers of nonhazardous municipal solid waste (MSW) between rail cars and trucks.

The Applicant is seeking an amendment to the existing CUP that would allow for utilization of the site for the delivery, storage and transfer of products other than containerized waste, such as vehicles, construction related materials, and other non-hazardous materials. With the City's approval of the CUP amendment, the District would lease a portion or all of the PHIMF to one or more entities for such uses. Possible products to be delivered or stored, loaded and unloaded at the PHIMF include: 1) temporary storage of passenger cars and trucks; 2) closed loop transfer of plastic pellets from rail hopper cars directly to transfer trucks by vacuum; 3) construction related materials and other non-hazardous materials. No physical changes or modifications to the PHIMF would be required to accommodate the proposed CUP amendment.

The Applicant is proposing that the vehicle storage interim use occur over two phases: Phase 1 - delivery of the passenger vehicles by truck haulers or that the vehicles be driven directly to the site; and Phase 2 - potential delivery and receipt of vehicles by rail operation. Phase 2 is currently a conceptual model that may or may not be implemented. Under the proposed project, the Applicant would lease a portion of the PHIMF to Ship Cars Now for the delivery, storage and transfer of vehicle, including passenger automobiles, sport-utility vehicles, vans and trucks.

#### Location and Surroundings

As shown on the location map (Attachment 1), the project site is located at 2500 Pellissier Place, which is east of the 605 Freeway, and west of Workman Mill Road. Access to the site is provided from Pellissier Place and Workman Mill Road from a dedicated underpass from the existing Materials Recovery Facility from the south of the property that goes under Workman Mill

Road.

### **Staff and Environmental Analysis**

A Final EIR ("FEIR") for the PHIMF was certified by the City Council on June 12, 2008, and the PHIMF CUP was subsequently approved by the Planning Commission on June 26, 2008. The City adopted Findings of Fact, a Statement of Overriding Considerations, and the Mitigation Monitoring Report. A Notice of Determination was filed with the County of Los Angeles County Clerk and State Clearinghouse immediately following the approvals.

When an EIR has been adopted for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation should be prepared in support of further agency action on the project. An addendum is appropriate where some minor technical changes to the previously adopted EIR or negative declaration are necessary, but there are no new potentially significant impacts requiring new mitigation measures to reduce the impact to a less than significant level.

The impacts of the PHIMF project have previously been addressed in the previously certified FEIR. The FEIR evaluated the impacts associated with, but not limited to the following:

- 1) Two inbound and two outbound trains per day, each powered by four mainline locomotive
- 2) 182 round-trip truck trips delivering containerized refuse from offsite sources<sup>1</sup>
- 3) Hostler truck making an additional 182 round trips (364 PCE roundtrips or 728 PCE one-way trips between PHIMF and the Puente Hills Material Recovery Facilities (PHMRF)
- 4) Container handling equipment and rubber-tired gantry cranes loading and unloading containers
- 5) Yard locomotive making up to 24 switches per day
- 6) Fork lifts and manlifts performing maintenance activities, and
- 7) Up to 28 employees working at PHIMF

Phase 1 of the proposed project would involve the delivery of vehicles to the PHIMF, and would not require the use of other equipment or support operations other than administrative functions. As such the only environmental impacts associated with Phase 1 of the proposed project would be related to the transportation of the vehicles, either by car truck hauler or individual vehicles. It is estimated that approximately 600 vehicles per week would be driven into and out of the PHIMF (approximately 100 per day). The previously certified FEIR analysis include 182 round trip waste hauling truck trips per day, or 364 Passenger Car Equivalent ("PCE") trips per day. Implementation of the proposed project would therefore result in only 27 percent of the total traffic that was analyzed in the previously certified FEIR.

Phase 2 of the proposed project would consist of the delivery or out loading of vehicles at the PHIMF by train, with approximately one train entering and exiting the PHIMF per week. It is anticipated that approximately 650 to 1,000 vehicles would be loaded or offloaded per train. At one train per week, Phase 2 would represent approximately seven percent of the train trips analyzed under the previously certified FEIR for WBR operations at the PHIMF. Similarly, the



switch locomotive would be utilized to assemble, disassemble and pull one unit train into and out of the PHIMF instead of the 14 unit trains analyzed in the FEIR. As the vehicles would enter or exit the PHIMF via railcar, the average daily vehicle trips under Phase 2 would be between 93 to 143 one-way vehicle trips (either into or out of the PHIMF), compared to the 364 PCE round trips analyzed for WBR operations in the previously certified FEIR. At 143 PCE trips per day under Phase 2, the traffic volumes are equivalent to approximately 20 percent of the operation analyzed in the previously certified FEIR. Additionally, in lieu of container handling equipment, such as forklifts and rubber-tired gantry cranes, a buck ramp would be needed to load or offload the vehicles onto and out of the automobile rack cars. Table 3 compares the maximum operational of the proposed project to the maximum operations analyzed for WBR in the previously certified FEIR. As shown, at full capacity, the interim uses would not exceed the uses contemplated for WBR operations at the PHIMF.

The proposed interim uses do not meet the criteria for preparing a supplemental or subsequent EIR. First, these revisions do not propose substantial changes to the existing PHIMF. None of the proposed changes result in physical changes to the environment and therefore do not affect the impact analysis contained in the adopted 2008 FEIR. Approval of the proposed CUP amendment would not result in an increase in severity of any previously identified significant impact from the adopted 2008 FEIR that would require major revisions to the FEIR (CEQA Guidelines Section 15162[a][1]). Further, no physical changes or modifications to the PHIMF would be required to accommodate the proposed CUP amendment. Therefore, there have been no changes in the environmental conditions not contemplated and analyzed in the 2008 FEIR that would result in new or substantially more severe environmental impacts.

Based on the foregoing, Staff recommends that the Planning Commission adopt the addendum to the previously adopted FEIR for the PHIMF (Attachment 2).

### **Public Hearing**

The required Public Hearing Notice (Attachment 3) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, and published in the San Gabriel Valley Tribune by September 30, 2016.

### **Recommendation**

Because the proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission approve Resolution No. PC 2016-29 (Attachment 4) with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution.

### **Attachments**

- Attachment 1: Location Map
- Attachment 2: EIR Addendum
- Attachment 3: Public Hearing Notice
- Attachment 4: Resolution No. PC 2016-29 Amending Conditional Use Permit No. 5-8 with findings of approval and Standard Requirements and Conditions of Approval.



# Amended CUP 5-8

## Location Map



**Attachment 2**  
**EIR Addendum**



## MEMO

**To:** Troy Helling, Senior Planner  
CITY OF INDUSTRY

**From:** Julian F. Capata

**Cc:** Trayci Nelson

**Date:** September 26, 2016

**Re:** Puente Hills Intermodal Facility Transfer Center Addendum

This is an Addendum to the previously adopted Environmental Impact Report (EIR) for the Puente Hills Intermodal Facility (PHIMF), State Clearinghouse No. 2006021097. This Addendum serves as the environmental review for the modified PHIMF project. It has been prepared pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the State CEQA Guidelines, and the City of Industry Local Guidelines for Implementing CEQA (Local CEQA Guidelines).

The PHIMF EIR was prepared to address the environmental impacts associated with the proposed project and associated actions. The Draft EIR for the PHIMF was circulated for public review from December 7, 2007, through February 4, 2008. The Final EIR was made available on May 28, 2008. The City of Industry City Council certified the PHIMF EIR on June 12, 2008, and the City of Industry Planning Commission approved the PHIMF Conditional Use Permit (CUP) on June 26, 2008. The City adopted Findings of Fact, a Statement of Overriding Considerations, and the Mitigation Monitoring Report. A Notice of Determination was filed with the County of Los Angeles County Clerk and the State Clearinghouse immediately following the approvals.

### **PROJECT DESCRIPTION**

#### **Background**

County Sanitation District No. 2 of Los Angeles County (District) owns the PHIMF in the City of Industry. The City Planning Commission granted Conditional Use Permit No. 05-8 for the PHIMF on June 26, 2008. The CUP allowed the District to construct and operate the PHIMF under a phased operation plan. The previously certified EIR addressed the environmental impacts associated with the construction and operation of the PHIMF for the exclusive purpose of loading and unloading rail-ready shipping containers of nonhazardous municipal solid waste (MSW) between rail cars and trucks. Under a phased operation plan, the proposed facility would eventually have the capacity to handle up to two trains per day, or approximately 8,000 tons per day of MSW, including up to 4,000 tons per day from the nearby Puente Hills Materials Recovery Facility (PHMRF), with the remainder coming from other materials recovery facilities and transfer stations. The containerized MSW would be transported by rail to the

Mesquite Regional Landfill in Imperial County for disposal. Construction of the PHIMF began in 2009 and is scheduled for completion in 2017.

The impacts of the PHIMF project were addressed in the previously certified FEIR, which evaluated the impacts associated with, but not limited to, the following:

- 1) Two inbound and two outbound trains per day, each powered by four mainline locomotives
- 2) 182 round-trip truck trips delivering containerized refuse from off-site sources<sup>1</sup>
- 3) A hostler truck making an additional 182 round trips (364 PCE [passenger car equivalent] round trips or 728 PCE one-way trips between the PHIMF and the Puente Hills Materials Recovery Facility)
- 4) Container handling equipment and rubber-tired gantry cranes loading and unloading containers
- 5) Yard locomotive making up to 24 switches per day
- 6) Forklifts and manlifts performing maintenance activities
- 7) Up to 28 employees working at PHIMF

### **Purpose**

The CUP states that the Puente Hills Intermodal Facility is for the “purpose of loading and unloading rail-ready shipping containers containing non-hazardous municipal solid waste (MSW) between railcars and trucks.” Various factors, including an increase in recycling efforts, have led to the unanticipated availability of local disposal capacity within Los Angeles County and neighboring counties. At the current rates, it costs approximately \$40 per ton to haul residual wastes from the PHMRF and dispose of them at nearby landfills, compared to approximately \$100 per ton to use the waste by rail (WBR) system analyzed in the previously certified EIR. The District is requesting an amendment to the Conditional Use Permit to allow use of the PHIMF for products other than containerized waste, such as vehicles, construction-related materials, and other non-hazardous materials until the WBR operations preclude other uses. The District anticipates that the interim uses of the PHIMF would continue for the next five to ten years, until the WBR system becomes economically viable and commences operation.

The CUP amendment would allow the District to optimize the unused capacity at the PHIMF to generate revenue from the interim uses in a manner consistent with the impacts identified in the previously certified EIR, while offsetting the District’s capital and maintenance costs for the otherwise idle PHIMF. Additionally, with the revenue from the interim uses, the District will have the ability to commence payments of the Intermodal Facility Impact Fee in accordance with the terms of the Development Agreement with the City.

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<sup>1</sup> Each truck trip is equivalent to two passenger vehicle trips due to vehicle length (source: PHIMF EIR).



**Proposed Project**

The District seeks an amendment to the existing Conditional Use Permit for the PHIMF that would allow use of the site for the delivery, storage, and transfer of products other than containerized waste, such as vehicles, construction-related materials, and other non-hazardous materials. With the City’s approval of the CUP amendment, the District would lease a portion or all of the PHIMF to one or more entities for such uses. Possible uses and/or products to be delivered or stored, loaded, and unloaded at the PHIMF include (1) temporary storage of passenger cars and trucks; (2) closed loop transfer of plastic pellets from rail hopper cars directly to transfer trucks by vacuum; and (3) construction-related materials and other non-hazardous materials. No physical changes or modifications to the PHIMF would be required to accommodate the proposed CUP amendment.

The District proposes that the vehicle storage interim use occur over two phases: Phase 1 – delivery of the passenger vehicles by truck haulers or by being driven directly to the site; and Phase 2 – potential delivery and receipt of vehicles by rail operation. Phase 2 is currently a conceptual model that may or may not be implemented. Under the proposed project, the District would lease a portion of the PHIMF for the delivery, storage, and transfer of vehicles, including passenger automobiles, sport-utility vehicles, vans, and trucks.

**Phase 1**

Under Phase 1, approximately 300–600 vehicles would be delivered to the PHIMF per week. Approximately 80 percent of the vehicles would be delivered by truck haulers, with approximately 20 percent driven directly to the site. The vehicles would be stored on-site for five to ten days before being transported off-site to other destinations. It is anticipated that the trucking operations would occur seven days a week, 24 hours per day. Operations under Phase 1 would not require the use of any equipment aside from the anticipated trucking operations. No modifications to the PHIMF property would be necessary to accommodate the delivery and storage of passenger vehicles. Table 1 shows the typical capacity and length of the truck haulers.

**Table 1 – Typical Capacity and Length of the Truck Haulers**

Capacity (# of cars)	Trailer Length (feet)	Total Truck Length (feet)	Passenger Car Equivalent (PCE) <sup>a</sup>
3–4	40	60	4.3
4–6	48	75	5.4
7–9	53	80	5.7

a. Based on the average length of a compact sedan

**Phase 2**

Under Phase 2, vehicles would be transported to and from the PHIMF by either truck or rail. Automobile rack cars, designed specifically to ship domestic and imported automobiles, trucks, SUVs and min-vans would be used to support the delivery of the vehicle by rail. Typically, the vehicles would be transported by rail on either a bi-level (a railcar with two decks) or tri-level (a railcar with three decks) automobile rack car. Table 2 shows the carrying capacity for each type of automobile rack car. Each level in the automobile rack car is 100 feet long, and up to a five-car block of railcars can be positioned together in one string. A buck ramp (a portable, self-powered ramp) would be used to drive vehicles on and off the

rail cars. Once vehicles are offloaded from the railcar, they would be stored on-site until they are transported to their next destination. Alternately, vehicles could be driven by truck haulers, stored on-site, and loaded onto automobile rack cars for delivery by rail.

**Table 2 – Carrying Capacity of Automobile Racks**

Type	Primary Use	Capacity (vehicles)
Tri-Level	Automobiles	14–15
Bi-Level	Trucks, SUVs, minivans	8–10

Phase 2 would involve the use of the PHIMF for loading or unloading railcars. Such an operation would involve either bringing in the passenger vehicles by train, offloading and storing them on-site and delivering them directly or by car truck hauler to other local destinations, or bringing the vehicles from local destinations and storing them on-site until they are loaded onto railcars. In either case, each vehicle would either arrive to the PHIMF and be loaded onto trains, or arrive by train and be driven off-site. The result is that under Phase 2, the passenger vehicles would make a single one-way trip along local roadways. It is anticipated that Phase 2 would require between 12 to 18 staff to support the vehicle loading/unloading operations.

**Additional Uses**

The District may also lease the PHIMF to other entities for the delivery, storage, and transfer of the following items:

- Plastic pellets
- Construction-related items such as sand, lumber, shingles, steel, tractors, and fencing
- Soil
- Dry grain products such as flour, corn/soybean meal, malt, and sugar
- Other products such as vegetable oils and biodiesel

If the PHIMF is leased to multiple tenants, the operations of each tenant will be adjusted and limited such that the totality of all operations is within the throughput and volume analyzed in the previously certified EIR for rail and trucking operations. As such, the District would limit the daily inbound and outbound trains, the daily inbound and outbound truck trips, and the total usage of other equipment, such as container handling, forklifts, and switch-locomotives.

**LEGAL STANDARDS AND ANALYSIS**

When an EIR has been adopted for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation should be prepared in support of further agency action on the project. In determining whether an addendum is the appropriate document to analyze the modifications to the project and its approval, CEQA Guidelines

Section 15164 (Addendum to an EIR or Negative Declaration) states, "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Under the CEQA Guidelines, a subsequent EIR or negative declaration shall be prepared if any of the following criteria are met:

- (a) *When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
  - (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
  - (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
  - (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
    - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
    - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
    - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
    - (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

Where none of the conditions specified in Section 15162(a) are present, the lead agency must determine whether to prepare a subsequent EIR or negative declaration, an addendum, or no further CEQA documentation (CEQA Guidelines Section 15162([b])). An addendum is appropriate where some minor technical changes to the previously adopted EIR or negative declaration are necessary, but there are no new potentially significant impacts requiring new mitigation measures to reduce the impact to a less than significant level. Substantial evidence supports the City's decision to prepare an addendum.

This Addendum presents a review of the proposed changes to the project since the EIR was certified. It also reviews any new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time that the previously certified EIR was adopted. The Addendum further examines whether, as a result of any changes or any new information,



a subsequent EIR may be required. This examination includes an analysis of the provisions of CEQA Section 21166 and CEQA Guidelines Section 15162 and their applicability to the proposed project.

Phase 1 of the proposed project would involve the delivery of vehicles to the PHIMF and would not require the use of other equipment or support operations other than administrative functions. As such, the only environmental impacts associated with Phase 1 would be related to the transportation of the vehicles, either by car truck hauler or with individual vehicles driven directly to the site. It is estimated that approximately 600 vehicles per week would be driven into and out of the PHIMF (approximately 100 per day). The previously certified EIR analysis included 182 round-trip waste hauling truck trips per day, or 364 PCE trips per day. Implementation of the proposed project would therefore result in 73 percent less traffic than the total traffic analyzed in the previously certified EIR.

Phase 2 of the proposed project would consist of the delivery or outloading of vehicles at the PHIMF by train, with approximately one train entering and exiting the facility per week. It is anticipated that approximately 650 to 1,000 vehicles would be loaded or offloaded per train. At one train per week, Phase 2 would represent 93 percent fewer train trips than the previously certified EIR for waste by rail operations at the PHIMF. Similarly, a switch locomotive would be utilized to assemble, disassemble, and pull one unit train into and out of the PHIMF instead of the 14 unit trains analyzed in the EIR. Because the vehicles would enter or exit the PHIMF via railcar, the average daily vehicle trips under Phase 2 would be between 93 to 143 one-way vehicle trips (either into or out of the PHIMF), compared to the 364 PCE round trips analyzed for WBR operations in the previously certified EIR. At 143 PCE trips per day under Phase 2, the traffic volumes are equivalent to approximately 20 percent of the operation analyzed in the previously certified EIR. Additionally, in lieu of container-handling equipment, such as forklifts and rubber-tired gantry cranes, a buck ramp would be needed to load or offload the vehicles onto and out of the automobile rack cars. Table 3 compares the maximum operations of the proposed project to the maximum operations analyzed for WBR in the previously certified EIR. As shown, at full capacity, the interim uses would not exceed the uses contemplated for WBR operations at the Puente Hills Intermodal Facility.

**Table 3 – Comparison of Key Operations Evaluated in the EIR to Proposed Interim Uses**

Operation Analyzed	WBR	Ship Cars Now Phase 1 (Maximum)	Ship Cars Now Phase 2 (Maximum)	Combined Future Projects Including WBR (Maximum)
Number of Trains per Week	28 <sup>a</sup> (2 inbound and 2 outbound daily)	0	10	28
Number of Mainline Locomotives per Train	4	0	2-3	4
Number of One-Way PCE Trips per Day	728 <sup>b</sup>	720	714	728

a. Two inbound and outbound trains daily – 2 x 2 x 7 days per week = 28 trains per week

b. 182 truck round trips = 182 trucks x 2 one-way trips x 2 passenger cars per truck = 728 PCE



## FINDINGS AND CONCLUSION

As demonstrated in this Addendum, proposed interim uses do not meet the criteria for preparing a supplemental or subsequent EIR. First, these revisions do not propose substantial changes to the existing PHIMF. None of the proposed changes result in physical changes to the environment and therefore do not affect the impact analysis contained in the certified 2008 FEIR. Approval of the proposed CUP amendment would not result in an increase in severity of any previously identified significant impact from the previously certified 2008 EIR that would require major revisions to the EIR (CEQA Guidelines Section 15162[a][1]).

Second, operation of interim uses Phase 1 or Phase 2 will not cause changes in physical circumstances that would create a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). No physical changes or modifications to the PHIMF would be required to accommodate the proposed CUP amendment. Therefore, there have been no changes in the environmental conditions contemplated and analyzed in the 2008 EIR that would result in new or substantially more severe environmental impacts.

Third, as documented in this Addendum, there is no new information of substantial importance (which was not known or could not have been known at the time the EIR was certified by the City of Industry in 2008) that identifies a new significant impact (condition "A" in CEQA Guidelines Section 15162[a][3]). There will not be a substantial increase in the severity of a previously identified significant impact (condition "B" in CEQA Guidelines Section 15162[a][3]). No mitigation measures or alternatives previously found infeasible for this project will now be feasible or substantially reduce one or more significant effects of the proposed project. Also no mitigation measures or alternatives that are considerably different from those analyzed in the 2008 EIR would substantially reduce one or more significant effects on the environment (conditions "C" and "D" in CEQA Guidelines Section 15162[a][3]). None of the "new information" conditions listed in CEQA Guidelines Section 15162[a][3] would be caused by the proposed change that would require a subsequent or supplemental EIR.

# EXHIBIT B Notice of Exemption

## NOTICE OF EXEMPTION

**To:** County Clerk  
County of Los Angeles  
Environmental Filings  
12400 East Imperial Highway #2001  
Norwalk, CA 90650

**From:** City of Industry  
15625 E. Stafford Street, Suite 100  
City of Industry, CA 91744

**Project Title:** Amended Conditional Use Permit 5-8 – Puente Hills Intermodal Facility ("PHIMF")

**Project Location - Specific:** 2500 Pellissier Place

**Project Location-City:** City of Industry    **Project Location-County:** Los Angeles

**Description of Project:** The County Sanitation Districts of Los Angeles County is proposing to amend the CUP to by changing the interim use from 5 years to 10 years to optimize the unused capacity at the PHIMF to generate revenue from the interim uses in a manner consistent with the impacts identified in the previously certified EIR, while offsetting the District's capital and maintenance costs for the PHIMF, which would otherwise be idle.

**Name of Public Agency Approving Project:** Planning Commission, City of Industry

**Name of Person or Agency Carrying Out Project:** City of Industry

**Exempt Status:** *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. *State type and section number:* 15301
- Statutory Exemptions. *State code number:*

**Reasons why project is exempt:** Section 15301 (Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. Changing one of the conditions of approval for allowing the operation of an existing interim use at an existing facility from five (5) years to ten (10) years does not involve the expansion of the operation of the existing use.

**Lead Agency**

**Contact Person:** Troy Helling

Telephone: (626)333-2211

Signature: \_\_\_\_\_

Date: 9-12-2017

Title: Planning and Safety Manager

**EXHIBIT C**  
**Public Hearing Notice**



# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## NOTICE OF PUBLIC HEARING

### Revised Conditional Use Permit No. 5-8

On September 1, 2017, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from the County Sanitation Districts of Los Angeles County for the revision of Conditional Use Permit 5-8 located at 2500 Pellissier Place in the City of Industry. Conditional Use Permit 5-8 was approved in 2008 and allowed the operation of the Puente Hills Intermodal Facility (PHIMF). The Conditional Use Permit was also amended on October 13, 2016, to allow an interim use for 5 years to allow the utilization of the (PHIMF) for storage and loading and unloading of vehicles, plastic pellets, construction related items such as sand, lumber, shingles, steel, tractors and fencing, soil transfer, dry grain products such as flour, corn/soybean meal, malt and sugar, and other products such as vegetable oils and biodiesels. The County Sanitation Districts of Los Angeles County now wished to amend the CUP to allow the interim use for 10 years which will allow the District to optimize the unused capacity at the PHIMF to generate revenue from the interim uses in a manner consistent with the impacts identified in the previously certified EIR, while offsetting the District's capital and maintenance costs for the PHIMF, which would otherwise be idle.

A copy of all relevant material, including the Conditional Use Permit application, and Notice of Exemption are on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Troy Helling, Planning and Safety Manager, at the City of Industry at 626-333-2211 or by email at [thelling@cityofindustry.org](mailto:thelling@cityofindustry.org) if you have questions.

The time, date, and place of the hearing will be as follows:

**Time:** 11:30 a.m.  
**Date:** September 12, 2017  
**Place:** City Council Chamber  
15651 East Stafford Street  
City of Industry, CA 91744

Any person wishing to be heard regarding this matter may appear at the above time, date, and place. Written comments may be sent via US Mail or by hand delivery to the City of Industry at the address listed above or via email to the email address listed above. All comments must be received at, or prior to, the date and time of the hearing listed above.

If you challenge the Conditional Use Permit in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission of the City of Industry at, or prior to, the public hearing.

  
Diane M. Schlichting  
Chief Deputy City Clerk of the City of Industry



**EXHIBIT D**  
**Resolution No. PC 2017-06**

## RESOLUTION NO. PC 2017-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO CONDITIONAL USE PERMIT NO. 5-8 TO EXTEND THE TERM OF THE INTERIM USE AT THE INTERMODAL FACILITY LOCATED AT 2500 PELLISSIER PLACE, CITY OF INDUSTRY, CALIFORNIA, WITHIN THE "I" INDUSTRIAL ZONE, FROM FIVE TO TEN YEARS, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF**

### RECITALS

**WHEREAS**, on August 11, 2017, County Sanitation District No. 2 of Los Angeles County, ("Applicant") filed a complete application requesting an amendment No. 2 to Conditional Use Permit ("CUP") No. 5-8, for the operation of the Waste by Rail ("WBR") Puente Hills Intermodal Facility ("PHIMF"), as described herein ("Application"); and

**WHEREAS**, in 2008, the Applicant obtained approval for CUP No. 5-8, for the PHIMF, as required by Section 17.16.025(9) of the City's Municipal Code ("Code"); and

**WHEREAS**, the Applicant owns the PHIMF, and the previously approved CUP allows the Applicant to construct and operate the PHIMF under a phased operation plan. Under the existing CUP, the Applicant is permitted to load and unload rail-ready shipping containers of nonhazardous municipal solid waste ("MSW") between rail cars and trucks; and

**WHEREAS**, in 2016, in accordance with the provisions of Section 17.16.025(9), the Applicant obtained approval for an amendment No. 1 to CUP No. 5-8, for the PHIMF, for utilization of the site for the delivery, storage and transfer of products other than containerized waste, such as vehicles, construction related materials, and other non-hazardous materials for an interim use for a period of five years; and

**WHEREAS**, the Application applies to a request that the CUP be revised to change the interim use from five years to 10 years that will allow the County Sanitation Districts of Los Angeles County to optimize the unused capacity at the PHIMF; and

**WHEREAS**, the property is located on a 17.2 acre site, at 2500 Pellissier Place, City of Industry, California, Assessor's Parcel Numbers 8125-018-913 and 914 ("Property"); and

**WHEREAS**, the Land Use Element of the General Plan designates the Property as Industrial. The proposed use is consistent with the General Plan as it would provide essential distribution of goods commonly provided by other industrial businesses, and does not conflict with the established goals and objectives of the Land Use Element.

Intermodal facilities are permitted in the "I" Industrial zone, subject to the approval of a CUP pursuant to Section 17.16.025(9) of City's Code; and

**WHEREAS**, on June 12, 2008, the City Council certified the Final Environmental Impact Report ("FEIR") for the PHIMF, and the CUP for the PHIMF was subsequently adopted by the Planning Commission. An Environmental Assessment form was submitted by the Applicant for the proposed amendment to the CUP, pursuant to the City's requirements. Based upon the information received and Staff's review and assessment, the amendment to the CUP will not result in substantial changes to the existing PHIMF, the project will not create changes in the environmental conditions not contemplated and analyzed in the FEIR, and there is no new information of substantial importance that was not known or could not have been known at the time the FEIR was certified that identifies a new significant impact. Therefore, in accordance with the provisions set forth in Sections 15162 and 15164 of the CEQA Guidelines, an Addendum to the FEIR has been prepared; and

**WHEREAS**, on October 13, 2016, The Planning Commission adopted an Addendum and determined that the amendment to Conditional Use Permit No. 5-8 did not result in substantial changes to the existing PHIMF. None of the proposed changes result in physical changes to the environment, and therefore do not impact the analysis in the FEIR. Approval of amendment No. 1. did not result in an increase in severity of any previously identified significant impacts from the FEIR that would require major revisions to the FEIR. Further, no physical changes or modifications to the PHIMF were necessary to accommodate the prior CUP amendment. Therefore, there were no changes in the environmental conditions not contemplated and analyzed in the FEIR that resulted in new or substantially more severe environmental impacts. There was also no new information of substantial importance that identifies a new significant impact, and there were no mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the proposed project, or mitigation measures or alternatives that were considerably different from those analyzed in the FEIR which would substantially reduce one or more significant effects on the environment; and

**WHEREAS**, here, you need to insert the exemption language (consistent with the staff report)

**WHEREAS**, notice of the Planning Commission's September 12, 2017 public hearing was published in *The San Gabriel Valley Tribune* on September 1, 2017, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on September 1, 2017; and

**WHEREAS**, the notice of the Planning Commission's September 12, 2016, public hearing was also mailed to property owners within 300 feet of the Property on September 1, 2017; and

**WHEREAS**, on September 12, 2017, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE**, it is hereby found, determined and resolved by the Planning Commission of the City of Industry as follows:

**SECTION 1:** The Planning Commission finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

**SECTION 2:** All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law and the Municipal Code of the City of Industry.

**SECTION 3:** Upon independent review and consideration of the information contained in the Staff Report, the Planning Commission hereby finds and determines that amendment No. 2 to Conditional Use Permit No. 5-8 will not result in an increase in severity of any previously identified significant impact from the adopted 2008 FEIR that would require major revisions to the FEIR (CEQA Guidelines Section 15162[a][1]). Further, no physical changes or modifications to the PHIMF will be required to accommodate the proposed CUP amendment. Therefore, there have been no changes in the environmental conditions not contemplated and analyzed in the 2008 FEIR that would result in new or substantially more severe environmental impacts. The proposed Amendment No. 2 is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination). The key consideration is whether the project involves negligible or no expansion of an existing use. The amendment allows the interim use to continue for 10 years instead of five, and changing one of the conditions of approval for allowing the operation of an existing interim use at an existing facility from five (5) years to ten (10) years does not involve the expansion of the operation of the existing use. Therefore, the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15301 (Class 1 Existing Facilities) (Title 14, Chapter 3 of the California Code of Regulations). Based on these findings, the Planning Commission adopts the Notice of Exemption and directs Staff to file same as required by law.

**SECTION 4:** Based upon substantial evidence presented to the Planning Commission during the September 12, 2017 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

(a) The proposed use is consistent with the goals and objectives of the General Plan. The General Plan designates the site as Employment,



which allows an intermodal facility. The Zoning Ordinance, which implements the General Plan, allows for an intermodal facility with approval of a CUP. In addition, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property is adequate in size and shape, topography and location, to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Sections 17.12.050 and 17.36.060 of the Municipal Code, and there are adequate utilities to accommodate the proposed use. The proposed amendment does not expand the footprint of the existing use, and is merely an extension in the amount of time the use is permitted. Further, the Property complies with the development standards outlined in Chapter 17.36, Zoning Code of the Industry Municipal Code. The existing project involves a use with a lower capacity and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the Property.

(c) There is adequate street access, traffic circulation and parking capacity for the proposed use, as the Property is served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. There is no expansion of the footprint of the building, and the Property is currently served Pellissier Place and Workman Mill Road via a dedicated underpass from the existing material recovery facility, which is of adequate capacity to serve the industrial use. The proposed use will not generate more trips.

(d) The intermodal facility use is compatible with surrounding properties and uses because the surrounding area is composed of other industrial uses. The uses of the surrounding properties may change, but the character will remain industrial in nature consistent with the General Plan and zoning designations of the site. Further, as set forth herein, there is no change to the existing use as an intermodal facility, the only change is the length of time with which the permitted use will operate.

(e) The nature, condition and proposed development of adjacent uses, buildings and structures has been considered, and the proposed use of the intermodal facility will not adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare, in that the surrounding area is composed of other industrial uses.

**SECTION 5:** Based upon the foregoing findings, the Planning Commission hereby amends the CUP No. 5-8 conditions to read in its entirety as set forth in Attachment 1, attached hereto and incorporated herein by reference.

**SECTION 6:** In the event any of the terms and provisions of this Resolution conflict with the provisions of CUP No. 5-8, and any exhibits thereto, the provisions of this Resolution shall prevail.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Industry at a regular meeting held on September 12, 2017 by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

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Michael Greubel  
Chairman

ATTEST:

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Diane M. Schlichting  
Secretary



# CITY OF INDUSTRY

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## EXHIBIT A

### Standard Requirements and Conditions of Approval

- Application:** Conditional Use Permit No. 05-8
- Applicant:** Puente Hills intermodal Facility (Sanitation District No. 2 of Los Angeles County)
- Location:** 2500 Pellissier Place
- Use:** Operate an intermodal facility for the purpose of loading and unloading rail-ready shipping containers containing non-hazardous municipal solid waste between railcars and trucks. The intermodal facility is designed to handle approximately 8,000 tons per day of refuse that would create the need for two (2) trains a day to ship the refuse to permitted landfills.
- Amended Use:** The delivery, storage, transfer, and loading and unloading of vehicles, plastic pellets, construction related items such as sand, lumber, shingles, steel, tractors and fencing, soil transfer, dry grain products such as flour, corn/soybean meal, malt and sugar, and other products such as vegetable oils and biodiesels.

### Conditions of Approval

*Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).

2. No outside storage of any personal property, building materials, or other



property not permanently affixed to the real property or necessary for facility operations shall be allowed, unless approved by the Director of Community Services and Administration. However, outdoor storage that is screened from public view will be allowed for the interim use.

3. All exterior surfaces of all buildings and appurtenances shall be painted and kept graffiti free.
4. All landscaped areas shall be maintained in a healthy, weed-free condition.
5. All trash containers for waste generated on site shall be kept inside a building or screened from public view with an eight (8) foot high masonry block wall.
6. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
7. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
8. All mechanical equipment not related to facility operations shall be screened from public view, including roof-mounted equipment.
9. Adequate landscaping, including automatic irrigation, shall be shown to exist on the property in conformance with the originally approved landscape plan, or a landscape and automatic irrigation plan shall be approved by the Planning Department and landscaping and automatic Irrigation shall be installed by the applicant in substantial conformity therewith.
10. All areas used for vehicle and trailer parking or container storage shall be paved with asphalt, concrete or a City approved equivalent.
11. The applicant and property owner shall file an executed and acknowledged Acceptance of Terms and Conditions of the Conditional Use Permit within 10 days after the granting of said Conditional Use Permit.
12. The applicant shall be required to have a routine maintenance crew collect litter and sweep the building entrance and exits, and collect litter along primary truck routes, which include Workman Mill Road, Pellissier Place, Crossroads Parkway North and Crossroads Parkway South, in the vicinity of the project site.
13. Incoming trucks carrying solid waste materials shall be covered and outgoing trucks shall be required to have covered trailers, to prevent litter from blowing out.
14. Transfer vehicles containing materials shall not be parked on public streets or roads.
15. Any outside storage of parts, inoperable equipment, tires, scrap and similar items shall be screened from public view.
16. All heavy equipment shall be maintained in a proper state of tune as per the manufacturer's specifications.
17. Any applicant-operated trucks that are observed to emit excessive amounts of

smoke (e.g., particulate matter) will either be tuned-up or repaired, as applicable.

18. The facility operator shall maintain that all waste be removed from the intermodal yard within 96 hours of arrival in the intermodal yard.
19. Waste transfer operations and maintenance personnel shall be required to wear and use approved safety equipment as approved by the County Department of Health Services.
20. The facility will be equipped with a Hazardous Waste Storage Locker for temporary storage of any hazardous material. All such recovered material will be shipped off site within 30 days by a licensed hazardous waste transporter.
21. The Applicant shall install all required sound walls prior to the start of intermodal operations.
22. Prior to approval of project plans, the applicant shall submit an emergency access plan to the Los Angeles County Fire Department for review and approval. This plan shall identify the emergency access routes that are impacted by construction activities associated with the proposed project and identify alternate routes for emergency access.
23. Sufficient accessibility for firefighting equipment shall be provided. The Los Angeles County Fire Department shall review precise development plans to ensure adequate access and fire protection facilities.
24. All buildings shall be constructed to conform to applicable State and City building codes and Los Angeles County Fire Department safety standards.
25. The applicant shall submit an emergency access plan to the Los Angeles County Sheriff's Department for review and approval. This plan shall identify the emergency access routes that are impacted by construction activities associated with the proposed project and identify alternate routes for emergency access.
26. All mitigation measures and project design features listed in the certified Environmental Impact Report for the Puente Hills intermodal Facility shall be required and implemented as conditions of this Conditional Use Permit and Amended Conditional Use Permit.
27. The Applicant shall coordinate with the San Gabriel Valley Water District ("") to accommodate the new alignment of SGVWD's facilities that would be displaced as a result of the proposed project.
28. Applicant shall attend diagnostic meetings facilitated by the Rail Crossing Engineering Section of the California Public Utilities Commission prior to submittal of a CO 88-B request for authority to alter an existing public highway-rail crossings for improvements to the Workman Mill and Mission Mill crossings (PUC Crossing Nos. 003-13.90 and 003-12.30, respectively).
29. Applicant shall use Tier 3 graders, dozers, backhoes, and excavators to the extent

feasible.

30. The Applicant's hotline that is staffed 24 hours per day to receive any complaints at the Puente Hills Landfill and the PHMRF shall be extended to include the PHIMF.
31. Applicant shall use construction equipment equipped with oxidation catalysts, particulate traps, or other verified/certified technologies to the extent feasible.
32. Applicant shall prepare and submit the following plans to the City prior to the operation of any interim use to the satisfaction of the Planning Department.
  - a. Odor Management Plan
  - b. Container Inspection, Maintenance, and Repair Program
33. Applicant shall work with the California Integrated Waste Management Board (CIWMB) and Local Enforcement Agency (LEA) to set parameters for daily fluxuations in municipal solid waste prior to the operation of the first waste-by-rail train.
34. Applicant shall discuss the appropriate permitting Tier for the PHIMF with the California Integrated Waste Management Board (CIWMB) and Local Enforcement Agency (LEA).
35. Applicant shall notify and submit to Los Angeles County Regional Planning a revised Exhibit "A" to the Puente Hills Material Recovery Facility (PHMRF) Conditional Use Permit (CUP) that shows modifications to the PHMRF, including the revised internal traffic circulation, prior to issuance of a grading permit.
36. Applicant shall install a radiation monitor along the road to the PHIMF where all vehicles accessing the PHIMF would cross and be screened for radioactive waste.
37. Applicant shall require the construction contractor to recover re-usable and recyclable materials during demolition activities.
38. Applicant shall require that all containers accepted on-site be capable of accommodating the installation of gas-filtering devices.
39. Applicant shall routinely inspect and regularly schedule maintenance on the rail and railcars for defects to control wheel/rail noise.
40. On-site stationary source noise (e.g., maintenance equipment, tools, etc.) at the PHIMF project site shall adhere to the limits of the County Code.
41. The "coupling" and "de-coupling" of railcars shall only occur westerly of Workman Mill Road on the proposed offsite staging track under typical operations.
42. Only empty "inbound" railcars shall be allowed to be parked on the proposed arrival/departure tracks as shown on Figure 3-12 of Volume I, Draft EIR, with the exception of fully loaded "outbound" railcars which are waiting for an opening on the UPRR mainline track under typical operations.



43. No inbound or outbound PHIMF train shall cause the crossing protective gates a Workman Mill Road to be in the down "closed" position for more than 10 minutes at any time.
44. The approval of the application is contingent on the final effective approval of the related Zone Exception No. 08-3 and Development Plan No. 08-13.
45. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
46. Upon the one (1) year anniversary of approval of the Amended CUP, staff shall bring back the Amended CUP for review and evaluation by the Planning Commission of the Applicant/Owner's operation of the facility, which may include the modification of any existing condition of approval and/or the incorporation of any new conditions.
47. Upon the ten (10) year anniversary of approval of the amended CUP on 9-12-17, the Amended Use shall automatically expire, and shall be of no further force or effect, and all work under the Amended Use shall cease. The applicant hereby waives any right to a revocation hearing for the amended CUP. Notwithstanding the foregoing, the underlying Use may continue, without expiration.
48. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
49. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.

#### **Interpretation and Enforcement**

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

#### **Indemnification and Hold Harmless Condition**

1. The owner of the property that is the subject of this project, and the Applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or

employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions for Amendment No. 2 to CUP 05-8 within 10 days of approval.