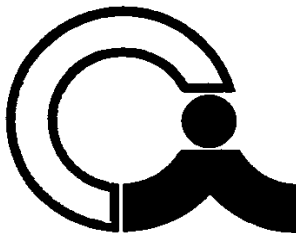


# CITY OF INDUSTRY

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CITY COUNCIL  
REGULAR MEETING AGENDA

SEPTEMBER 10, 2015  
9:00 AM



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Mayor Mark Radecki  
Mayor Pro Tem Cory Moss  
Council Member Roy Haber, III  
Council Member Newell Ruggles  
Council Member - Vacant

Location: City Council Chamber, 15651 East Stafford Street, City of Industry, California 91744

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## **Addressing the City Council:**

- ▶ **Agenda Items:** *Members of the public may address the City Council 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 matter listed on the Agenda. Anyone wishing to speak to the City Council 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 City Clerk prior to the Agenda item being called and prior to the individual being heard by the City Council.*
- ▶ **Public Comments (Non-Agenda Items):** *Anyone wishing to address the City Council 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 City Council from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the City Council 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 City Clerk prior to the Agenda item being called by the City Clerk and prior to the individual being heard by the City Council.*

## **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. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

5.1 Consideration of Register of Demands.

*RECOMMENDED ACTION: Approve the Register of Demands and authorize the appropriate City Officials to pay the bills.*

5.2 Consideration and approval of Settlement Agreement between the City of Industry and 8 Net, Inc.

*RECOMMENDED ACTION: Approve the Settlement Agreement.*

6. **PUBLIC HEARINGS - CONTINUED**

6.1 Public Hearing regarding the intent to vacate a portion of Virgil Waters Way that became excess right of way due to the realignment of the intersection of Virgil Waters Way and Azusa Avenue.

Consideration of Resolution No. CC 2015-26 - A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF INDUSTRY VACATING A PORTION OF VIRGIL WATERS WAY IN THE CITY OF INDUSTRY.

*RECOMMENDED ACTION: Adopt Resolution No. CC 2015-26.*

6.2 Public Hearing regarding the intent to vacate a portion of El Encanto Road that became excess right of way due to the creation of Parriott Place West.

Consideration of Resolution No. CC 2015-27 - A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF INDUSTRY VACATING A PORTION OF EL ENCANTO ROAD IN THE CITY OF INDUSTRY.

*RECOMMENDED ACTION: Adopt Resolution No. CC 2015-27.*

7. **PUBLIC HEARING**

7.1 Public Hearing regarding General Plan Amendment 15-1, a proposed amendment to the Roadway Classification Plan of the General Plan Circulation Element to remove a portion of El Encanto Road.

Consideration of Resolution No. CC 2015-29 - A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 15-1 TO ELIMINATE A

PORTION OF EL ENCANTO ROAD FROM THE ROADWAY CLASSIFICATION PLAN OF THE GENERAL PLAN CIRCULATION ELEMENT AND AN ADDENDUM TO THE PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT FOR THE 2014 GENERAL PLAN UPDATE.

*RECOMMENDED ACTION: Adopt Resolution No. CC 2015-29.*

**8. ACTION ITEMS**

- 8.1 Consideration of Development Plan 15-6 submitted by Orange Coast Petroleum Equipment Inc. on behalf of Velocity Truck Rental Leasing to construct an above-ground, diesel fuel tank and an accompanying Negative Declaration located at 2425 Kella Avenue.

Consideration of Resolution No. CC 2015-30 - A RESOLUTION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING A NEGATIVE DECLARATION AND DEVELOPMENT PLAN 15-6 FOR THE CONSTRUCTION OF A 12,000-GALLON ABOVE GROUND, DIESEL FUEL STORAGE TANK AT 2425 KELLA AVENUE, CITY OF INDUSTRY, CALIFORNIA, WITHIN THE "MC" MANUFACTURING/COMMERCIAL OVERLAY ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF.

*RECOMMENDED ACTION: Adopt Resolution No. CC 2015-30.*

- 8.2 Consideration of Contract Completion documents submitted by Southern Contracting Company in the amount of \$7,201,006.20 for Contract No. CITY-1389, Industry's 66KV Electrical Substation Facilities located at 208 S. Waddingham Way.

*RECOMMENDED ACTION: Authorize the City Engineer to execute and file contract completion documents and to receive and file the final accounting.*

- 8.3 Consideration of rejection of bids received for Contract No. CITY-1420, Walnut Drive South Widening and Storm Drain Improvements (IPD-233).

*RECOMMENDED ACTION: Reject all bids.*

- 8.4 Consideration of Loan Agreement between the City of Industry and the Successor Agency to the Industry Urban-Development Agency for the Advance and Reimbursement of Costs for Construction Contracts Constituting Enforceable Obligations for the 600-acre Industry Business Center.

*RECOMMENDED ACTION: Approve the Agreement.*

9. **CITY COUNCIL COMMITTEE REPORTS**

10. **AB 1234 REPORTS**

11. **CITY COUNCIL COMMUNICATIONS**

12. **CLOSED SESSION**

12.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section  
54956.9(d)(2): Two Potential Case.

12.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):  
One Case.

13. Adjournment. Next regular meeting: Thursday, September 24, 2015 at 9:00 a.m.

*CITY COUNCIL*

ITEM NO. 5.1

**CITY OF INDUSTRY  
AUTHORIZATION FOR PAYMENT OF BILLS  
CITY COUNCIL MEETING OF SEPTEMBER 10, 2015**

**FUND RECAP:**

<u>FUND</u>	<u>DESCRIPTION</u>	DISBURSEMENTS
100	GENERAL FUND	8,817,843.42
103	PROP A FUND	5,910.71
105	AQMD GRANT FUND	938.76
120	CAPITAL IMPROVEMENT FUND	137,480.55
145	1998 REASSESSMENT IMPROVEMENT FUND	431,984.38
161	IPUC - ELECTRIC	814,562.77
TOTAL ALL FUNDS		10,208,720.59

**BANK RECAP:**

<u>BANK</u>	<u>NAME</u>	DISBURSEMENTS
BOFA	BANK OF AMERICA - CKING ACCOUNTS	7,236,184.38
PR/A	PROP A -CKING ACCOUNT	5,910.71
WKTM	WORKMAN TEMPLE - CKING ACCOUNT	41,413.21
REF	REFUSE - CKING ACCOUNT	1,231,012.47
WFBK	WELLS FARGO- CKING ACCOUNT	1,694,199.82
TOTAL ALL BANKS		10,208,720.59

**CITY OF INDUSTRY  
BANK OF AMERICA  
September 10, 2015**

Check	Date			Payee Name	Check Amount
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**91-1REDMPT.CHK - 98 Reassessment Improv Chking**

<b>170</b>	08/20/2015			<b>U.S. BANK</b>	\$431,984.38
	Invoice	Date	Description		Amount
	8/20/15	08/20/2015	CATELLUS PAYMENT-1998 REVENUE BOND		\$431,984.38

**CITYELEC.CHK - City Electric**

<b>1361</b>	08/21/2015			<b>CITY OF INDUSTRY</b>	\$711,311.46
	Invoice	Date	Description		Amount
	8/21/15	08/21/2015	TRANSFER FUNDS-ELECTRIC		\$711,311.46

**CITYGEN.CHK - City General**

<b>24279</b>	08/28/2015			<b>CITY OF INDUSTRY</b>	\$73,534.66
	Invoice	Date	Description		Amount
	8/28/15-A	08/28/2015	TRANSFER FUNDS-SAVINGS		\$73,534.66
<b>24280</b>	08/28/2015			<b>CITY OF INDUSTRY</b>	\$6,019,353.88
	Invoice	Date	Description		Amount
	8/28/15-B	08/28/2015	TAX OVERRIDE TRANSFER		\$6,019,353.88

Checks	Status	Count	Transaction Amount
	Total	4	\$7,236,184.38

**CITY OF INDUSTRY  
PROP A  
September 10, 2015**

Check	Date	Payee Name		Check Amount
<b>PROPA.CHK - Prop A Checking</b>				
11587	08/27/2015	VOIDED- PAPER JAM		\$0.00
11588	08/26/2015	CITY OF INDUSTRY-REFUSE		\$78.80
	Invoice	Date	Description	Amount
	2244813	08/01/2015	DISP SVC-METROLINK	\$78.80
11589	08/26/2015	INDUSTRY SECURITY SERVICES		\$5,189.19
	Invoice	Date	Description	Amount
	14-14934	07/31/2015	SECURITY SVC-METROLINK	\$1,729.73
	14-14956	08/07/2015	SECURITY SVC-METROLINK	\$1,729.73
	14-15050	08/14/2015	SECURITY SVC-METROLINK	\$1,729.73
11590	08/26/2015	SO CAL INDUSTRIES		\$93.87
	Invoice	Date	Description	Amount
	190191	07/22/2015	RR RENTAL-METROLINK	\$93.87
11591	08/26/2015	SO CALIFORNIA EDISON COMPANY		\$295.69
	Invoice	Date	Description	Amount
	2016-00000196	08/19/2015	6/23-7/26/15 SVC-600 S BREA CYN B	\$295.69
11592	08/26/2015	WALNUT VALLEY WATER DISTRICT		\$253.16
	Invoice	Date	Description	Amount
	2049764	08/12/2015	7/2-8/3/15 SVC-PLATFORM METROLINK BREA CYN	\$18.29
	2048885	08/11/2015	7/7-7/31/15 SVC-IRR METROLINK STA-SPANISH LN	\$234.87

Checks	Status	Count	Transaction Amount
	Total	6	\$5,910.71



**CITY OF INDUSTRY**  
**WORKMAN TEMPLE HOMESTEAD**  
**September 10, 2015**

Check	Date	Payee Name			Check Amount
<b>WRKTMPHM.WF.CHK - Workman Temple Homestead Chking</b>					
1037	06/29/2015	HISTORICAL RESOURCES, INC.			\$41,413.21
	Invoice	Date	Description	Amount	
	06/29/15	06/29/2015	HOMESTEAD CONTRUCTION AND COLLECTIBLES	\$41,413.21	

Check	Status	Count	Transaction Amount
	Total	1	\$41,413.21

**CITY OF INDUSTRY  
WELLS FARGO REFUSE  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>REFUSE - Refuse Account</b>				
<b>WT190</b>	09/01/2015		<b>CITY OF INDUSTRY DISPOSAL CO.</b>	<b>\$1,229,724.20</b>
	Invoice	Date	Description	Amount
	2252111	08/31/2015	REFUSE SVC 8/1-8/31/15	\$1,229,724.20
<b>4162</b>	08/18/2015		<b>AMERICAN WRECKING, INC.</b>	<b>\$609.31</b>
	Invoice	Date	Description	Amount
	8/18/15	08/18/2015	REFUND-ACCT #075039	\$609.31
<b>4163</b>	08/27/2015		<b>WINDSOR, CRAIG</b>	<b>\$678.96</b>
	Invoice	Date	Description	Amount
	8/27/15	08/27/2015	REFUND-ACCT #086372	\$678.96

Checks	Status	Count	Transaction Amount
	Total	3	\$1,231,012.47

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
<b>62509</b>	08/24/2015		<b>BANK OF AMERICA - VISA</b>	<b>\$1,431.73</b>
	Invoice	Date	Description	Amount
	2016-00000174	08/06/2015	7/7-8/6/15 AUTHORIZED REP	\$1,431.73
<b>62510</b>	08/24/2015		<b>MAUREEN KANE &amp; ASSOCIATES,</b>	<b>\$1,550.00</b>
	Invoice	Date	Description	Amount
	9/8-9/11/15	08/24/2015	CONFERENCE - D. SCHLICHTING	\$1,550.00
<b>62511</b>	08/25/2015		<b>AT &amp; T</b>	<b>\$269.27</b>
	Invoice	Date	Description	Amount
	2016-00000175	08/17/2015	08/17-09/16/15 SVC - TONNER-RADIO	\$128.24
	2016-00000176	08/17/2015	08/17-09/16/15 SVC - TONNER-GUARD SHACK	\$141.03
<b>62512</b>	08/25/2015		<b>CITY OF CHINO HILL UTILITY</b>	<b>\$367.78</b>
	Invoice	Date	Description	Amount
	2016-00000177	08/19/2015	07/15-08/17/15 SVC - 1550 RANCHO HILLS DR	\$367.78
<b>62513</b>	08/25/2015		<b>GAS COMPANY, THE</b>	<b>\$43.18</b>
	Invoice	Date	Description	Amount
	2016-00000178	08/19/2015	07/17-08/17/15 SVC - 610 S BREA CYN RD	\$43.18
<b>62514</b>	08/25/2015		<b>MCI COMM SERVICE</b>	<b>\$32.68</b>
	Invoice	Date	Description	Amount
	HATCHER-AUG15	08/17/2015	HATCHER WAREHOUSE - AUGUST 2015	\$32.68
<b>62515</b>	08/25/2015		<b>SAN GABRIEL VALLEY WATER CO.</b>	<b>\$1,018.56</b>
	Invoice	Date	Description	Amount
	2016-00000179	08/18/2015	07/16-08/17/15 SVC - 14329 VALLEY	\$745.74
	2016-00000180	08/19/2015	07/17-08/18/15 SVC - 336 EL ENCANTO	\$41.58
	841 7TH-AUG15	08/20/2015	07/20-08/19/15 SVC - 841 S SEVENTH	\$231.24

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
<b>62516</b>	08/25/2015		<b>SO CALIFORNIA EDISON COMPANY</b>	<b>\$46,266.69</b>
	Invoice	Date	Description	Amount
	2016-00000190	08/19/2015	05/18-07/31/15 SVC - VARIOUS SITES	\$197.10
	2016-00000192	08/19/2015	07/01-08/01/15 SVC - VARIOUS SITES	\$4,166.75
	2016-00000193	08/19/2015	04/10-08/01/15 SVC - VARIOUS SITES	\$39,517.39
	2016-00000194	08/21/2015	07/17-08/17/15 SVC - 1341 FULLERTON RD	\$39.29
	2016-00000195	08/21/2015	07/17-08/17/15 SVC - 17635 GALE	\$2,255.25
	17370GALE-AUG15	08/21/2015	07/17-08/17/15 SVC - 17370 GALE AVE	\$90.91
<b>62517</b>	08/25/2015		<b>SO CALIFORNIA EDISON COMPANY</b>	<b>\$87.93</b>
	Invoice	Date	Description	Amount
	2016-00000191	08/19/2015	06/17-07/17/15 SVC - 19001 TONNER CYN RD	\$87.93
<b>62518</b>	08/25/2015		<b>VERIZON</b>	<b>\$938.34</b>
	Invoice	Date	Description	Amount
	2016-00000181	08/07/2015	08/07-09/06/15 SVC - GENERATOR SITE-TELEMETRY	\$25.00
	2016-00000182	08/10/2015	08/10-09/09/15 SVC - 600 BREA CYN RD	\$222.29
	2016-00000183	08/10/2015	08/10-09/09/15 SVC - ELECTRIC MODEM	\$55.18
	2016-00000184	08/10/2015	08/10-09/09/15 SVC - GENERATOR SITE-TELEMETRY	\$55.18
	2016-00000185	08/10/2015	08/10-09/09/15 SVC - ELECTRIC MODEM	\$62.43
	841 7TH-AUG15	08/10/2015	08/10-09/09/15 SVC - 841 S. 7TH	\$97.25
	2016-00000186	08/10/2015	08/10-09/09/15 SVC - GENERATOR SITE-TELEMETRY	\$146.23
	2016-00000187	08/16/2015	08/16-09/15/15 SVC - PH AUTO PLAZA	\$162.18
	2016-00000188	08/16/2015	08/16-09/15/15 SVC - GENERATOR SITE-TELEMETRY	\$47.41
	2016-00000189	08/16/2015	08/16-09/15/15 SVC - BREA CYN PUMP STN	\$65.19
<b>62519</b>	08/26/2015		<b>RICHARDS, WATSON &amp; GERSHON</b>	<b>\$155,570.26</b>
	Invoice	Date	Description	Amount
	201729	05/29/2015	GENERAL	\$17,048.75
	201730	05/29/2015	FINANCE	\$9,624.30
	201731	05/29/2015	REAL ESTATE TRANSACTIONS	\$10,761.65

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date	Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>			
	201974	06/17/2015 GRAND CENTRAL RECYCLING & TRANSFER	\$3,405.38
	201975	06/17/2015 HARRIS ET AL (VALIDATION ACTION)	\$7,580.42
	202205	06/30/2015 GENERAL	\$25,230.84
	202206	06/30/2015 FINANCE	\$23,465.70
	202207	06/30/2015 REAL ESTATE TRANSACTIONS	\$22,644.55
	202208	06/30/2015 GRAND CENTRAL RECYCLING & TRANSFER	\$37.80
	202475	07/13/2015 GRAND CENTRAL RECYCLING & TRANSFER	\$12,940.88
	202805	07/31/2015 GENERAL	\$7,933.88
	202806	07/31/2015 FINANCE	\$5,165.25
	202807	07/31/2015 REAL ESTATE TRANSACTIONS	\$9,730.86
<b>62520</b>	08/26/2015	<b>RICHARDS, WATSON &amp; GERSON</b>	<b>\$10,961.53</b>
	Invoice	Date Description Amount	
	202803	07/31/2015 SPECIAL COUNSEL LEGAL ASSIGNMENTS	\$1,879.73
	202203	06/30/2015 SPECIAL COUNSEL LEGAL ASSIGNMENTS	\$9,081.80
<b>62521</b>	09/02/2015	<b>BROWN, CHRISTINA M.</b>	<b>\$1,270.00</b>
	Invoice	Date Description Amount	
	SUMMER 2015	09/01/2015 REIMBURSE-TUITION	\$1,270.00
<b>62522</b>	09/02/2015	<b>ProcureIT USA, LLC</b>	<b>\$979.93</b>
	Invoice	Date Description Amount	
	PIT16550	07/21/2015 COMPUTER SUPPLIES	\$100.66
	PIT16355	07/16/2015 COMPUTER SUPPLIES	\$600.81
	PIT16804	08/26/2015 COMPUTER SUPPLIES	\$278.46
<b>62523</b>	09/02/2015	<b>SAN GABRIEL VALLEY WATER CO.</b>	<b>\$5,681.88</b>
	Invoice	Date Description Amount	
	2016-00000214	08/28/2015 07/28-08/27/15 SVC - IRRIG SALT LAKE/SEVENTH	\$202.31
	2016-00000215	08/28/2015 07/28-08/27/15 SVC - PELLISSIER	\$246.05
	2016-00000216	08/28/2015 07/28-08/27/15 SVC - S/E COR OF PELLISSIER	\$693.43

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	2016-00000217	08/28/2015	07/28-08/27/15 SVC - PECK/UNION PACIFIC BRIDGE	\$569.86
	2016-00000218	08/28/2015	07/28-08/27/15 SVC - PELLISSIER	\$350.61
	2016-00000219	08/28/2015	07/28-08/27/15 SVC - PELLISSIER	\$259.34
	2016-00000220	08/28/2015	07/28-08/27/15 SVC - CROSSROADS PKWY STA 111-	\$290.41
	2016-00000221	08/28/2015	07/28-08/27/15 SVC - CROSSROADS PKWY N STA 129-	\$854.42
	2016-00000222	08/28/2015	07/28-08/27/15 SVC - CROSSROADS PKWY NORTH	\$550.85
	2016-00000223	08/28/2015	07/28-08/27/15 SVC - CROSSROADS PKWY SOUTH	\$874.04
	2016-00000224	08/28/2015	07/28-08/27/15 SVC - CROSSROADS PKWY STA 103-	\$179.51
	2016-00000225	08/28/2015	07/28-08/27/15 SVC - CROSSROADS PKWY SOUTH	\$611.05
<b>62524</b>	09/02/2015		<b>SO CALIFORNIA EDISON COMPANY</b>	<b>\$3,215.28</b>
	Invoice	Date	Description	Amount
	2016-00000198	08/24/2015	07/23-08/21/15 SVC - 21380 VALLEY PED	\$83.12
	2016-00000199	08/24/2015	07/23-08/21/15 SVC - 575 S BREA CYN	\$25.12
	2016-00000200	08/24/2015	07/23-08/21/15 SVC - 580 S BREA CYN	\$24.96
	2016-00000201	08/26/2015	07/01-08/24/15 SVC - 600 S BREA CYN RD	\$121.27
	2016-00000202	08/27/2015	06/25-08/25/15 SVC - BREA CYN-VARIOUS SITES	\$1,645.88
	2016-00000203	08/27/2015	07/27-08/25/15 SVC - 745 ANAHEIM PUENTE RD CP	\$62.62
	2016-00000204	08/27/2015	07/27-08/25/15 SVC - 17378 E GALE B	\$47.46
	2016-00000205	08/28/2015	07/29-08/27/15 SVC - 137 N HUDSON AVE	\$343.42
	2016-00000206	08/29/2015	07/29-08/27/15 SVC - 5010 ENGLISH	\$129.43
	2016-00000207	08/29/2015	07/29-08/27/15 SVC - 205 N HUDSON AVE	\$732.00
<b>62525</b>	09/02/2015		<b>STATE COMPENSATION INS. FUND</b>	<b>\$2,728.83</b>
	Invoice	Date	Description	Amount
	SEPTEMBER 2015	08/31/2015	PREMIUM FOR 9/1-10/1/15	\$2,728.83
<b>62526</b>	09/02/2015		<b>SUBURBAN WATER SYSTEMS</b>	<b>\$1,619.43</b>
	Invoice	Date	Description	Amount
	180060599368	08/21/2015	07/23-08/21/15 SVC - 205 HUDSON AVE	\$53.00
	180040716433	08/24/2015	07/24-08/24/15 SVC - AZUSA & GEMINI	\$1,566.43

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
<b>62527</b>	09/02/2015		<b>VERIZON</b>	<b>\$325.84</b>
	Invoice	Date	Description	Amount
	2016-00000208	08/19/2015	08/19-09/18/15 SVC - GENERATOR SITE-TELEMETRY	\$42.00
	2016-00000209	08/19/2015	08/19-09/18/15 SVC - FOLLOW'S CAMP	\$64.84
	2016-00000210	08/19/2015	08/19-09/18/15 SVC - ELECTRIC MODEM	\$52.88
	2016-00000211	08/19/2015	08/19-09/18/15 SVC - ELECTRIC MODEM	\$55.18
	2016-00000212	08/22/2015	08/22-09/21/15 SVC - GENERATOR SITE-TELEMETRY	\$58.06
	2016-00000213	08/22/2015	08/22-09/21/15 SVC - ELECTRIC MODEM	\$52.88
<b>62528</b>	09/10/2015		<b>ABORTA-BUG PEST CONTROL</b>	<b>\$355.00</b>
	Invoice	Date	Description	Amount
	16594	08/18/2015	QTRLY SVC-15559 RAUSCH RD	\$50.00
	16593	08/18/2015	QTRLY SVC-15660 STAFFORD	\$60.00
	16595	08/18/2015	QTRLY SVC-IMC	\$125.00
	16596	08/18/2015	QTRLY SVC-CITY HALL	\$120.00
<b>62529</b>	09/10/2015		<b>ALEJANDRO GONZALEZ</b>	<b>\$100.91</b>
	Invoice	Date	Description	Amount
	09/02/15	09/02/2015	REIMBURSE FOR EXPENSES-FUEL AND MILEAGE	\$100.91
<b>62530</b>	09/10/2015		<b>AMERICAN ASPHALT SOUTH, INC</b>	<b>\$11,548.36</b>
	Invoice	Date	Description	Amount
	#2CITY-1424-RET	09/10/2015	RETENTION-2014/2015 SLURRY SEAL	\$11,548.36
<b>62531</b>	09/10/2015		<b>APPLIED METERING</b>	<b>\$1,320.00</b>
	Invoice	Date	Description	Amount
	5264	08/19/2015	METER MAINT-JUL 2015	\$1,320.00
<b>62532</b>	09/10/2015		<b>ARAMARK REFRESHMENT SERVICE,</b>	<b>\$88.97</b>
	Invoice	Date	Description	Amount

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	9355846	08/31/2015	COFFEE/OFFICE SUPPLIES	\$114.95
	03/31/2015	03/31/2015	CREDIT	(\$25.98)
<b>62533</b>	09/10/2015		<b>AT &amp; T</b>	<b>\$176.00</b>
	Invoice	Date	Description	Amount
	0945398205	08/23/2015	07/19-08/18/15 SVC - METROLINK	\$176.00
<b>62534</b>	09/10/2015		<b>AVANT-GARDE, INC</b>	<b>\$4,275.00</b>
	Invoice	Date	Description	Amount
	3786	08/18/2015	PROJECT MGMT SVC-CITY BRIDGES	\$495.00
	3787	08/18/2015	PROGRAM MGMT-AZUSA AVE BRIDGE	\$3,780.00
<b>62535</b>	09/10/2015		<b>BALLAS, JOHN</b>	<b>\$1,666.64</b>
	Invoice	Date	Description	Amount
	4/13-4/26/15	08/26/2015	CHILD CARE - P/R 4/30/15	\$208.33
	4/27-5/10/15	08/26/2015	CHILD CARE - P/R 5/15/15	\$208.33
	5/11-5/24/15	08/26/2015	CHILD CARE - P/R 5/31/15	\$208.33
	5/25-6/7/15	08/26/2015	CHILD CARE - P/R 6/15/15	\$208.33
	6/8-6/21/15	08/26/2015	CHILD CARE - P/R 6/30/15	\$208.33
	6/22-7/5/15	08/26/2015	CHILD CARE - P/R 7/15/15	\$208.33
	7/6-7/19/15	08/26/2015	CHILD CARE - P/R 7/31/15	\$208.33
	7/20-8/2/15	08/26/2015	CHILD CARE - P/R 8/15/15	\$208.33
<b>62536</b>	09/10/2015		<b>BANK OF AMERICA-ACCOUNT</b>	<b>\$13,690.87</b>
	Invoice	Date	Description	Amount
	0011954064	07/15/2015	ACCOUNT ANALYSIS	\$13,690.87
<b>62537</b>	09/10/2015		<b>BRYAN PRESS</b>	<b>\$76.30</b>
	Invoice	Date	Description	Amount
	0073340	08/18/2015	BUSINESS CARDS-A. GONZALEZ	\$38.15
	0073362	08/18/2015	BUSINESS CARDS-C. FRESCH	\$38.15



**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
<b>62538</b>	09/10/2015		<b>CALVO, ELISE</b>	<b>\$2,499.96</b>
	Invoice	Date	Description	Amount
	JUNE 2015	08/31/2015	CHILD CARE 1/01/15-6/30/15	\$2,499.96
<b>62539</b>	09/10/2015		<b>CASC ENGINEERING AND</b>	<b>\$3,384.00</b>
	Invoice	Date	Description	Amount
	34038	08/24/2015	NPDES ENG SVC-COI	\$3,384.00
<b>62540</b>	09/10/2015		<b>CDW GOVERNMENT LLC</b>	<b>\$420.06</b>
	Invoice	Date	Description	Amount
	XQ36762	08/26/2015	COMPUTER SUPPLIES	\$420.06
<b>62541</b>	09/10/2015		<b>CHAO, SHIN M.</b>	<b>\$125.00</b>
	Invoice	Date	Description	Amount
	AUGUST 2015	08/26/2015	REBATE FOR ELEC VEHICLE PROGRAM-AUG 2015	\$125.00
<b>62542</b>	09/10/2015		<b>CHOU, TERESA</b>	<b>\$125.00</b>
	Invoice	Date	Description	Amount
	AUGUST 2015	08/26/2015	REBATE FOR ELEC VEHICLE PROGRAM-AUG 2015	\$125.00
<b>62543</b>	09/10/2015		<b>CITY OF INDUSTRY-MEDICAL</b>	<b>\$335,000.00</b>
	Invoice	Date	Description	Amount
	REG 9/10/15	09/02/2015	TRANSFER FUNDS-MEDICAL	\$335,000.00
<b>62544</b>	09/10/2015		<b>CITY OF INDUSTRY-PAYROLL ACCT</b>	<b>\$100,000.00</b>
	Invoice	Date	Description	Amount
	P/R 8/31/15	08/28/2015	PAYROLL REIMBURSEMENT FOR 8/31/15	\$100,000.00
<b>62545</b>	09/10/2015		<b>CITY OF INDUSTRY-PETTY CASH</b>	<b>\$714.05</b>
	Invoice	Date	Description	Amount

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	8/20/15	08/20/2015	REIMBUSE PETTY CASH	\$714.05
<b>62546</b>	09/10/2015		<b>CITY OF SOUTH EL MONTE</b>	<b>\$2,000.00</b>
	Invoice	Date	Description	Amount
	1069	07/15/2015	COALITION SR60 PROJ-AUG 2015	\$2,000.00
<b>62547</b>	09/10/2015		<b>CNC ENGINEERING</b>	<b>\$169,742.37</b>
	Invoice	Date	Description	Amount
	43719	08/13/2015	PUC RAILROAD SAFETY UPGRADE	\$627.52
	43757	08/27/2015	66KV ELECTRICAL SUBSTATION FACILITY	\$4,183.82
	43758	08/27/2015	ON-CALL STREET MAINT PROGRAM	\$1,199.92
	43759	08/27/2015	WALNUT DR SOUTH WIDENING	\$10,593.91
	43760	08/27/2015	CLARK AVE WDENING	\$7,142.29
	43761	08/27/2015	2014-2015 SLURRY SEAL	\$392.20
	43763	08/27/2015	GENERAL ENG SVC-CIP	\$45,141.12
	43764	08/27/2015	GENERAL ENG SVC 8/10-8/23/15	\$46,121.35
	43765	08/27/2015	TONNER CYN PROPERTY	\$5,079.52
	43766	08/27/2015	ATLAS-LEGAL DESCRIPTIONS	\$126.67
	43767	08/27/2015	PUENTE VALLEY OPERABLE UNIT	\$941.28
	43768	08/27/2015	CITY ELECTRICAL FACILITIES	\$196.10
	43769	08/27/2015	TRES HERMANOS GENERAL ENGINEERING	\$784.40
	43770	08/27/2015	MAINT OF CITY HALL	\$1,164.41
	43771	08/27/2015	MAINT OF IMC BUILDING	\$567.10
	43772	08/27/2015	HOMESTEAD MUSEUM MAINT	\$313.76
	43773	08/27/2015	RESURFACING-VARIOUS STREETS	\$10,254.59
	43774	08/27/2015	UPRR PREEMPTION SAFETY CHECKS	\$1,725.15
	43775	08/27/2015	LOS ANGELES SUB QUIET ZONE	\$3,227.70
	43776	08/27/2015	INDUSTRY HILLS REALIGNMENT OF HANDORF RD	\$253.34
	43777	08/27/2015	SAN JOSE AVE RECONSTRUCTION	\$796.06
	43778	08/27/2015	INDUSTRY HILLS IMPROVEMENTS	\$156.88
	43779	08/27/2015	INDUSTRY HILLS-FUEL TANKS DISPENSING DEVICE	\$470.64

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	43780	08/27/2015	PROPERTY MGMT-CITY OWNED PROPERTIES	\$2,538.48
	43781	08/27/2015	AZUSA AVE BRIDGE REPAINTING	\$3,216.04
	43782	08/27/2015	FISCAL YEAR BUDGET	\$2,313.98
	43783	08/27/2015	FOLLOW'S CAMP PROPERTY	\$1,103.99
	43784	08/27/2015	VARIOUS ASSIGNMENTS-SA TO IUDA	\$14,519.81
	43785	08/27/2015	METROLINK STATION/COMMUTER RAIL STN	\$627.52
	43786	08/27/2015	AQMD GRANT FOR ELECTRIC CAR CHARGING	\$313.76
	43787	08/27/2015	REPAIRS,UPGRADES TO STORM WATER PUMP	\$156.88
	43788	08/27/2015	CITY OF INDUSTRY MUNICIPAL CODE COMPLIANCE	\$313.76
	43789	08/27/2015	DEBRIS REMOVAL FY 2014-2015	\$313.76
	43790	08/27/2015	COI PAVEMENT MGMT SYSTEM	\$482.30
	43791	08/27/2015	FULLERTON RD GRADE SEPARATION STUDY	\$784.40
	43792	08/27/2015	ALAMEDA CORRIDOR EAST RELATED PROJECTS	\$400.95
	43793	08/27/2015	FAIRWAY DR GRADE SEPARATION	\$557.83
	43794	08/27/2015	NOGALES GRADE SEPARATION	\$313.76
	43762	08/27/2015	2015 CLEANOUT OF STORMWATER DEVICES	\$325.42
<b>62548</b>	09/10/2015		<b>COMFORT SYSTEMS USA</b>	<b>\$4,359.13</b>
	Invoice	Date	Description	Amount
	230628	06/30/2015	A/C MAINT-EL ENCANTO	\$1,973.83
	233044	08/19/2015	A/C MAINT-EL ENCANTO	\$2,385.30
<b>62549</b>	09/10/2015		<b>CONSOLIDATED ELECTRICAL DIST.</b>	<b>\$1,935.88</b>
	Invoice	Date	Description	Amount
	3301-496455	08/24/2015	LIGHTING FIXTURES-HOMESTEAD	\$1,935.88
<b>62550</b>	09/10/2015		<b>COUNTRY ESTATE FENCE, INC.</b>	<b>\$126.33</b>
	Invoice	Date	Description	Amount
	120674	08/07/2015	FENCE REPAIR-OLD RANCH RD/FERRERO PKY	\$126.33
<b>62551</b>	09/10/2015		<b>DAKOTA BACKFLOW CO.</b>	<b>\$560.00</b>

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	Invoice	Date	Description	Amount
	36725	08/21/2015	ANNUAL TESTING-EL ENCANTO	\$400.00
	36771	08/21/2015	ANNUAL TESTING-EL ENCANTO	\$160.00
<b>62552</b>	09/10/2015		<b>ELECTRA-MEDIA, INC</b>	<b>\$1,763.00</b>
	Invoice	Date	Description	Amount
	3694	08/15/2015	PH AUTO DISPLAY-SEP 2015	\$1,763.00
<b>62553</b>	09/10/2015		<b>ENCO UTILITY SERVICES</b>	<b>\$2,500.00</b>
	Invoice	Date	Description	Amount
	20-3-08-15	08/31/2015	PROF SVC-AUG 2015	\$2,500.00
<b>62554</b>	09/10/2015		<b>FERGUSON ENTERPRISES, INC</b>	<b>\$37.01</b>
	Invoice	Date	Description	Amount
	2234903	07/29/2015	PLUMBING SUPPLIES-HOMESTEAD	\$37.01
<b>62555</b>	09/10/2015		<b>FRAZER, LLP</b>	<b>\$38,580.00</b>
	Invoice	Date	Description	Amount
	139084	08/31/2015	COI-ACCTG SVC 8/16-8/31/15	\$38,580.00
<b>62556</b>	09/10/2015		<b>FUEL PROS, INC.</b>	<b>\$2,312.30</b>
	Invoice	Date	Description	Amount
	0000021558	07/27/2015	INDUSTRY HILLS-FUEL STN MAINT	\$1,974.80
	0000021553	07/27/2015	INDUSTRY HILLS-FUEL STN MAINT	\$337.50
<b>62557</b>	09/10/2015		<b>G.M. SAGER CONSTRUCTION CO.,</b>	<b>\$9,000.00</b>
	Invoice	Date	Description	Amount
	33921	06/12/2015	REMOVE RED BURB PAINT-HACIENDS BLVD	\$9,000.00
<b>62558</b>	09/10/2015		<b>GAS COMPANY, THE</b>	<b>\$44.24</b>
	Invoice	Date	Description	Amount

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	2016-00000239	08/26/2015	07/24-08/24/15 SVC - 15415 DON JULIAN RD	\$44.24
<b>62559</b>	09/10/2015		<b>GLOBAL CAPACITY</b>	<b>\$1,702.58</b>
	Invoice	Date	Description	Amount
	49316343	09/01/2015	INTERNET SVC-OCT 2015	\$1,702.58
<b>62560</b>	09/10/2015		<b>GONSALVES &amp; SON, JOE A.</b>	<b>\$5,045.00</b>
	Invoice	Date	Description	Amount
	25491	08/19/2015	LEGISLATIVE SVC-SEP 2015	\$5,045.00
<b>62561</b>	09/10/2015		<b>HADDICK'S AUTO BODY</b>	<b>\$813.34</b>
	Invoice	Date	Description	Amount
	047550	08/20/2015	AUTO MAINT-LIC 1094930	\$281.34
	H-70982	08/05/2015	TOWING SVC-DONATION BIN	\$133.00
	H-72659	08/05/2015	TOWING SVC-DONATION BIN	\$133.00
	H-72660	08/05/2015	TOWING SVC-DONATION BIN	\$133.00
	H-70991	08/19/2015	TOWING SVC-DONATION BIN	\$133.00
<b>62562</b>	09/10/2015		<b>HINDERLITER, DE LLAMAS AND</b>	<b>\$19,331.96</b>
	Invoice	Date	Description	Amount
	0024423-IN	08/18/2015	CONTRACT SVC-3RD QTR 2015	\$19,331.96
<b>62563</b>	09/10/2015		<b>HOME DEPOT CREDIT SERVICE</b>	<b>\$69.33</b>
	Invoice	Date	Description	Amount
	5563811	08/07/2015	MISC SUPPLIES	\$17.70
	5023587	07/28/2015	MISC SUPPLIES	\$8.25
	4515723	08/18/2015	MISC SUPPLIES	\$43.38
<b>62564</b>	09/10/2015		<b>INDUSTRY SECURITY SERVICES</b>	<b>\$33,011.30</b>
	Invoice	Date	Description	Amount
	14-15162	08/28/2015	SECURITY SVC 8/21-8/27/15	\$3,364.80

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	14-15152	08/21/2015	SECURITY SVC 8/21-8/27/15	\$13,035.70
	14-15092	08/21/2015	SECURITY SVC 8/14-8/20/15	\$13,246.00
	14-15102	08/21/2015	SECURITY SVC 8/14-8/20/15	\$3,364.80
<b>62565</b>	09/10/2015		<b>INDUSTRY TIRE SERVICE</b>	<b>\$2,192.75</b>
	Invoice	Date	Description	Amount
	0264804	08/28/2015	TIRES FOR JOHN DEERE TRACTOR	\$2,192.75
<b>62566</b>	09/10/2015		<b>JANUS PEST MANAGEMENT</b>	<b>\$580.00</b>
	Invoice	Date	Description	Amount
	136754	08/01/2015	SVC-HOMESTEAD	\$580.00
<b>62567</b>	09/10/2015		<b>KIMLEY-HORN &amp; ASSOCIATES, INC.</b>	<b>\$1,400.17</b>
	Invoice	Date	Description	Amount
	094492025-0715	07/31/2015	TRAFFIC ENG SVC-GALE AVE	\$1,400.17
<b>62568</b>	09/10/2015		<b>KLEINFELDER, INC.</b>	<b>\$25,999.09</b>
	Invoice	Date	Description	Amount
	001071352	08/14/2015	SOIL TESTING-VARIOUS SITES	\$3,831.98
	001071282	08/14/2015	SOIL & MATERIAL OBSERVATION-SLURRY SEAL	\$8,372.50
	001068720	07/26/2015	SOIL & MATERIAL OBSERVATION-SLURRY SEAL	\$12,883.36
	001071579	08/17/2015	CONSULT/ENVIRONMENTAL SVC-	\$911.25
<b>62569</b>	09/10/2015		<b>L A COUNTY REGISTRAR-</b>	<b>\$75.00</b>
	Invoice	Date	Description	Amount
	DP 15-6	08/26/2015	FEE-NOTICE OF DETERMINATION	\$75.00
<b>62570</b>	09/10/2015		<b>L A COUNTY REGISTRAR-</b>	<b>\$2,210.00</b>
	Invoice	Date	Description	Amount
	DP15-6	08/26/2015	FEE-DEPT OF FISH/GAME	\$2,210.00

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
<b>62571</b>	09/10/2015		<b>L A COUNTY REGISTRAR-</b>	<b>\$75.00</b>
	Invoice	Date	Description	Amount
	CUP 14-8	08/26/2015	FEE-NOTICE OF DETERMINATION	\$75.00
<b>62572</b>	09/10/2015		<b>L A COUNTY REGISTRAR-</b>	<b>\$2,210.00</b>
	Invoice	Date	Description	Amount
	CUP14-8	08/26/2015	FEE-DEPT OF FISH/GAME	\$2,210.00
<b>62573</b>	09/10/2015		<b>L A COUNTY REGISTRAR-</b>	<b>\$75.00</b>
	Invoice	Date	Description	Amount
	CUP 15-11	08/26/2015	FEE-NOTICE OF EXEMPTION	\$75.00
<b>62574</b>	09/10/2015		<b>L A COUNTY SHERIFF'S</b>	<b>\$20,923.99</b>
	Invoice	Date	Description	Amount
	160192NH	08/18/2015	SPECIAL EVENT-DIRECTED PATROL	\$20,923.99
<b>62575</b>	09/10/2015		<b>LA PUENTE VALLEY COUNTY</b>	<b>\$1,767.75</b>
	Invoice	Date	Description	Amount
	2016-00000229	08/19/2015	06/19-08/19/15 SVC - 15414 DON JULIAN RD (IRRI)	\$403.65
	2016-00000230	08/19/2015	06/19-08/19/15 SVC - 15414 DON JULIAN RD	\$395.81
	2016-00000231	08/19/2015	06/19-08/19/15 SVC - 15625 STAFFORD ST	\$288.93
	2016-00000232	08/19/2015	06/19-08/19/15 SVC - 15625 STAFFORD ST	\$214.93
	2016-00000233	08/19/2015	06/19-08/19/15 SVC - 15660 STAFFORD ST	\$177.95
	BS 08/15	08/19/2015	WATER MONITORING-BOY SCOUTS RESERVOIR	\$286.48
<b>62576</b>	09/10/2015		<b>LOS ANGELES COUNTY FLOOD</b>	<b>\$36,919.75</b>
	Invoice	Date	Description	Amount
	DI150000056	07/21/2015	DEPOSIT-UPPER SAN GABRIEL RIVER WATERSHED	\$36,919.75
<b>62577</b>	09/10/2015		<b>MERRITT'S ACE HARDWARE</b>	<b>\$10.61</b>
	Invoice	Date	Description	Amount

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	087440	08/07/2015	MISC SUPPLIES-POSTS FOR SIGNS	\$10.61
<b>62578</b>	09/10/2015		<b>METHOD TECHNOLOGIES</b>	<b>\$23.75</b>
	Invoice	Date	Description	Amount
	21823	08/21/2015	UPDATE CITY WEBSITE	\$23.75
<b>62579</b>	09/10/2015		<b>MR PLANT &amp; INTERIOR BOTANICAL</b>	<b>\$710.00</b>
	Invoice	Date	Description	Amount
	SEPT 2419	09/01/2015	PLANT MAINT-SEP 2015	\$588.00
	SEPT 2418	09/01/2015	PLANT MAINT-SEP 2015	\$122.00
<b>62580</b>	09/10/2015		<b>OLMOS PROFESSIONAL SERVICES</b>	<b>\$8,782.00</b>
	Invoice	Date	Description	Amount
	185	08/31/2015	JANITORIAL SVC-CITY HALL	\$5,500.00
	186	08/31/2015	JANITORIAL SVC-IMC	\$1,467.00
	184	08/31/2015	JANITORIAL SVC-FIRE STN	\$1,815.00
<b>62581</b>	09/10/2015		<b>PHILIPS, PAUL J.</b>	<b>\$101.38</b>
	Invoice	Date	Description	Amount
	09/01/15	09/01/2015	REIMBURSE FOR TRAVEL EXPENSES	\$101.38
<b>62582</b>	09/10/2015		<b>POST ALARM SYSTEMS</b>	<b>\$273.25</b>
	Invoice	Date	Description	Amount
	810860	09/01/2015	MONITORING SVC-OCT 2015	\$273.25
<b>62583</b>	09/10/2015		<b>R.F. DICKSON CO., INC.</b>	<b>\$17,005.60</b>
	Invoice	Date	Description	Amount
	2507503	07/31/2015	STREET/PARKING LOT SWEEPING	\$16,795.60
	2507538	07/31/2015	STREET/PARKING LOT SWEEPING	\$210.00
<b>62584</b>	09/10/2015		<b>R.P. LAURAIN &amp; ASSOCIATES, INC.</b>	<b>\$2,800.00</b>



**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date			Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>					
	Invoice	Date	Description		Amount
	9162	08/05/2015	APPRAISAL FEES-21750 GARCIA LN		\$2,800.00
<b>62585</b>	09/10/2015			<b>RICOH USA, INC.</b>	<b>\$2,372.65</b>
	Invoice	Date	Description		Amount
	5037438243	08/14/2015	METER READING		\$86.51
	5037631842	08/26/2015	METER READING		\$2,286.14
<b>62586</b>	09/10/2015			<b>ROWLAND WATER DISTRICT</b>	<b>\$944.14</b>
	Invoice	Date	Description		Amount
	1123CHATCH-AUG15	08/26/2015	07/14-08/18/15 SVC - 1123C HATCHER ST		\$154.56
	2016-00000235	08/26/2015	07/14-08/18/15 SVC - 17217 & 17229 CHESTNUT - IRR		\$261.86
	1135HATCH-AUG15	08/26/2015	07/14-08/18/15 SVC - 1135 HATCHER ST		\$61.76
	2016-00000236	08/26/2015	07/14-08/18/15 SVC - 755 NOGALES (RC)		\$130.84
	2016-00000237	08/26/2015	07/14-08/18/15 SVC - AZUSA AVE (RC)		\$106.20
	1123DHATCH-AUG15	08/26/2015	07/14-08/18/15 SVC - 1123D HATCHER ST		\$76.26
	2016-00000238	08/26/2015	07/15-08/18/15 SVC - 1100 AZUSA AVE		\$152.66
<b>62587</b>	09/10/2015			<b>S.E. NELSON CONSTRUCTION, INC.</b>	<b>\$1,235.50</b>
	Invoice	Date	Description		Amount
	3224	08/05/2015	INSTALL CHECK VALVE-EL ENCANTO		\$1,235.50
<b>62588</b>	09/10/2015			<b>SATSUMA LANDSCAPE &amp; MAINT.</b>	<b>\$148,020.96</b>
	Invoice	Date	Description		Amount
	0815TACH	08/31/2015	LANDSCAPE SVC-VARIOUS SITES		\$34,925.00
	0815CHTA	08/31/2015	LANDSCAPE SVC-AUG 2015		\$113,095.96
<b>62589</b>	09/10/2015			<b>SC FUELS</b>	<b>\$25,655.09</b>
	Invoice	Date	Description		Amount
	2863199	08/28/2015	FUEL FOR PUMP AT INDUSTRY HILLS		\$25,655.09

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
<b>62590</b>	09/10/2015		<b>SCS FIELD SERVICES</b>	<b>\$54,277.94</b>
	Invoice	Date	Description	Amount
	0259974	07/31/2015	REFURBISH FLARE STATION	\$24,342.00
	0259981	07/31/2015	MAINT OF LANDFILL-PACIFIC PALMS	\$4,802.00
	0259995	07/31/2015	MAINT LANDFILL GAS SYSTEM	\$13,111.00
	0259993	07/31/2015	MAINT LANDFILL GAS SYSTEM	\$2,128.70
	0260037	08/07/2015	PACIFIC PALMS-3RD QTR TESTING	\$9,894.24
<b>62591</b>	09/10/2015		<b>SHELL ENERGY NORTH AMERICA-</b>	<b>\$83,616.00</b>
	Invoice	Date	Description	Amount
	1504319	09/02/2015	WHOLESALE USE-AUG 2015	\$83,616.00
<b>62592</b>	09/10/2015		<b>SO CAL INDUSTRIES</b>	<b>\$93.87</b>
	Invoice	Date	Description	Amount
	193532	08/19/2015	RR RENTAL-TONNER CYN	\$93.87
<b>62593</b>	09/10/2015		<b>SO CALIFORNIA EDISON COMPANY</b>	<b>\$12,916.65</b>
	Invoice	Date	Description	Amount
	7500589754	08/25/2015	07/01-07/31/15 SVC - OLD RANCH RD/MAYO AVE	\$5,623.22
	7500589755	08/25/2015	07/01-07/31/15 SVC - 208 S. WADDINGHAM WAY	\$3,667.31
	7500589756	08/25/2015	07/01-07/31/15 SVC - 745 ANAHEIM-PUENTE RD	\$1,027.46
	7500589766	08/25/2015	07/01-07/31/15 SVC - 133 N. AZUSA AVE	\$1,901.61
	7500590644	08/28/2015	05/01-05/31/15 SVC - RELIABILITY SVC	\$697.05
<b>62594</b>	09/10/2015		<b>SQUARE ROOT GOLF &amp;</b>	<b>\$190,713.54</b>
	Invoice	Date	Description	Amount
	1191ELHM	08/28/2015	LANDSCAPE SVC-HOMESTEAD	\$1,218.13
	1192H	08/28/2015	LANDSCAPE SVC-AUG 2015	\$127,314.00
	1190ELHM	08/28/2015	LANDSCAPE SVC-AUG 2015	\$42,403.41
	1189ELHM	08/28/2015	LANDSCAPE SVC-AUG 2015	\$19,778.00

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
<b>62595</b>	09/10/2015		<b>STAPLES BUSINESS ADVANTAGE</b>	<b>\$896.08</b>
	Invoice	Date	Description	Amount
	8035607429	08/15/2015	OFFICE SUPPLIES	\$655.98
	8035695391	08/22/2015	OFFICE SUPPLIES	\$240.10
<b>62596</b>	09/10/2015		<b>STOTZ EQUIPMENT</b>	<b>\$215.16</b>
	Invoice	Date	Description	Amount
	P49327	08/20/2015	PARTS FOR JOHN DEERE MOWER	\$215.16
<b>62597</b>	09/10/2015		<b>SUNRISE ROOFING</b>	<b>\$3,780.00</b>
	Invoice	Date	Description	Amount
	08/18/15	08/18/2015	INSTALL ROOF-TRES HERMANOS	\$2,430.00
	08/04/15	08/04/2015	INSTALL ROOF-TRES HERMANOS	\$1,350.00
<b>62598</b>	09/10/2015		<b>TAKATA, DAVID T.</b>	<b>\$125.00</b>
	Invoice	Date	Description	Amount
	AUGUST 2015	08/26/2015	REBATE FOR ELEC VEHICLE PROGRAM-AUG 2015	\$125.00
<b>62599</b>	09/10/2015		<b>THIENES ENGINEERING INC.</b>	<b>\$3,221.00</b>
	Invoice	Date	Description	Amount
	40711	07/20/2015	BREA CYN GRADING REPAIR	\$3,221.00
<b>62600</b>	09/10/2015		<b>TONG, WEIXING</b>	<b>\$125.00</b>
	Invoice	Date	Description	Amount
	AUGUST 2015	08/26/2015	REBATE FOR ELEC VEHICLE PROGRAM-AUG 2015	\$125.00
<b>62601</b>	09/10/2015		<b>TRIMARK ASSOCIATES, INC.</b>	<b>\$1,726.67</b>
	Invoice	Date	Description	Amount
	EB11007	08/01/2015	MAINT SVC-METRO SOLAR	\$1,726.67
<b>62602</b>	09/10/2015		<b>VANGUARD CLEANING SYSTEMS,</b>	<b>\$925.00</b>

**CITY OF INDUSTRY  
WELLS FARGO BANK  
September 10, 2015**

Check	Date		Payee Name	Check Amount
<b>CITY.WF.CHK - City General Wells Fargo</b>				
	Invoice	Date	Description	Amount
	10190	09/01/2015	JANITORIAL SVC-SEP 2015	\$925.00
<b>62603</b>	09/10/2015		<b>WALNUT VALLEY GLASS &amp; MIRROR</b>	<b>\$445.91</b>
	Invoice	Date	Description	Amount
	12789	08/21/2015	REPLACE GLASS-CITY HALL	\$445.91
<b>62604</b>	09/10/2015		<b>WEATHERITE SERVICE</b>	<b>\$1,880.00</b>
	Invoice	Date	Description	Amount
	L163980	08/14/2015	HVAC REPAIRS-IMC	\$1,880.00
<b>62605</b>	09/10/2015		<b>WILLDAN ENGINEERING</b>	<b>\$33,894.54</b>
	Invoice	Date	Description	Amount
	00613388	08/07/2015	ENG SVC-VARIOUS SITES	\$26,076.83
	00613389	08/07/2015	ENG SVC-VARIOUS SITES	\$1,397.71
	00613440	08/17/2015	ENG SVC-VARIOUS SITES	\$6,420.00
<b>62606</b>	09/10/2015		<b>YU, HUI-I</b>	<b>\$125.00</b>
	Invoice	Date	Description	Amount
	AUGUST 2015	08/26/2015	REBATE FOR ELEC VEHICLE PROGRAM-AUG 2015	\$125.00

Checks	Status	Count	Transaction Amount
	Total	98	\$1,694,199.82

*CITY COUNCIL*

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: Honorable Mayor and Members of the City Council

FROM: James M. Casso, City Attorney

Date: September 10, 2015

Subject: Approval of Settlement Agreement between City of Industry and 8 Net, Inc.

---

**BACKGROUND:** In August 2014, 8 Net, Inc., (“8 Net”) a recyclable material operator in the City of Industry (“City”) filed an action in Superior Court seeking an injunction against the City’s enforcement of Municipal Code Chapter 8.20 and alleging that the enforcement had caused damages to its business operations. The City cross-complained against 8 Net seeking injunctive and other relief for 8 Net’s alleged and continued violations of Chapter 8.20. Now, the parties wish to resolve their respective differences.

**DISCUSSION:** To resolve this dispute, the attached settlement agreement sets forth that 8 Net’s business operations will comply with Chapter 8.20 and that it will pay the City \$50,000.00, in \$10,000.00 increments, over a five month period, starting on September 30, 2015. The action will be dismissed ten (10) days following execution of the settlement agreement. Each party is responsible for its legal fees and costs associated with the action. The Court will retain jurisdiction over enforcement of the settlement agreement.

**BUDGET IMPACT:** The City shall receive \$50,000.00.

**RECOMMENDATION:** Staff recommends that the City Council approve the Settlement Agreement.

Attachment

## **SETTLEMENT AGREEMENT**

This SETTLEMENT AGREEMENT ("Agreement") is between the CITY OF INDUSTRY, a California municipal corporation and charter city ("City" or "Industry"), and 8 NET, INC., a California corporation ("8 NET"). 8 NET and the City are collectively referred to as the "Parties" or each as a "Party." This Agreement is effective as of September 1, 2015 ("Effective Date").

### **I. RECITALS**

A. 8 NET maintains a business located at 18669 San Jose Avenue in the City of Industry, California. 8 NET's business includes the collection of recyclable materials (cardboard, paper, plastic) from commercial establishments in the City.

B. Industry Municipal Code (hereafter, "Municipal Code") 8.20.010 defines the term "recyclable materials" as follows: "Recyclable materials' means materials that have been source separated from the solid waste stream prior to collection or disposal at a landfill, which may be used or reused in the form of materials for new, used or reconstituted products that meet the quality standards necessary to be used in the marketplace. Recyclable materials includes any source-separated single-category materials identified by the city manager for which a market or value exists, including, but not limited to: cans, cardboard, glass, newspaper, metal containers, paper, plastic bottles and containers, plastic film, as well as organic or compostable materials such as green waste, yard waste or food waste."

C. Municipal Code section 8.20.030 states, "No person, collector, or salvage collector shall engage in the collection, caring, conveyance, salvage or transportation of any solid waste or recyclable material from or at any location within the limits of the city, without the express written consent of the city council by means of a franchise or permit granted by the city council or, where authorized, the city manager, pursuant to this chapter or other provisions set forth in the city of Industry Municipal Code."

D. Municipal Code section 8.20.380 further provides that "no individual, partnership, joint venture, unincorporated private organization, or private corporation shall engage in salvage collection unless a permit to do so has been issued as provided herein."

E. A dispute arose between the City and 8 Net regarding the applicability of these provisions of the Municipal Code to 8 Net's business activities. In or around November 2013 and continuing thereafter, the City took actions to enforce what it contended were violations of Municipal Code Chapter 8.20 by 8 NET by, among other things, issuing administrative citations against 8 NET and confiscating 8 NET's collection bins for recyclable materials from commercial establishments located within the City.

F. On August 11, 2014, 8 NET sued the City and other defendants (who are identified below) in the matter of 8 NET, INC. v. CITY OF INDUSTRY, et al. (Case No. BC 554379), in Los Angeles County Superior Court (the "Action"). In the Action, 8 NET sought an injunction against the City's enforcement of Municipal Code Chapter 8.20, as well as damages and other relief for what 8 NET alleged was the defendants' unlawful interference with 8 NET's business. In addition to the City, 8 NET named the following parties as defendants: JEFF DUHAMEL ("Duhamel"), an individual, WASTE SYSTEMS TECHNOLOGY, INC. ("Waste Systems"), a California Corporation, TROY HELLING ("Helling"), an individual, BRIAN JAMES ("James"), an individual, GLEN LOONEY ("Looney"), an individual, ROBERT FLORES ("Flores"), an individual, KEVIN RADECKI ("Radecki"), an individual, and VALLEY VISTA SERVICES, INC. ("Valley Vista"), a California Corporation. Valley Vista has already been dismissed from the Litigation, and is not a party to this Agreement. The City and the other remaining defendants are collectively referred to herein as the "Defendants."

G. The City filed a cross-complaint against 8 NET on August 12, 2014 (the "Cross-Complaint"), seeking injunctive and other relief against what the City contended were 8 NET's continued violations of Municipal Code Chapter 8.20. The Action and Cross-Complaint are collectively referred to as the "Litigation."

H. Both 8 NET and the City moved for their respective preliminary injunctions. On September 4, 2014, Judge Luis A. Lavin entered an order granting the City's Motion for Issuance of a Preliminary Injunction and denying 8 NET's Motion for Issuance of a Preliminary Injunction. A true and correct copy Judge Lavin's Order ("Order") is attached to this Agreement as Exhibit "A". The Order and the Preliminary Injunction contained therein do not constitute an adjudication on the merits.

I. The Parties all wish to avoid the burden, expense and uncertainty of further litigation and accordingly have determined to compromise and settle their differences in accordance with the provisions of this Agreement.

## **II. AGREEMENT**

In consideration of the mutual promises contained in this Agreement and the recitals set forth above, which are true and correct and incorporated in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

A. **No Admission of Liability or Fault.** This Agreement pertains to disputed claims and is the result of compromise. No Party admits any fault or liability with respect to the causes of action and claims raised in the Litigation, and this Agreement does not constitute, and will not in any circumstance be deemed to constitute, an admission of fault or liability by any Party.



B. 8 NET may not collect any "recyclable materials", as that term is defined in Municipal Code section 8.20.010 (entitled "Definitions"), regardless of whether 8 NET purchases the recyclable materials, from or at any location in the City of Industry unless 8 NET is in full compliance with the City's Recyclable Materials Generator, Collector, and Self Hauler Permit and Fee Policy and Municipal Code Chapter 8.20, each as they may be amended, including the following provisions of Chapter 8.20:

- 8.20.030 (entitled "Authorization required to collect")
- 8.20.380 (entitled "Salvage Collector Permit – required")
- 8.20.450 (entitled "Reporting requirements")
- 8.20.460 (entitled "Bins and equipment")

C. 8 NET shall pay the City the total amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00)(the "Settlement Amount") as reimbursement for the City's attorney's fees and costs. 8 NET will pay this amount in five installments of Ten Thousand Dollars and Zero Cents (\$10,000.00) each. The first installment shall be postmarked for delivery on September 30, 2015. The remaining installments shall be postmarked for delivery on the 30th day of each subsequent month, with the final \$10,000 installment ("Final Installment Payment") postmarked for delivery to the City on January 30, 2016. If the 30th day of any month falls on a weekend or a holiday, then the payment for that month shall be made on the first business day after the 30th of that month. Each installment shall be made payable to the "City of Industry", and shall be directed to the City Manager as follows: City of Industry, 15621 Stafford Drive, City of Industry, California 91074, Attn: Paul Philips, City Manager.

D. Except for the Settlement Amount to be paid to the City by 8 NET as provided for in this Agreement, each Party will be responsible for its own legal fees and costs incurred in the Litigation and in negotiating and reaching this Agreement.

E. 8 NET shall dismiss the Action as to all Defendants and all causes of action without prejudice within 10 days of the Effective Date.

F. The City shall dismiss its Cross-Complaint without prejudice within 20 days of the Final Installment Payment to the City, as required by this Agreement.

G. The Parties agree, and will make a request to the Superior Court in the Litigation prior to, or as part of, filing the necessary request for dismissals of the Action and Cross-Complaint, that the Court shall retain jurisdiction over the Parties to enforce the terms of this Agreement in accordance with California Code of Civil Procedure section 664.6. This includes tolling of any applicable statute, rule, or court order affecting timely prosecution of this action, including the five-year dismissal statute.

H. General Release. Each Party specifically waives the benefit of the provisions of Section 1542 of the Civil Code of the State of California, which provides as follows:

**"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."**

Each party understands and acknowledges that a risk exists that it incurred or suffered or may incur or suffer, loss or damages as a result of the matters, facts, events, occurrences, transactions, causes and things referred to in this Agreement which were unknown, unsuspected or unanticipated at the time this Agreement was executed. The parties each assume this risk, and agree that the foregoing release shall in all respects be effective and not subject to termination or rescission.

BASED UPON THE ADVICE OF ITS RESPECTIVE COUNSEL, EACH PARTY VOLUNTARILY, AND WITH FULL KNOWLEDGE OF ITS SIGNIFICANCE, WAIVES AND RELINQUISHES ANY AND ALL RIGHTS THAT IT MAY HAVE UNDER SECTION 1542 AS WELL AS UNDER THE PROVISIONS OF ALL COMPARABLE, EQUIVALENT OR SIMILAR STATUTES AND PRINCIPLES OF COMMON LAW OR OTHER DECISIONAL LAW OF ANY AND ALL STATES OF THE UNITED STATES.

I. Future Events. Notwithstanding any other language in, or provision of, this Agreement, the Parties acknowledge and agree that by entering into this Agreement, (a) the City does not give up any right to pursue remedies in the future for any Municipal Code violations related to 8 NET's business operations in the City, including but not limited any collection of recyclable materials from businesses or commercial establishments located in the City, and (b) 8 Net does not give up any right to pursue remedies and to assert defenses in the future with respect to any actions taken by the City or by other Defendants related to 8 Net's business operations in the City, except that 8 Net must fully comply with Municipal Code sections 8.20.030, 8.20.380, 8.20.450, and 8.20.460 and the City's Recyclable Materials Generator, Collector, and Self Hauler Permit and Fee Policy in order to collect recyclable materials within the City, as set forth in Section "B" of this Agreement above.

J. Time of the Essence. Time is hereby expressly made of the essence in this Agreement and all performances and obligations due under this Agreement.

K. Legal Representation; Interpretation. Each Party has had a reasonable opportunity to receive independent legal advice from its attorneys regarding the advisability of making the settlement provided for in this Agreement, the advisability of executing this Agreement, and the meaning of California Civil Code section 1542. No

Party has made any statement or representation to any other Party regarding any fact relied upon in entering into this Agreement, and each Party does not rely upon any statement, representation or promise of any other Party in executing this Agreement, or in making the settlement provided for herein, except as expressly stated in this Agreement. Each Party further warrants that it has entered into this Agreement freely, voluntarily, and of its own volition without fraud, duress, or undue influence. Moreover, the terms of this Agreement have been drawn by mutual cooperation between the Parties; therefore, this Agreement will not be construed for or against any of the Parties by reason of its participation, or lack of participation, in the drafting of this Agreement.

L. Notices. All notices between the Parties must be in writing and addressed to the recipient Party's notice address specified below and must be given (a) by commercial courier or next business day delivery service, in which case notice will be deemed to have been given upon delivery to the Party's notice address, or (b) by certified mail, return receipt requested, in which case notice will be deemed to have been given on the delivery date indicated on the return receipt. The notice addresses for the Parties are:

City or the City Defendants: City of Industry  
15621 Stafford Drive  
City of Industry, California 91074  
Attn: Paul Philips, City Manager  
Tel: (626) 333-2211

Copy to: Casso & Sparks, LLP  
Attorneys at Law  
P.O. Box 4131  
West Covina, CA 91791  
Attn: James Casso  
Tel: (626) 512-5470

8 NET: 8 NET, Inc.  
18669 San Jose Avenue  
City of Industry, CA 91748-1332  
Attn: Wane Ru, President  
Tel: (626) 810-8584

Copy to: Brown Gitt Law Group, ALC  
300 North Lake Avenue, Suite 200  
Pasadena, CA 91101  
Attn: Thomas P. Brown, IV  
or Lawrence L. Yang  
Tel: (626) 229-1919

M. Authority to Execute. Each Party executing this Agreement represents that it has the legal authority to do so and the person or persons executing the Agreement on behalf of such Party warrant and represent that they have the legal authority to bind the entity on behalf of whom they sign. The City represents that it has the authority to enter this Agreement on behalf of all other Defendants set forth in Recital "F" of this Agreement (other than Valley Vista), and that it is in fact entering into this Agreement not only for itself but for, and on behalf of, all other Defendants set forth in Recital "F" of this Agreement (other than Valley Vista).

N. Execution of Agreement and Related Documents. This Agreement may be executed in counterparts with the same force and effect as if executed in one complete, original document. Signatures delivered by facsimile or electronic transmission will be accepted as though originals. The Parties acknowledge and agree that no term or provision of this Agreement will take effect or be binding on the Parties unless and until this Agreement has been approved by the Industry City Council. The Parties further agree to execute all such additional documents as may be reasonable, convenient, necessary or desirable to carry out the provisions of this Agreement.

O. Binding Agreement. This Agreement is binding upon and inures to the benefit of the Parties and their respective heirs, representatives, successors, and permissible assigns.

P. Modification. This Agreement can be amended or modified only by a writing executed by each of the Parties, and no future representations, promises or conditions not set forth herein in connection with the subject matter of this Agreement will be binding upon any Party unless made in writing and signed by each Party.

Q. Severability. If any provision of this Agreement is held to be invalid or unenforceable, the remaining portion of the Agreement will continue to be valid and will be performed, construed, and fully enforced to the fullest extent permitted by law, and the invalid or unenforceable term will be deemed amended and limited in accordance with the intention of the Parties, as determined from the face of the Agreement, to the extent necessary to permit the maximum enforceability or validation of the term or provision.

R. Governing Law; Venue. This Agreement will be interpreted, construed, governed, and enforced under the laws of the State of California. Any action to enforce any term or condition of this Agreement must be brought in the Los Angeles County Superior Court.

S. Attorney's Fees. In the event that any action, suit or other proceeding is instituted to remedy, prevent or obtain relief from a breach or anticipatory breach of this Agreement, or arising out of a breach or anticipatory breach of this Agreement, the prevailing party will recover from the other party all of such prevailing party's reasonable attorneys' fees and costs incurred in each and every such action, suit or other

proceeding, including any and all appeals or petitions, in an amount to be determined by the court.

**CITY OF INDUSTRY**

By: \_\_\_\_\_  
Paul Philips, City Manager

**APPROVED AS TO FORM:**

CASSO & SPARKS, LLP

By: \_\_\_\_\_  
James Casso, City Attorney

**8 NET, INC.**  
a California Corporation

By: \_\_\_\_\_  
Wane Ru  
Its: President

**APPROVED AS TO FORM:**

BROWN GITT LAW GROUP, ALC

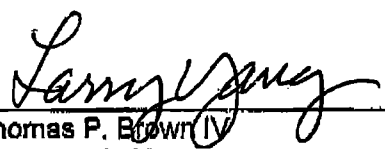
By: \_\_\_\_\_  
Thomas P. Brown IV  
Lawrence L. Yang

[REDACTED]

**8 NET, INC.**  
**a California Corporation**

By:   
Wane Ru  
Its: President

**APPROVED AS TO FORM:**  
**BROWN GITT LAW GROUP, ALC**

By:   
Thomas P. Brown IV  
Lawrence L. Yang

**LIST OF EXHIBITS**

Exhibit A: Judge Lavin September 4, 2014 Order

ORIGINAL

1 MICHELE R. VADON, CITY ATTORNEY  
2 CITY OF INDUSTRY; and  
3 Donald M. Davis (SBN 169163)  
4 E-mail: ddavis@bwslaw.com  
5 Stephen A. McEwen (SBN 186512)  
6 E-mail: smcewen@bwslaw.com  
7 Kevin D. Siegel (SBN 194787)  
8 E-mail: ksiegel@bwslaw.com  
9 BURKE, WILLIAMS & SORENSEN, LLP  
10 444 South Flower Street, Suite 2400  
11 Los Angeles, CA 90071-2953  
12 Tel: 213.236.0600

13 Attorneys for Defendant and Cross-Complainant  
14 City of Industry

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

17 8 NET, INC., a California corporation,  
18 Plaintiff,

19 v.

20 CITY OF INDUSTRY, a municipal  
21 corporation, JEFF DUHAMEL, an  
22 individual, VALLEY VISTA SERVICES,  
23 INC., a California Corporation, WASTE  
24 SYSTEMS TECHNOLOGY, INC., a  
25 California Corporation, TROY HELLING,  
26 an individual, BRIAN JAMES, an  
27 individual, GLEN LOONEY, an  
28 individual, ROBERT FLORES, an  
individual, KEVIN RADECKI, an  
individual, and DOES 1 through 50,  
inclusive,

Defendants.

And Related Cross-Action

~~TO CROSS-DEFENDANTS AND~~ <sup>the parties and</sup> THEIR COUNSEL OF RECORD:

The Motion of Defendant and Cross-Complainant City of Industry ("City") ~~for~~  
~~and Plaintiff and Cross-Defendant 8 NET, INC. for~~  
preliminary injunction came on regularly for hearing before the Court on September 4, 2014, at  
1:30 p.m. Upon consideration of the moving and opposing papers, argument of counsel, and all

**FILED** FILING FEE EXEMPT PURSUANT TO  
Superior Court of California  
County of Los Angeles JUDGMENT CODE § 6103

SEP - 4 2014  
Sherri R. Carter, Executive Officer/Clerk  
By Henry DiGiamattista Deputy  
(N. DiGiamattista)

GRANTING  
THE CITY'S MOTION  
AND DENYING  
8 NET, INC.'S MOTION  
FOR

Case No.: BC554379

Assigned for Purposes to:  
Hon. John L. Segal; Dept. 50

~~PROPOSED ORDER TO SHOW CAUSE~~  
~~REGARDING ISSUANCE OF A~~  
PRELIMINARY INJUNCTION

[Filed concurrently herewith with the Motion for  
Preliminary Injunction; and Declarations of Glen  
Looney, Jeff Duhamel, and Roger Flores]

Hearing on Preliminary Injunction  
Date: September 4, 2014  
Time: 1:30 p.m.  
Dept.: 82 (Hon. Luis Lavin)

Action Filed: 08/11/2014  
Trial Date: None

IRV #4836-9972-2781 v1



1 other matters presented to the Court, and good cause appearing, the Court GRANTS the City's  
2 motion because the City has shown a likelihood of prevailing on its claims against Plaintiff and  
3 Cross-Defendant 8 NET, Inc., ~~and Docs 1 through 50~~ (collectively "Cross-Defendants").

4 The Court finds the Cross-Defendants <sup>is</sup> ~~are~~ collecting cardboard and other recyclable  
5 materials from businesses located in the City without (1) obtaining a permit from the City, in  
6 violation of Municipal Code sections 8.20.030 and 8.20.380, (2) submitting periodic reports to the  
7 City about its collection activities in the City, in violation of Municipal Code section 8.20.450,  
8 and (3) using collection bins that have been approved by the City, in violation of Municipal Code  
9 section 8.20.460.

10 The City, therefore, is likely to prevail on its theory that Cross-Defendants' <sup>is</sup> ~~is~~ unpermitted  
11 collection of recyclable materials in the City is a public nuisance, and therefore Cross-  
12 Defendant's <sup>is</sup> ~~is~~ conduct must be enjoined as a nuisance *per se*. (See *City of Riverside v. Inland*  
13 *Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4<sup>th</sup> 729.) The Court finds that  
14 Cross-Defendants' <sup>is</sup> ~~is~~ activities are contrary to the public interest and that injunctive relief is  
15 necessary to protect against the significant public harm that will result from the proscribed  
16 activity. <sup>In light of Cross-Defendant's failure to comply w/ prior notice of</sup>  
<sup>violation, an injunction is necessary.</sup>

17 Further, Cross-Defendants ~~have~~ failed to demonstrate a risk of grave or irreparable harm.  
18 (See *IT Corp. v. County of Imperial* (1983) 35 Cal.3d 63, 72.) <sup>As such, its motion is denied.</sup>

19 **ACCORDINGLY, IT IS HEREBY ORDERED** that:

20 Cross-Defendants, ~~and each of them,~~ <sup>is</sup> and their employees, agents and persons <sup>acting</sup> ~~acting~~ with  
21 <sup>it</sup> ~~them,~~ or on <sup>its</sup> ~~their~~ behalf (jointly "Cross-Defendants"), are ~~immediately~~ enjoined and prohibited  
22 from collecting recyclable materials, as that terms is defined in Municipal Code section 8.20.010,  
23 from or at any location in the City of Industry, California, pending a trial in this matter, unless

24 */// Cross-Defendants have failed to demonstrate*  
25 */// that is likely to prevail. Among other things, it has not shown*  
26 */// that it would be futile to exhaust its administrative*  
27 *remedies. In addition,*

1 Cross-Defendants are in full compliance with the Municipal Code, including but not limited to  
2 sections 8.20.030, 8.20.380, 8.20.450, and 8.20.460, by obtaining permits from the City for their  
3 collection activities, receive City approval of their collect bins, and submit reports regarding their  
4 collections. To allow Cross-Defendants to obtain the required  
5 permits, this injunction shall be effective ~~on~~ ~~from~~ ~~at~~ as of  
~~September 19, 2014~~

6 IT IS SO ORDERED.

7  
8 Dated: 9/4/14

PROL  
9 JUDGE OF THE SUPERIOR COURT

10 All of the parties' evidentiary objections are ~~sustained~~ overruled  
11 except for the following which are sustained:  
12 8 Net, Inc.'s motion:  
13 Liu Declaration -- nos. 1, 3;  
14 Liu Suppl. Declaration -- nos. 1 + 2.  
15 Liu (8/27) Declaration -- 2, 3-7, 9.  
16 The parties' requests for judicial notice are granted.  
17 the clerk shall provide notice.

18  
19  
20 10/10/14 provided  
21 Cross-Defendant files all  
22 required applications for permits,  
23 and pays the required fee,  
24 by 9/10/14. If these  
25 applications are not filed, and the  
26 required fee are not paid, by 9/10/14,  
27 the injunction shall be effective  
28 as of 9/10/14.

*CITY COUNCIL*

ITEM NO. 6.1



## MEMORANDUM

To: Honorable Mayor and Members of the City Council

From: Paul J. Philips, City Manager

Staff: Clement N. Calvillo, CNC Engineering  
Joshua Nelson, CNC Engineering *JN*

Date: September 3, 2015

**SUBJECT:** Resolution Vacating a Portion of Virgil Waters Way (MP 99-58 #2)

---

The City Council adopted on July 23, 2015 by Resolution No. CC 2015-20 the intent to vacate a portion of Virgil Waters Way that became excess right of way due to the realignment of the intersection of Virgil Waters Way and Azusa Avenue. The Planning Commission adopted Resolution No. PC 2015-11 on August 24, 2015 confirming that the proposed vacation was consistent with the general plan.

When the Azusa Avenue Bridge was constructed over the San Jose Creek, UPRR tracks and Valley Boulevard, a dirt embankment had to be constructed that ramps Azusa Avenue up to the south side of the bridge. Due to the construction of the embankment Chestnut Street had to be realigned. Chestnut Street was shifted northerly and a short road, Virgil Waters Way, was constructed from the easterly side of Azusa Avenue northerly to connect to Chestnut Street.

The Industry Urban-Development Agency more recently widened the east side of Azusa Avenue and also realigned Virgil Waters Way making it easier for the trucks that travel that route. The old alignment of Virgil Waters Way had some tight curves in it and the new alignment has straightened some of that out making it easier for the newer and bigger trucks and trailers.

As a result of the new alignment there is a small portion of Virgil Waters Way that is no longer needed for street purposes. The area was previously part of the easterly parkway (the portion of the street right of way behind the curb) and was never utilized for utilities.

It is hereby recommended that the City Council approve and adopt subject Resolution No. CC 2015-26 to vacate Virgil Waters Way and record the Resolution at the office of the Recorder of the County of Los Angeles.

---

PJP/JN:cl



**RESOLUTION NO. CC 2015-26**

**A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF  
INDUSTRY VACATING A PORTION OF VIRGIL WATERS WAY IN  
THE CITY OF INDUSTRY**

**WHEREAS**, the City Council did by Resolution No. CC 2015-20, adopted on July 23, 2015, declare its intention to order the vacation of a portion of Virgil Waters Way in the City of Industry, as described on the attached legal description marked Exhibit "A" and as shown on the attached map marked Exhibit "B", which exhibits are hereby incorporated by this reference; and

**WHEREAS**, the Planning Commission did adopt Resolution No. PC 2015-11 on August 24, 2015, finding that said proposed vacation is consistent with the General Plan of the City of Industry; and

**WHEREAS**, a notice of public hearing has been posted and/or published as required by law; and

**WHEREAS**, The City Council did hold a public hearing on September 10, 2015, for the purpose of obtaining all evidence and/or testimony relating to said proposed vacation.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDUSTRY  
DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1:** That portion of Virgil Waters Way located in the City of Industry, as described in the attached legal description marked Exhibit "A", and as shown on the attached map marked Exhibit "B", is unnecessary for present or prospective public use and the City does hereby vacate said street.

**SECTION 2:** The City Clerk shall cause a certified copy of this Resolution of Vacation, attested under seal, to be recorded without acknowledgement, certificate of acknowledgement, or further proof, in the office of the Recorder of the County of Los Angeles. Upon such recordation, this vacation shall be complete.

**PASSED, APPROVED AND ADOPTED** at a Regular Meeting of the City of Industry City Council on September 10, 2015.

---

Mark D. Radecki, Mayor

ATTEST:

---

Cecelia Dunlap, Deputy City Clerk

LEGAL DESCRIPTION

**PORTION OF AZUSA AVENUE (VIRGIL WATERS WAY)  
TO BE VACATED**

THAT PORTION OF LOT 4, ROWLAND ADDITION No.1, AS SHOWN ON MAP RECORDED IN BOOK 3, PAGE 92 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS DESCRIBED IN DEED TO THE COUNTY OF LOS ANGELES, RECORDED JANUARY 25, 1966, AS INSTRUMENT No.3116 IN BOOK D-3186, PAGE 733, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE CENTERLINE OF AZUSA AVENUE, VARIABLE WIDTH, AND ANAHEIM PUENTE ROAD, 55.00 FEET WIDE, AS SHOWN ON PARCEL MAP No.113 IN THE CITY OF INDUSTRY, SAID COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 91, PAGE 51 IN SAID COUNTY RECORDER'S OFFICE, SAID POINT OF INTERSECTION BEING DISTANT SOUTH 5° 45' 00" WEST, 1288.23 FEET, ALONG SAID CENTERLINE OF ANAHEIM PUENTE ROAD, FROM THE INTERSECTION OF LAST SAID CENTERLINE WITH THE CENTERLINE OF CHESTNUT STREET AS SHOWN ON SAID PARCEL MAP No.113, SAID POINT BEING ALSO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1500.00 FEET AND TANGENT TO SAID CENTERLINE OF ANAHEIM PUENTE ROAD, SAID CURVE BEING ALSO THE CENTERLINE OF SAID AZUSA AVENUE; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE OF AZUSA AVENUE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 44° 01' 09", AN ARC DISTANCE OF 1152.42 FEET; THENCE LEAVING



SAID CENTERLINE OF AZUSA AVENUE AND RADIAL TO SAID CURVE SOUTH 40° 13' 51" EAST, 60.00 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID AZUSA AVENUE, BEING ALSO THE NORTHERLY LINE OF PARCEL 2 OF SAID PARCEL MAP No.113, SAID POINT BEING ALSO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 120.00 FEET, A RADIAL BEARING TO SAID CURVE BEARS NORTH 40° 13' 51" WEST; THENCE EASTERLY ALONG SAID NORTHERLY LINE AND THE ARC OF LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 59° 27' 31", AN ARC DISTANCE OF 124.53 FEET; THENCE TANGENT TO THE LAST MENTIONED CURVE SOUTH 70° 46' 20" EAST, 31.94 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 130.00 FEET; THENCE EASTERLY ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 04° 43' 52", AN ARC DISTANCE OF 10.73 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ALSO ON THE SOUTHERLY LINE OF SAID LAND, DESCRIBED IN SAID DEED TO THE COUNTY OF LOS ANGELES; THENCE LEAVING SAID SOUTHERLY LINE, NON TANGENT TO THE LAST MENTIONED CURVE, NORTH 86° 00' 56" EAST, 31.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 160.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 52° 47' 16", AN ARC DISTANCE OF 147.41 FEET TO A POINT OF CUSP AT ITS INTERSECTION WITH SAID SOUTHERLY LINE, BEING ALSO THE NORTHEASTERLY LINE OF PARCEL 3 OF SAID PARCEL MAP No.113; THENCE ALONG SAID SOUTHERLY LINE SOUTH 33° 13' 40" WEST, 23.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 130.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 71° 16' 08", AN ARC DISTANCE OF 161.70 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 945 SQUARE FEET (0.0217 ACRES) OF LAND AREA.

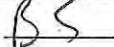


VLADISLAV SKREJEV - PLS-8363

CNC ENGINEERING

Job No. MP 99-58

Legal No. 701-R

chck'd by: 

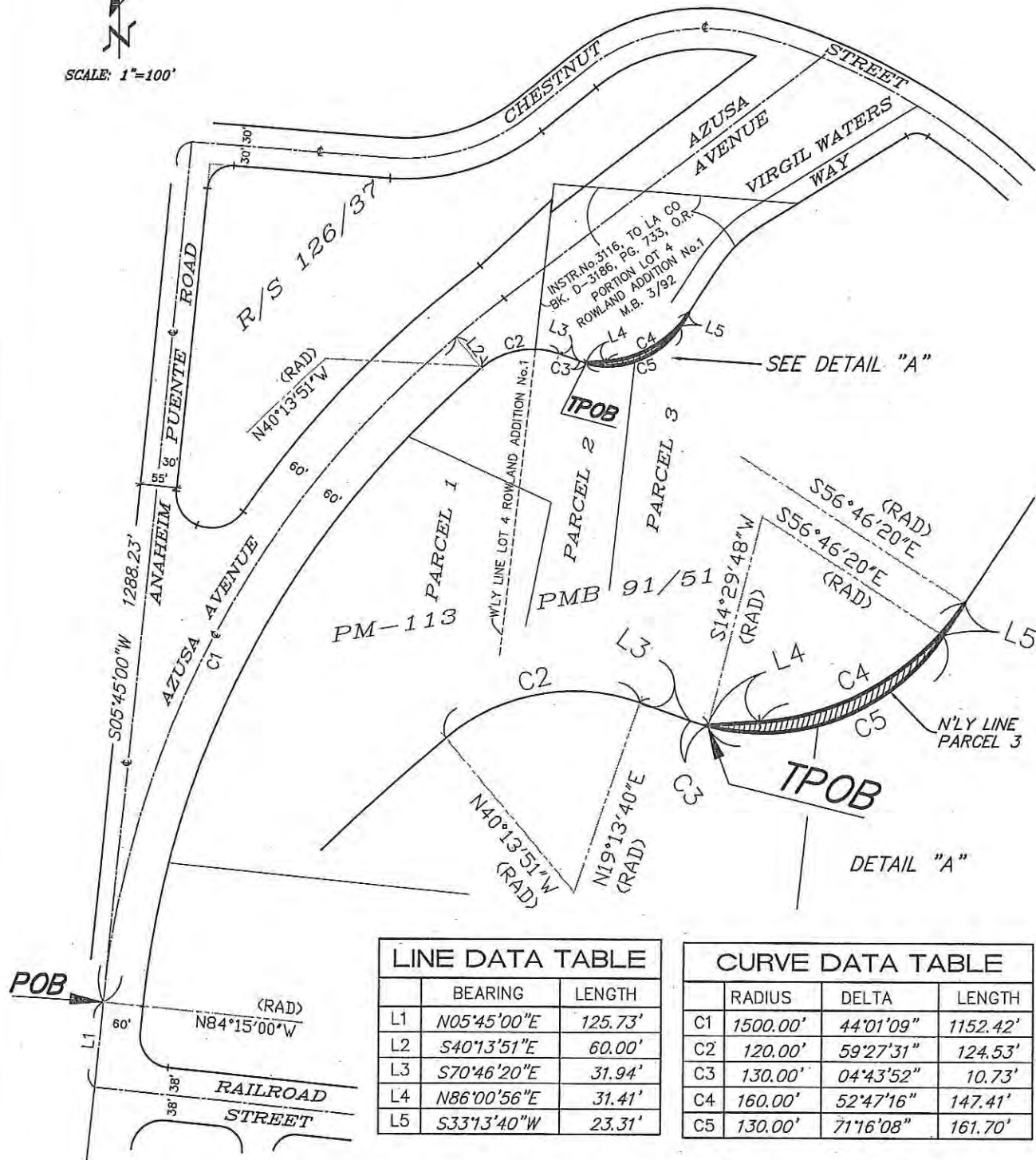
July 24, 2015





# EXHIBIT "B"

## PORTION OF STREET TO BE VACATED



LINE DATA TABLE		
	BEARING	LENGTH
L1	N05°45'00"E	125.73'
L2	S40°13'51"E	60.00'
L3	S70°46'20"E	31.94'
L4	N86°00'56"E	31.41'
L5	S33°13'40"W	23.31'

CURVE DATA TABLE			
	RADIUS	DELTA	LENGTH
C1	1500.00'	44°01'09"	1152.42'
C2	120.00'	59°27'31"	124.53'
C3	130.00'	04°43'52"	10.73'
C4	160.00'	52°47'16"	147.41'
C5	130.00'	71°16'08"	161.70'

**CNC**  
ENGINEERING  
Consulting Civil Engineers - Surveyors

255 N. Hacienda Blvd. Suite 222  
City of Industry, Ca. 91744  
Phone (626) 333-0336  
Fax (626) 336-7076

*CITY COUNCIL*

ITEM NO. 6.2



## MEMORANDUM

To: Honorable Mayor and Members of the City Council

From: Paul J. Philips, City Manager

Staff: Clement N. Calvillo, CNC Engineering  
Joshua Nelson, CNC Engineering *gn*

Date: September 3, 2015

**SUBJECT:** Resolution Vacating a Portion of El Encanto Road (MP 12-03 #3)

---

The City Council adopted on July 23, 2015 by Resolution No. CC 2015-21 the intent to vacate a portion of El Encanto Road that became excess right of way due to the creation of Parriott Place West. The Planning Commission adopted Resolution No. PC 2015-13 on August 24, 2015 confirming that the proposed vacation was consistent with the general plan.

When Parriott Place West was constructed it severed El Encanto Road that left a remnant piece of land easterly of the new street. The remnant land would be better suited to be incorporated into the development on the east side. This will actually enlarge the parcel that the Successor Agency to the Industry Urban-Development Agency is selling there resulting in a higher purchase price for that sale.

It is hereby recommended that the City Council approve and adopt subject Resolution No. CC 2015-27 to vacate El Encanto Road and record the Resolution at the office of the Recorder of the County of Los Angeles.

---

PJP/JN:cl



**RESOLUTION NO. CC 2015-27**

**A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF  
INDUSTRY VACATING A PORTION OF EL ENCANTO ROAD IN THE  
CITY OF INDUSTRY**

**WHEREAS**, the City Council did by Resolution No. CC 2015-21, adopted on July 23, 2015, declare its intention to order the vacation of a portion of El Encanto Road in the City of Industry, as described on the attached legal description marked Exhibit "A" and as shown on the attached map marked Exhibit "B", which exhibits are hereby incorporated by this reference; and

**WHEREAS**, the Planning Commission did adopt Resolution No. PC 2015-13 on August 24, 2015, finding that said proposed vacation is consistent with the General Plan of the City of Industry; and

**WHEREAS**, a notice of public hearing has been posted and/or published as required by law; and

**WHEREAS**, The City Council did hold a public hearing on September 10, 2015, for the purpose of obtaining all evidence and/or testimony relating to said proposed vacation.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDUSTRY  
DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1:** That portion of El Encanto Road located in the City of Industry, as described in the attached legal description marked Exhibit "A", and as shown on the attached map marked Exhibit "B", is unnecessary for present or prospective public use and the City does hereby vacate said street.

**SECTION 2:** The City Clerk shall cause a certified copy of this Resolution of Vacation, attested under seal, to be recorded without acknowledgement, certificate of acknowledgement, or further proof, in the office of the Recorder of the County of Los Angeles. Upon such recordation, this vacation shall be complete.

**PASSED, APPROVED AND ADOPTED** at a Regular Meeting of the City of Industry City Council on September 10, 2015.

---

Mark D. Radecki, Mayor

ATTEST:

---

Cecelia Dunlap, Deputy City Clerk

# EXHIBIT "A"

## PARTIAL VACATION OF EL ENCANTO ROAD

### LEGAL DESCRIPTION

THAT PORTION OF THE RANCHO LA PUENTE, IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1, PAGES 43 AND 44 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEING THAT PORTION OF THE 68.00 FEET WIDE EASEMENT FOR STREET AND HIGHWAY PURPOSES, GRANTED TO THE CITY OF INDUSTRY, RECORDED JULY 23, 1980 AS INSTRUMENT NO. 80-701583, BOUNDED NORTHWESTERLY BY THE SOUTHEASTERLY LINE OF PARRIOTT PLACE WEST AS SHOWN AND DESCRIBED IN GRANT DEED TO THE CITY OF INDUSTRY FOR STREET AND HIGHWAY PURPOSES, RECORDED APRIL 9, 2001 AS INSTRUMENT NO. 01-0586000, BOTH OF OFFICIAL RECORDS OF SAID COUNTY.

**CONTAINS:** 7,763 SQUARE FEET OR 0.178 ACRES MORE OR LESS.

PREPARED UNDER THE DIRECTION OF:



BRIAN L. THIÉNES  
P.L.S. No. 5750  
REG. EXP. 12/31/15

7/7/15

DATE

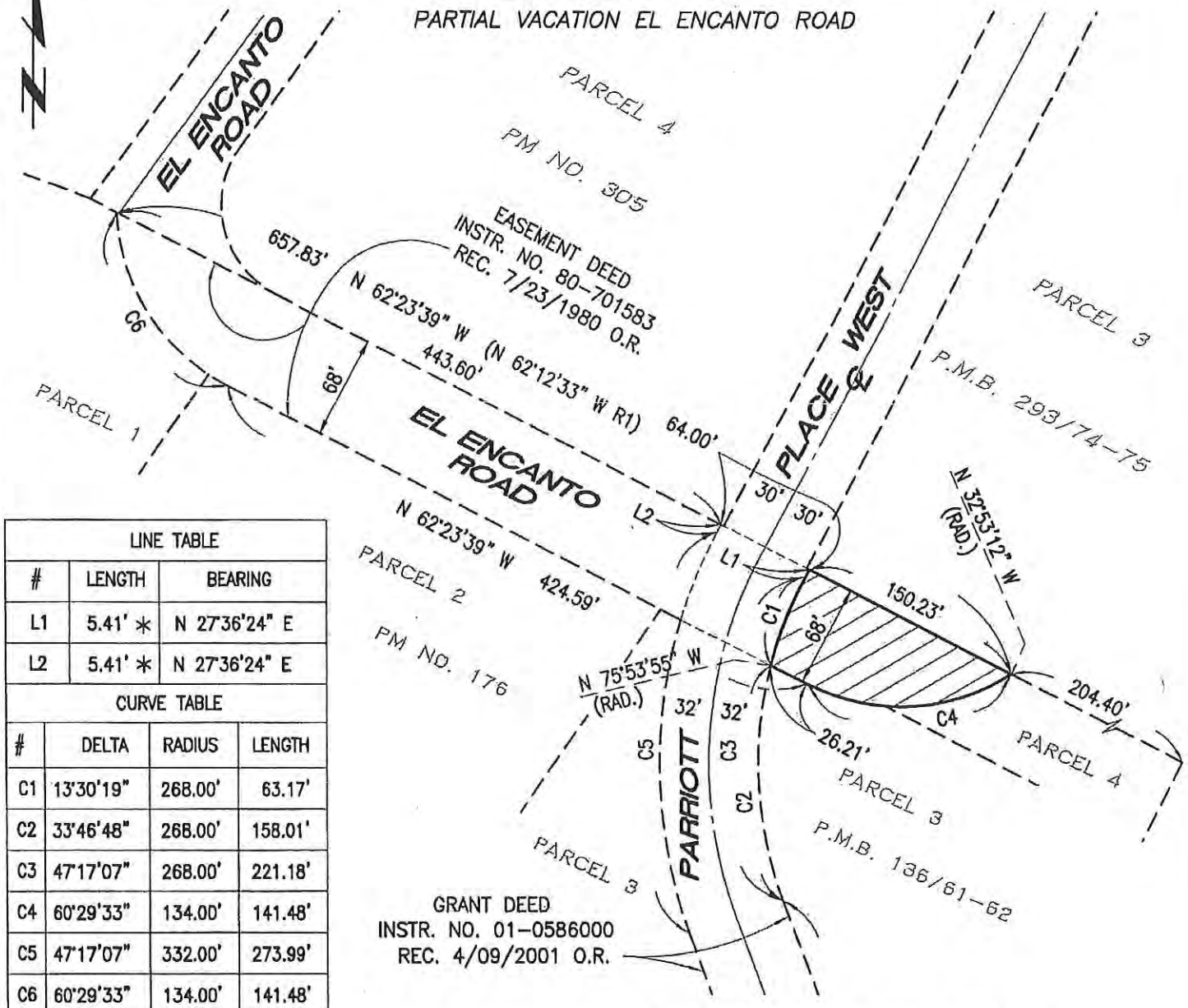




SCALE: 1" = 100'

# EXHIBIT "B"

PARTIAL VACATION EL ENCANTO ROAD



LINE TABLE			
#	LENGTH	BEARING	
L1	5.41' *	N 27°36'24" E	
L2	5.41' *	N 27°36'24" E	
CURVE TABLE			
#	DELTA	RADIUS	LENGTH
C1	13°30'19"	268.00'	63.17'
C2	33°46'48"	268.00'	158.01'
C3	47°17'07"	268.00'	221.18'
C4	60°29'33"	134.00'	141.48'
C5	47°17'07"	332.00'	273.99'
C6	60°29'33"	134.00'	141.48'

**LEGEND:**



INDICATES PORTION OF INSTR. NO. 80-701583 (EL ENCANTO RD.) TO BE VACATED  
CONTAINS: 7,763 SQ. FT. ±

(R1) PER INSTR. NO. 80-701583 O.R.

\* - (5.40' PER INSTR. NO. 01-0586000 O.R.)

**SURVEYOR:**

PREPARED UNDER THE SUPERVISION OF:

*[Signature]*  
BRIAN L. THIENES

7/7/15  
DATE

P.L.S. NO. 5750  
REG. EXP. DEC. 31, 2015



**PREPARED BY:**

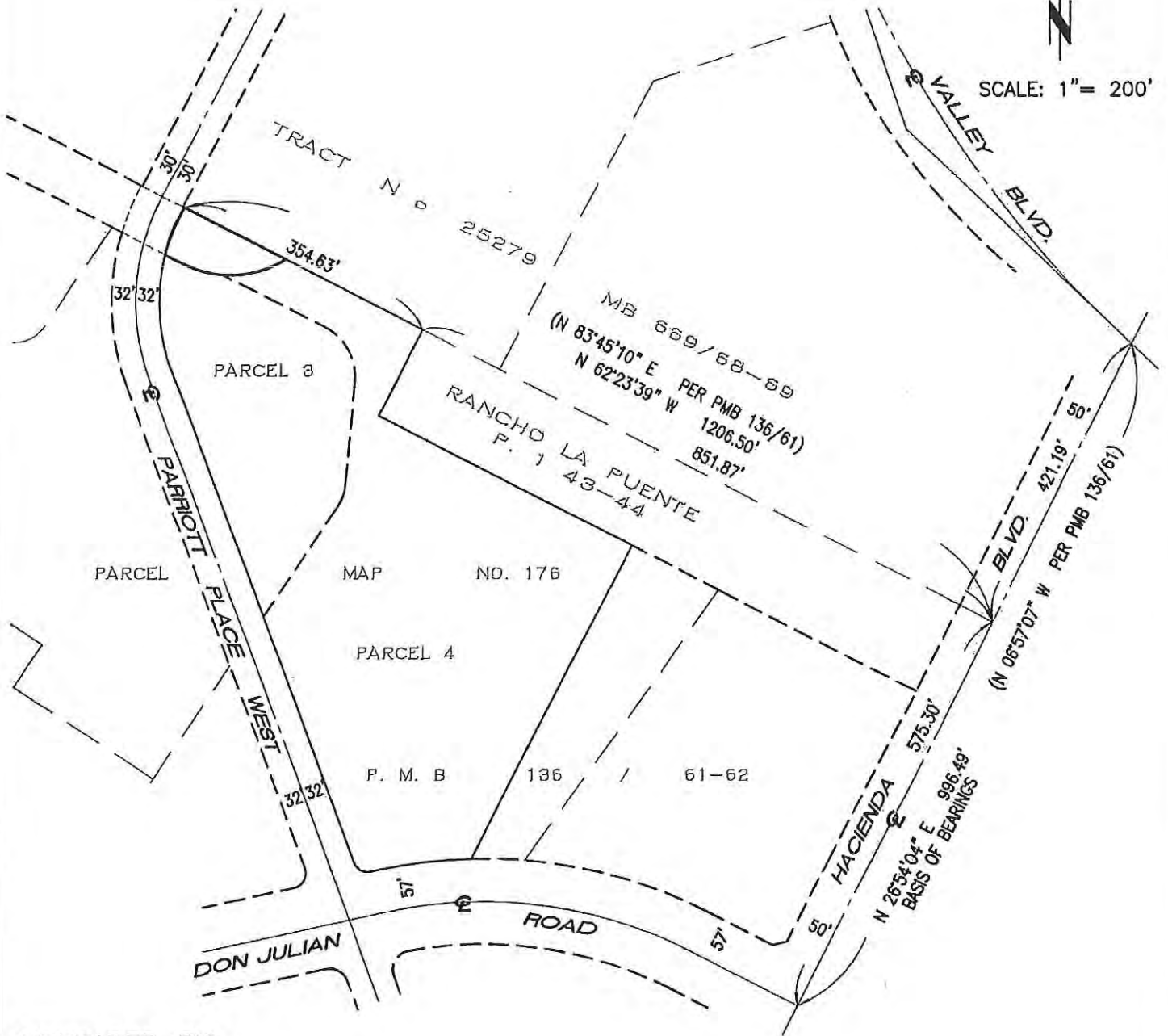
**Thienes Engineering, Inc.**  
CIVIL ENGINEERING • LAND SURVEYING  
14349 FIRESTONE BOULEVARD  
LA MIRADA, CALIFORNIA 90638  
PH. (714) 521-4811 FAX (714) 521-4173

# EXHIBIT "B"

PARTIAL VACATION EL ENCANTO ROAD  
BASIS OF BEARINGS



SCALE: 1" = 200'



PREPARED BY:

**TEI** Thienes Engineering, Inc.  
CIVIL ENGINEERING • LAND SURVEYING  
14349 FIRESTONE BOULEVARD  
LA MIRADA, CALIFORNIA 90638  
PH.(714)521-4811 FAX(714)521-4173

*CITY COUNCIL*

ITEM NO. 7.1





# 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: City Council

September 3, 2015

From: Paul J. Philips, City Manager

Staff: Brian James, Planning Director

**Subject: General Plan Amendment 15-1**

### Overview

For the City Council's consideration is General Plan Amendment 15-1 to amend the Roadway Classification Plan of the General Plan Circulation Element to eliminate a portion of El Encanto Road. The portion of El Encanto Road depicted on Attachment 1 was inadvertently included on the Roadway Classification Plan and is clearly a mapping error given the existence of Parriott Place.

In order to amend the General Plan, the City must comply with procedures set forth in California's Planning and Zoning Law, Government Code section 65350 – 65362. The minimum process authorized under the Government Code can be summarized as: (a) the Planning Commission must publish a notice of a public hearing; (b) the Commission must hold a public hearing and render a written decision in the form of a recommendation to the City Council on the proposed amendments; (c) the City Council must then subsequently publish a notice of a public hearing to consider the amendments; and (d) the City Council must also hold at least one public hearing before approving the amendments. (Govt. Code §§ 65353 – 65356)

Amendments to the general plan can be initiated by the City or through a request by a property owner, business, or developer. The proposed amendment is considered technical in nature and has been initiated by City Staff to correct a mapping error.

### Location and Surroundings

As shown on Attachment 2, the portion of El Encanto Road proposed to be eliminated from the Roadway Classification Plan has not been built but is depicted on the Roadway Classification Plan north of Don Julian Road and south of Proctor Avenue. As depicted on the Roadway Classification Plan, the roadway wraps around the east and west sides of Parriott Place in an "S" pattern through both a vacant lot and in the parking lot for the Homestead Museum.

### Staff Analysis

The portion of El Encanto road proposed to be eliminated from the Roadway Classification Plan is existing public right-of-way that was never built and rendered superfluous by Parriott Place, which efficiently handles existing and future traffic in the area. From a circulation perspective, the subject portion of El Encanto Road is inefficient, as it wraps around both sides of Parriott Place in an "S" pattern, and does not provide any necessary connections or access.

El Encanto Road is only depicted in the Roadway Classification Plan due to a mapping error. When creating the maps for the General Plan update, the GIS mapping system utilized the LA County Assessor parcel information and parcels identified as public rights-of-way were identified. When the Roadway Classification Plan of the General Plan was created, the subject portion of El Encanto Road was included as a Collector Street following the existing public rights-of-way. A Collector Street is defined in the Circulation Element as a street that gathers traffic from Local Streets and conveys it to the arterial system and provides direct access to abutting properties. They distribute traffic within a localized area and are not intended for use as a through-street or a link between higher capacity roadways. Parriott Place efficiently serves this purpose in the area. Given that Parriott Place provides the necessary circulation link in the area, the removal of remnant El Encanto Road right-of-way from the Roadway Classification Plan will not alter existing street patterns, alter roadway capacity, or alter or reduce level of service performance (LOS) and emergency access in any manner.

Conversely, if the subject portion of El Encanto Road were built, it would not handle any additional traffic and would degrade the performance and safety of Parriott Place by creating oddly angled intersections and a confusing street pattern.

#### *Relative State Planning and Zoning Laws*

- California Government Code Section 65358 allows a city to amend its general plan up to four times per year. General Plan Amendment 15-1 is the only application to amend the General Plan so far this year.
- California Government Code Section 65352 requires that projects representing a 'substantial' amendment to a general plan be referred to adjacent jurisdictions, the Local Agency Formation Commission and the governing school district and water district. The proposed project has been determined not to represent a substantial amendment because it will not result in a physical change and is unnecessary to provide access or improve circulation.

#### *Environmental Analysis*

As discussed in the Addendum to the EIR for the 2014 General Plan Update (Attachment 3), the Environmental Impact Report ("EIR") prepared for the General Plan Update and certified by the City Council on June 12, 2014 (Resolution No. CC 2014-12) adequately addressed the circulation system necessary to serve the future buildout of the City as depicted in the General Plan Land Use Element. The future buildout of the City did not assume or incorporate the subject portions of El Encanto Road and instead assumed and studied the continued existence of Parriott Place, which is designated as a Collector Street on the Roadway Classification Plan. As addressed in the General Plan EIR, Parriott Place has the necessary capacity to handle existing and future traffic in the area. Eliminating the remnant right-of-way of El Encanto Road from the Roadway Classification Plan will not alter existing street patterns, alter roadway capacity, or alter or reduce level of service performance (LOS) and emergency access in any manner. Based upon the information received and Staff's review and assessment, no substantial changes to the 2014 General Plan Update are being made as part of the amendment, therefore the amendment does not trigger any of the circumstances that would require preparation of a subsequent EIR or negative declaration under Public Resources Code section 21166 or CEQA Guidelines section 15162. As such, an Addendum to the previously certified EIR for the 2014 General Plan Update has been prepared for this project.

### **Planning Commission**

On August 24, 2015, the Planning Commission adopted Resolution PC 2015-12 (Attachment 4) recommending that the City Council approve General Plan Amendment 15-1 and an addendum to the previously adopted Environmental Impact Report for the 2014 General Plan Update.

## **Public Hearing**

The required public hearing notice (Attachment 5) was posted on the site, Gale Avenue fire station, council chambers, and City Hall, and published in the San Gabriel Tribune by August 28, 2015.

## **Recommendation**

Because the proposed amendment will correct a mapping error on the Roadway Classification Plan, Staff recommends that the City Council adopt Resolution CC 2015-29 (Attachment 6) approving the addendum to the EIR for the 2014 General Plan Update and General Plan Amendment No. 15-1.

## **Attachments**

- Attachment 1: Proposed Amendment to the Roadway Classification Plan
- Attachment 2: Location Map
- Attachment 3: Addendum to the EIR for the 2014 General Plan Update
- Attachment 4: Planning Commission Resolution PC 2015-12
- Attachment 5: Public Hearing Notice
- Attachment 6: Resolution CC 2015-29

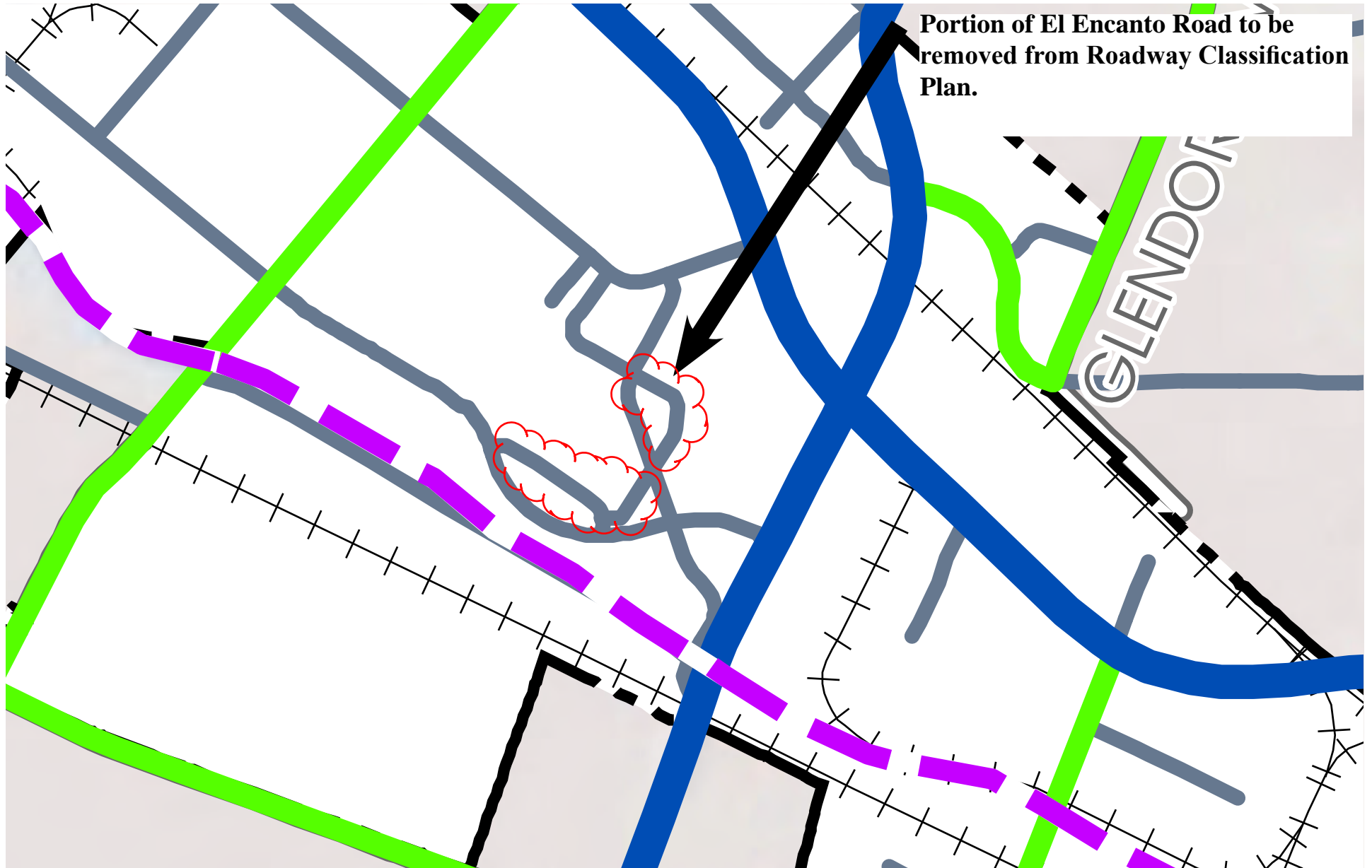


# **Attachment 1**

## **Proposed Amendment to the Roadway Classification Plan**



# General Plan Amendment 15-1







# **Attachment 2**

## **Location Map**



# General Plan Amendment 15-1





## **Attachment 3**

# **Addendum to the EIR for the 2014 General Plan Update**



**CITY OF INDUSTRY**  
**CEQA Addendum To The**  
**Environmental Impact Report For The**  
**General Plan Update (SCH No.: 2011031090)**  
**General Plan Amendment 15-1**

**Overview**

As the Lead Agency, the City of Industry certified the Environmental Impact Report (EIR) for the updated General Plan (State Clearinghouse No. 2011031090) and approved the General Plan on June 12, 2014 (Resolutions No. CC 2014-12 and CC 2014-13 respectively). On August 18, 2015, the City of Industry Planning Department proposed General Plan Amendment 15-1 to amend the Roadway Classification Plan of the General Plan Circulation Element to eliminate a portion of El Encanto Road. The portion of El Encanto Road depicted on Attachment 1 was inadvertently included on the Roadway Classification Plan and is a mapping error, which is made clear by the existence of Parriott Place which handles traffic in the area. This Addendum has been prepared to document that the proposed amendment does not trigger the need for further environmental analysis in a subsequent or supplemental EIR under the requirements of CEQA and the CEQA Guidelines.

**Basis for an EIR Addendum**

As indicated by CEQA Guidelines Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the City 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 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 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, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR;
  - (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.

In accordance with CEQA Guidelines Section 15164, this Addendum has been prepared to document that the proposed project modifications do not require preparation of a subsequent EIR under Section 15162. Among other things, the proposed changes would not result in new or substantially more severe significant environmental impacts compared with the impacts disclosed in the certified EIR, nor are there any other circumstances that require preparation of a subsequent EIR. The basis for these conclusions is explained below.

### **General Plan Amendment 15-1**

General Plan Amendment 15-1 is intended to correct a mapping error on the Roadway Classification Plan of the General Plan Circulation Element to eliminate a portion of El Encanto Road. The portion of El Encanto Road proposed to be eliminated from the Roadway Classification Plan is existing public right-of-way that was never built and rendered superfluous by Parriott Place, which efficiently handles existing and future traffic in the area. From a circulation perspective, the subject portion of El Encanto Road is inefficient, as it wraps around both sides of Parriott Place in an “S” pattern, and does not provide any necessary connections or access.

El Encanto Road is depicted in the Roadway Classification Plan as the result of a mapping error. When creating the maps for the General Plan update, the GIS mapping system utilized the LA County Assessor parcel information and parcels identified as public rights-of-way were identified. When the Roadway Classification Plan of the General Plan was created, the subject portion of El Encanto Road was included as a Collector Street following the existing rights-of-way. A Collector Street is defined in the Circulation Element as a street that “gathers traffic from Local Streets and conveys it to the arterial system and provides direct access to abutting properties. They distribute traffic within a localized area and are not intended for use as a through-street or a link between higher capacity roadways.” Parriott Place efficiently serves this purpose in the area. Given that Parriott Place provides the necessary circulation link in the area, the removal of remnant El Encanto Road right-of-way from the Roadway Classification Plan will not alter existing street patterns in any manner.

Conversely, if the subject portion of El Encanto Road were built, it would not handle any additional traffic and would degrade the performance and safety of Parriott Place by creating oddly angled intersections and a confusing street pattern.

The Environmental Impact Report (“EIR”) prepared for the General Plan Update and certified by the City Council on June 12, 2014 adequately addressed the circulation system necessary to serve the future buildout of the City as depicted in the General Plan Land Use Element. The traffic studies accessing the future buildout of the City did not assume or incorporate the subject portions of El Encanto Road and instead assumed and studied the continued existence of Parriott Place, which is designated as a Collector Street on the Roadway Classification Plan. As addressed in the General Plan EIR, Parriott Place has the necessary capacity to handle existing and future traffic in the area. Eliminating the remnant right-of-way of El Encanto Road from the



Roadway Classification Plan will not alter existing street patterns, alter roadway capacity, or alter or reduce level of service performance (LOS) and emergency access in any manner.

### **Conclusion**

- General Plan Amendment 15-1 does not involve a substantial change that would require major revisions to the certified EIR and does not alter any of the impacts or conclusions reached in its analysis.
- General Plan Amendment 15-1 does not involve a substantial change in circumstances, does not alter existing or future street patterns, and does not eliminate a roadway that was assumed to carry additional traffic in the certified EIR.
- New information has not been discovered that would result in significant effects not discussed in the certified EIR, alter any of the previously examined impacts, or alter any of the analysis, conclusions, or mitigation measures.
- No substantial changes to the 2014 General Plan Update are being made as part of General Plan Amendment 15-1 and, therefore, General Plan Amendment 15-1 does not trigger any of the circumstances that would require preparation of a subsequent EIR or negative declaration under Public Resources Code section 21166 or CEQA Guidelines section 15162.



# **Attachment 4**

## **Planning Commission Resolution PC 2015-12**



## RESOLUTION NO. PC 2015-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION ELIMINATING A PORTION OF EL ENCANTO ROAD FROM THE ROADWAY CLASSIFICATION PLAN OF THE GENERAL PLAN CIRCULATION ELEMENT AND AN ADDENDUM TO THE PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT FOR THE 2014 GENERAL PLAN UPDATE**

**WHEREAS**, the State Planning and Zoning Law (California Government Code §§ 65350 *et seq.*), allows cities to prepare, adopt, and amend general plans and elements of those general plans; and

**WHEREAS**, the City of Industry adopted a comprehensive update to its General Plan, which included the Land Use Element, Circulation Element, Resource Management Element, and Safety Element, on June 12, 2014 (Resolution No. CC 2014-13); and

**WHEREAS**, the Circulation Element of the General Plan coordinates the mobility systems with future land use patterns and levels of buildout identified in the Land Use Element, and contains the Roadway Classification Plan (Figure 5 of the Circulation Element), which classifies each street by size, function, and capacity; and

**WHEREAS**, the Roadway Classification Plan classifies the portion of El Encanto Road as a Collector Street, as shown on Exhibit A; and

**WHEREAS**, a Collector Street is defined in the Circulation Element as a street that gathers traffic from Local Streets and conveys it to the arterial system and provides direct access to abutting properties. They distribute traffic within a localized area and are not intended for use as a through-street or a link between higher capacity roadways; and

**WHEREAS**, the inclusion of the portion of El Encanto Road shown on Exhibit A as a Collector Street on the Roadway Classification Plan is a mapping error because it is excess and superfluous given the existence of Parriott Place, which was built in place of El Encanto Road and serves as the Collector Street for the area by providing access to adjacent parcels, collecting local traffic, and distributing traffic to the arterial streets; and

**WHEREAS**, when creating the maps for the General Plan update, the GIS mapping system utilized the Los Angeles County Assessor parcel information

and parcels identified as public rights-of-way were identified. When the Roadway Classification Plan of the General Plan was created, the subject portion of El Encanto Road was included as a Collector Street following the existing public rights-of-way. However, Parriott Place efficiently serves this purpose in the area. Given that Parriott Place provides the necessary circulation link in the area, the removal of remnant El Encanto Road right-of-way from the Roadway Classification Plan will not alter existing street patterns, alter roadway capacity, or alter or reduce level of service performance and emergency access in any manner; and

**WHEREAS**, the Environmental Impact Report (EIR) prepared for the General Plan Update and certified by the City Council on June 12, 2014 (Resolution No. CC 2014-12) adequately addressed the circulation system necessary to serve the future buildout of the City as depicted in the General Plan Land Use Element. Such buildout did not assume or incorporate the subject portions of El Encanto Road, and instead assumed and studied the continued existence of Parriott Place, which is designated as a collector road on the Roadway Classification Plan and has the necessary capacity to handle existing and future traffic projections in the area; and

**WHEREAS**, notice of the Planning Commission's August 24, 2015, special public hearing on GPA 15-1 was published in *The San Gabriel Valley Tribune* on August 11, 2015, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on August 11, 2015; and

**WHEREAS**, on August 24, 2015, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the proposed amendment, and considered all testimony written and oral; and

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

**NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF INDUSTRY DOES HEREBY RESOLVE 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 Addendum to the EIR for the

2014 General Plan Update, the Planning Commission hereby finds and determines that the revised Roadway Classification Plan of the General Plan Circulation Element will not result in any substantial changes to the 2014 General Plan Update. The proposed General Plan Amendment corrects an inadvertent mapping error, and was therefore duly considered in the Final EIR analysis for the 2014 General Plan Update. Therefore the project does not trigger any of the circumstances that would require preparation of a subsequent EIR or negative declaration under Public Resources Code Section 21166, or Section 15162 of the CEQA Guidelines, and the Planning Commission approves the Addendum to the EIR.

**SECTION 4:** Based upon substantial evidence presented to the Planning Commission during the August 24, 2015 public hearing, including public testimony and written and oral staff reports, the Planning Commission finds as follows:

- (a) The proposed General Plan Amendment is necessary to implement the 2014 General Plan Update and to ensure internal consistency in the document.
- (b) The proposed revisions to the Roadway Classification Plan of the General Plan Circulation Element are consistent with the General Plan in that they correct an error that inadvertently designated El Encanto Road as a Collector Street. The classification of El Encanto Road as a Collector Street is unnecessary to serve future traffic given the existence of Parriott Place.
- (c) The proposed General Plan Amendment is not detrimental to the public interest, health, safety convenience or welfare of the City, in that if the subject portion of El Encanto Road were built, it would not handle any additional traffic and would degrade the performance and safety of Parriott Place by creating oddly angled intersections and a confusing street pattern.

**SECTION 5.** Based upon substantial evidence presented to the Planning Commission during the above referenced August 24, 2015 public hearing, including public testimony, the written and oral staff report, as well as the findings and conclusions set forth herein, the Planning Commission does hereby recommend that the City Council adopt a Resolution approving General Plan Amendment 15-1, and the Addendum regarding same.

**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 Secretary of the Planning Commission shall certify to the adoption of this Resolution, and that the same shall be in full force and effect. The Planning Commission hereby directs the Secretary to transmit a copy of this Resolution to the City Clerk of the City of Industry.

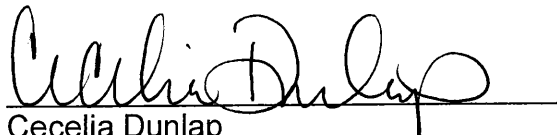
**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Industry at a special meeting held on August 24, 2015, by the following vote:

AYES:	COMMISSIONERS:	Contreras, Spivey, Welch
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None



\_\_\_\_\_  
Andria Welch  
Planning Commissioner

ATTEST:



\_\_\_\_\_  
Cecelia Dunlap  
Secretary

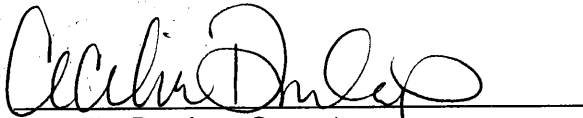


**STATE OF CALIFORNIA** )  
**COUNTY OF LOS ANGELES** ) ss.  
**CITY OF INDUSTRY** )

**PLANNING COMMISSION  
SECRETARY'S CERTIFICATION  
RE: ADOPTION OF PLANNING  
COMMISSION RESOLUTION**

I, Cecelia Dunlap, Secretary of the City of Industry Planning Commission, do HEREBY CERTIFY that the foregoing Resolution No. PC 2015-12 was duly passed and adopted at a special meeting of the Planning Commission of the City of Industry held on the 24<sup>th</sup> day of August, 2015 by the following vote to wit:

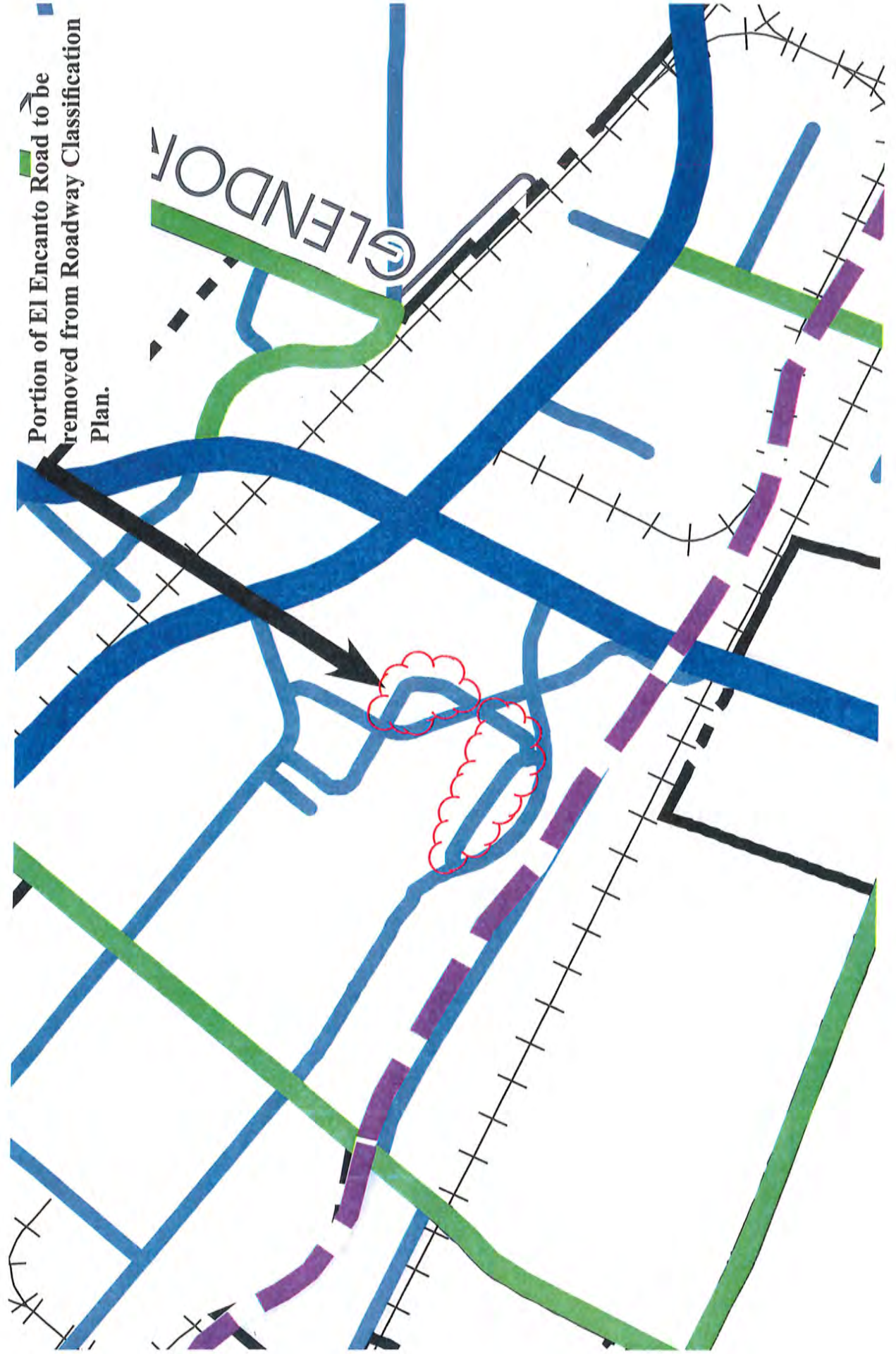
AYES:	COMMISSIONERS:	Contreras, Spivey, Welch
NOES:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None



Cecelia Dunlap, Secretary  
Planning Commission  
City of Industry, California

(SEAL)

# EXHIBIT A General Plan Amendment 15-1



# **Attachment 5**

## **Public Hearing Notice**



## NOTICE OF PUBLIC HEARING

### General Plan Amendment No. 15-1

On August 28, 2015, notice has been given that the City Council of the City of Industry will hold a public hearing to consider General Plan Amendment 15-1 and an addendum to the Environmental Impact Report for the 2014 General Plan Update. General Plan Amendment 15-1 is a proposed technical amendment to Figure 5, Roadway Classification Plan, of the Circulation Element of the General Plan, to remove a portion of El Encanto Road (See attached). The portion of El Encanto Road to be removed from the Roadway Classification Plan is a mapping error and is not necessary as a future roadway.

Planning Commission Recommendation. On August 24, 2015, the Planning Commission adopted Resolution PC 2015-12 recommending that the City Council approve General Plan Amendment 15-1 and an addendum to the previously adopted Environmental Impact Report for the 2014 General Plan Update.

A copy of all relevant material are on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744.

The time, date and place of such hearing shall be as follows:

Time:	9:00 a.m.
Date:	September 10, 2015
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 U.S. Mail or by hand delivery to the City of Industry, at 15625 Stafford Street, Suite 100, City of Industry, CA 91744.

If you challenge the project 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 City Council of the City of Industry at, or prior to, the public hearing.

  
Cecelia Dunlap  
Deputy City Clerk of the City of Industry



# **Attachment 6**

## **Resolution CC 2015-29**





## RESOLUTION NO. CC 2015-29

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 15-1 TO ELIMINATE A PORTION OF EL ENCANTO ROAD FROM THE ROADWAY CLASSIFICATION PLAN OF THE GENERAL PLAN CIRCULATION ELEMENT AND AN ADDENDUM TO THE PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT FOR THE 2014 GENERAL PLAN UPDATE**

**WHEREAS**, the State Planning and Zoning Law (California Government Code §§ 65350 *et seq.*), allows cities to prepare, adopt, and amend general plans and elements of those general plans; and

**WHEREAS**, the City of Industry adopted a comprehensive update to its General Plan, which included the Land Use Element, Circulation Element, Resource Management Element, and Safety Element, on June 12, 2014 (Resolution No. CC 2014-13); and

**WHEREAS**, the Circulation Element of the General Plan coordinates the mobility systems with future land use patterns and levels of buildout identified in the Land Use Element, and contains the Roadway Classification Plan (Figure 5 of the Circulation Element), which classifies each street by size, function, and capacity; and

**WHEREAS**, the Roadway Classification Plan classifies the portion of El Encanto Road as a Collector Street, as shown on Exhibit A; and

**WHEREAS**, a Collector Street is defined in the Circulation Element as a street that gathers traffic from Local Streets and conveys it to the arterial system and provides direct access to abutting properties. They distribute traffic within a localized area and are not intended for use as a through-street or a link between higher capacity roadways; and

**WHEREAS**, the inclusion of the portion of El Encanto Road shown on Exhibit A as a Collector Street on the Roadway Classification Plan is a mapping error because it is excess and superfluous given the existence of Parriott Place, which was built in place of El Encanto Road and serves as the Collector Street for the area by providing access to adjacent parcels, collecting local traffic, and distributing traffic to the arterial streets; and

**WHEREAS**, when creating the maps for the General Plan update, the GIS mapping system utilized the Los Angeles County Assessor parcel information and parcels identified as public rights-of-way were identified. When the Roadway

Classification Plan of the General Plan was created, the subject portion of El Encanto Road was included as a Collector Street following the existing public rights-of-way. However, Parriott Place efficiently serves this purpose in the area. Given that Parriott Place provides the necessary circulation link in the area, the removal of remnant El Encanto Road right-of-way from the Roadway Classification Plan will not alter existing street patterns, alter roadway capacity, or alter or reduce level of service performance and emergency access in any manner; and

**WHEREAS**, the Environmental Impact Report (EIR) prepared for the General Plan Update and certified by the City Council on June 12, 2014 (Resolution No. CC 2014-12) adequately addressed the circulation system necessary to serve the future buildout of the City as depicted in the General Plan Land Use Element. Such buildout did not assume or incorporate the subject portions of El Encanto Road, and instead assumed and studied the continued existence of Parriott Place, which is designated as a collector road on the Roadway Classification Plan and has the necessary capacity to handle existing and future traffic projections in the area; and

**WHEREAS**, on August 24, 2015, the Planning Commission of the City of Industry conducted a duly noticed public hearing and adopted Resolution PC 2015-12 recommending that the City Council approve General Plan Amendment 15-1 and an addendum to the previously adopted Environmental Impact Report for the 2014 General Plan Update; and

**WHEREAS**, notice of the City Council's September 10, 2015, public hearing on GPA 15-1 was published in *The San Gabriel Valley Tribune* on August 28, 2015, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on August 28, 2015; and

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

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDUSTRY DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1:** The City Council 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 Addendum to the EIR for the 2014 General Plan Update, the City Council hereby finds and determines that the revised Roadway Classification Plan of the General Plan Circulation Element will not result in any substantial changes to the 2014 General Plan Update. The proposed General Plan Amendment corrects an inadvertent mapping error, and was therefore duly considered in the Final EIR analysis for the 2014 General Plan Update. Therefore the project does not trigger any of the circumstances that would require preparation of a subsequent EIR or negative declaration under Public Resources Code Section 21166, or Section 15162 of the CEQA Guidelines, and the City Council approves the Addendum to the EIR.

**SECTION 4:** Based upon substantial evidence presented to the City Council during the September 10, 2015 public hearing, including public testimony and written and oral staff reports, the City Council finds as follows:

- (a) The proposed General Plan Amendment is necessary to implement the 2014 General Plan Update and to ensure internal consistency in the document.
- (b) The proposed revisions to the Roadway Classification Plan of the General Plan Circulation Element are consistent with the General Plan in that they correct an error that inadvertently designated El Encanto Road as a Collector Street. The classification of El Encanto Road as a Collector Street is unnecessary to serve future traffic given the existence of Parriott Place.
- (c) The proposed General Plan Amendment is not detrimental to the public interest, health, safety convenience or welfare of the City, in that if the subject portion of El Encanto Road were built, it would not handle any additional traffic and would degrade the performance and safety of Parriott Place by creating oddly angled intersections and a confusing street pattern.

**SECTION 5.** Based upon substantial evidence presented to the City Council during the above referenced September 10, 2015, public hearing, including public testimony, the written and oral staff report, as well as the findings and conclusions set forth herein, the City Council does hereby adopt a Resolution approving General Plan Amendment 15-1 and the Addendum regarding same.

**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.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Industry at a regular meeting held on September 10, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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Mark D. Radecki, Mayor

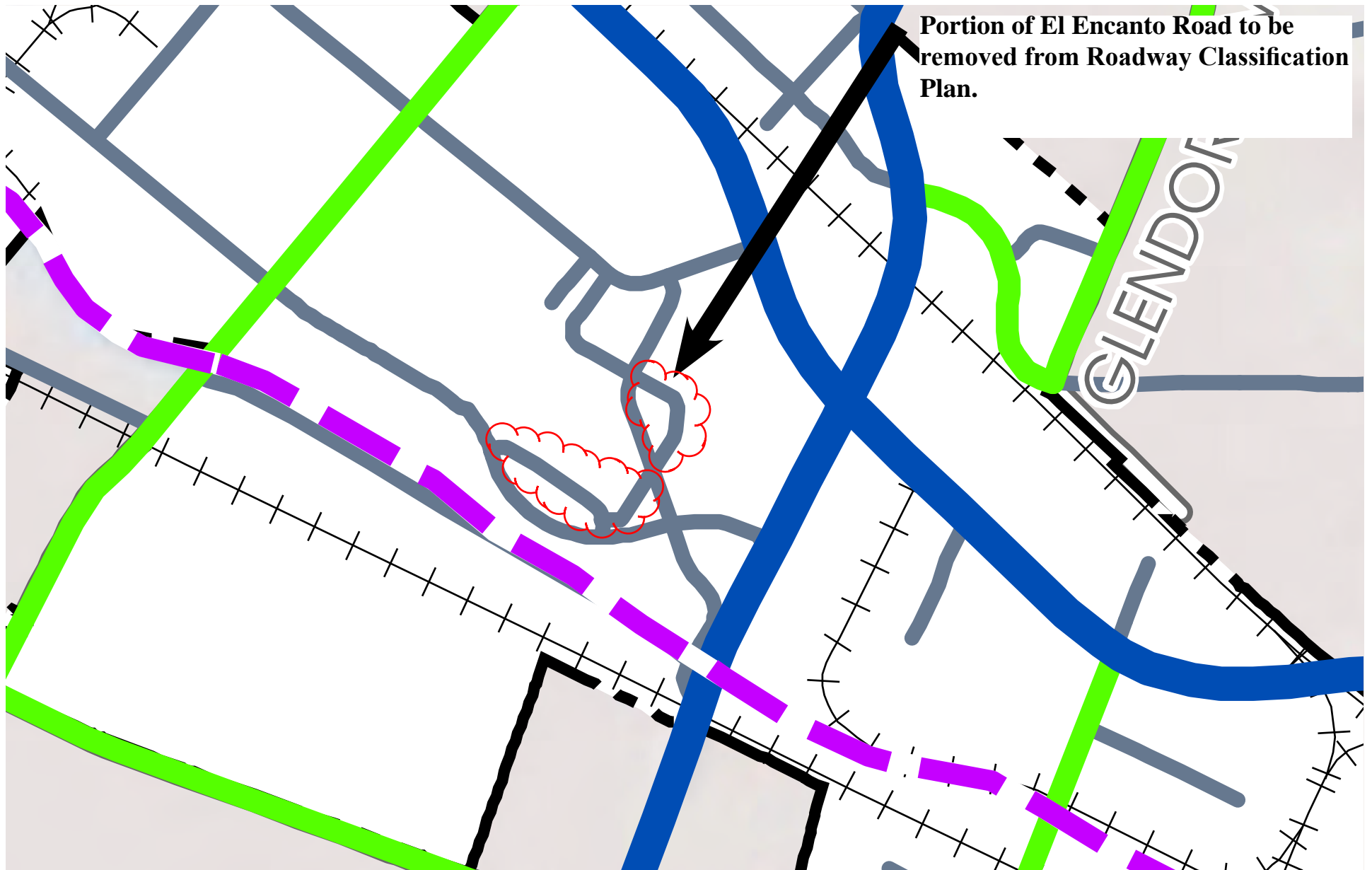
ATTEST:

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Cecelia Dunlap, Deputy City Clerk

# EXHIBIT A

## General Plan Amendment 15-1



*CITY COUNCIL*

ITEM NO. 8.1



# 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

September 3, 2015

To: City Council

From: Paul J. Philips, City manager

Staff: Troy Helling

**Subject: Development Plan 15-6 – 2425 Kella Avenue**

### Proposal

Sections 17.36.020 and 17.36.100 of the Municipal Code require approval of a Development Plan by the City Council for new construction and expansions that exceed \$75,000 in value. The proposed project has a valuation of approximately \$204,650. Development Plan Application 15-6 (Attachment 1) is being proposed by Orange Coast Petroleum Equipment Inc. on behalf of Velocity Truck Rental and Leasing for a 12,000-gallon, above-ground diesel fuel storage tank at an existing facility located at 2425 Kella Avenue.

As shown on the attached site plan (Attachment 2), the 12,000-gallon above-ground diesel fuel storage tank would be located behind the existing building and maintenance bay along the western property line at the rear of the facility. The rectangular tank would be 36'-8" long by 7'-11" by wide by 7'-1" high (Attachment 3). The tank would be manufactured and installed in accordance with the 2013 California Building Code and California Electrical Code. The tank would be protected from vehicle collisions by 34 bollards. A 12-inch concrete pad would be surrounded by an eight inch high concrete curb that would provide containment in an event of a spill. The tank would be double-walled with the primary tank constructed of UL 142 specified steel thickness with continuous welds and the outer, secondary tank that would provide secondary containment and allow detection of leaks from the primary tank.

Fueling would take place during normal operating hours, which are 7:00 am to 5:00 pm Monday through Friday and would be performed under the supervision of a qualified attendant at all times, per Section 2304.1 of the 2013 California Fire Code. All employees would be trained to safely operate and maintain the fuel systems, fire extinguisher, and educated on how to protect the environment. Two emergency shut-off switches would be provided at locations between 25 and 75 feet from the tank.

### Location and Surroundings

As shown on the attached location map (Attachment 4), the 2.35-acre site is located at 2425 Kella Avenue. Velocity is currently doing business at the location to rent and lease trucks. The subject property is bounded by industrial properties to the west, south, and Kella Avenue to the east with industrial beyond. Residential uses are located to the north behind an 8-foot tall chain link fence with privacy screening.

## **Staff Analysis**

The proposed development project is consistent with the Zoning "MC" (Manufacturing/Commercial overlay zone) and General Plan (Employment) designations of the site and complies with the development and design standards in Section 17.36, *Design Review*, of the Industry Municipal Code. Specifically, the project:

- Meets design guidelines. Section 17.36.060 A-J of the Municipal Code call for well-designed and coordinated buildings, walls, lighting, and landscaping. The tank would be located at the rear of the property behind an existing screen wall and not visible to the public from the street.
- Meets access requirements. Section 17.36.060.K and N of the Municipal Code requires a minimum driveway and drive-aisle width of 26 feet. One driveway of 26 feet in width exists and will provide access from Kella Avenue. Internal drive-aisle widths will be maintained with a minimum of 26 feet so that the tank can be easily accessed for both fuel delivery and fuel dispensing for fleet vehicles.
- Exceeds vehicular parking requirements. Section 17.36.060.K of the Municipal Code requires that buildings up to 25,000 square feet provide one parking space per 500 square feet of floor area. Based on this formula, the project is required to provide 41 parking spaces and 71 parking spaces are provided. No existing parking spaces are effected or being removed as a result of the proposed project.

## **Nonconforming Use**

The use is not a permitted or a conditionally permitted use in the Manufacturing/Commercial overlay zone. However, the use is an existing legal nonconforming use, meaning that prior to the enactment of the relevant provision of the Municipal Code the property was previously approved for and used as a truck repair and storage facility. That particular business operated 24 hours a day and seven days a week. The City's Municipal Code does not address the replacement of legally established nonconforming uses except if it is an adult business. To provide direction for the replacement of legally established nonconforming uses, Staff utilizes conventions established by other cities as well as guidance from the adult business section of our Municipal Code. These conventions allow a business similar to and/or less intensive than the existing business to replace the legal nonconforming use if done so within a period of time. In 2014, Velocity replaced the previously existing truck rental/repair business with an identical business (truck rental and repair) but one that is less intensive in that it does not lease out parking spaces to individual truck owners and only operates during daytime hours.

## **Safety**

For the proposed project, diesel fuel would be delivered by tanker trucks, off-loaded into the 12,000-gallon above ground storage tank, and then dispensed to fleet trucks on an as-needed basis. Each of these activities presents inherent safety hazards, but the hazards are routine and similar in scale to the service stations that abound in the local community. The storage, transport and handling of diesel fuel would have to conform to the laws and regulations of several federal, state, and local agencies, including the Environmental Protection Agency (EPA), Department of Transportation (DOT), Occupational Safety and Health Administration OSHA, California Occupational Safety and Health Administration (Cal-OSHA), California Department of Transportation (Caltrans), and Los Angeles County Fire Department (LACFD). Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that they are handled in an appropriate manner, and would minimize the potential for safety or environmental impacts to occur. The following regulatory requirements would apply to the proposed project:



- LACFD Permit in accordance with LACFD Fire Code Title 32, Section 105.6.16 A permit is required from the LACFD to operate tank vehicles, equipment, tanks, and other facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used.
- Signage permit in accordance with LACFD Fire Code Title 32, Section 5003.5. Visible hazard identification signs, as specified in NFPA 704, are required to be placed on stationary containers, aboveground storage tanks, and at entrances to locations where hazardous materials are stored, dispensed, used, or handled.
- SPCC Plan in accordance with EPA regulations found at 40 CCR 112. SPCC Plans describe the equipment, workforce, and steps that are in place to prevent, control, and mitigate a discharge of oil, including the emergency response measures that would be taken should a spill occur.
- Hazardous Material Business Plan (HMBP). The HMBP contains detailed information regarding the hazardous materials present at a facility, emergency response plans and procedures in the event of a reportable release or threatened release of hazardous materials, and employee training.
- Aboveground Storage Tank Registration. A tank facility must file a tank facility statement that provides facility business information and an inventory of the tanks, containers, and drums used for the storage of petroleum products at the site.
- Release Reporting. Spills or leakage of hazardous materials, including petroleum products, are required to be immediately contained, the hazardous material identified, and the material cleaned up in a prescribed manner. Several federal and state regulatory requirements apply to the reporting of spills.

## **Environmental Analysis**

An Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to determine if the proposed use could not have a significant impact on the environment. The Initial Study determined that the proposed project would not have a significant effect on the environment and a Negative Declaration accompanies this application for approval by the City Council (Attachment 5). Impacts will be less than significant because, from a safety standpoint, facility workers would be trained in procedures for the proper and safe loading, storage and dispensing of the fuel. The noise impacts would be minimal because the noise levels would be of the same frequency and volume as the current noise levels created on the site. The closest residential property line is located 175 feet from the tank area. The Notice of Availability of a Negative Declaration (Attachment 6) was posted on the site, fire station 118, City Hall, and council chambers, and published in the San Gabriel Tribune by August 22, 2015.

## **Findings**

Staff recommends that the City Council find that:

- The proposed addition of a above ground diesel fuel storage tank to an existing industrial site is consistent with the General Plan designation of Employment and conforms with the zoning designation of Industrial for the subject property in the City of Industry because the land use designations permit industrial uses as well as industrial development under certain standards, with which the proposed development complies;
- The proposed industrial development is compatible with the surrounding area, which consists of industrial and residential uses because it would accommodate similar uses and would be developed in a similar character and under similar standards as those surrounding uses. The proposed development would not have a negative impact or be a danger to nearby residents because the tank would be 175 feet from the property line and that several safety requirements would be imposed on the project that include,

being a double wall protected tank that exceeds fire and projectile requirements, alarms that alert when the tank is at 90% full during refilling, emergency shut off switches, fire extinguishers at designated locations, and training for employees on how to protect the environment;

- There is adequate street access and traffic capacity for the proposed development on Kella Avenue, which serves the project site because, as indicated in the accompanying Initial Study, the project is estimated to generate a maximum of 50 trips during weekday peak hours, which falls below the thresholds established in the Congestion Management Program for the County of Los Angeles;
- The proposed development will have no significant impact on the environment as indicated in the Initial Study, and a Negative Declaration has been prepared in accordance with the requirements of the California Environmental Quality Act of 1970, as amended; and
- The use requested will not be a menace to or endanger the public health, safety or general welfare to the City due to the forgoing findings and that the project has been designed to comply with requirements of the Municipal Code.

### **Recommendation**

Because the proposed project complies with the development standards of the Municipal Code, does not pose a danger or impact to adjacent residents, and satisfies the above-mentioned findings, Staff recommends that the City Council adopt Resolution CC 2015-30 (Attachment 6) approving the Negative Declaration prepared for Development Plan 15-6 and Development Plan No. 15-6 with the Standard Requirements and Conditions of Approval contained in the Resolution.

### **Attachments**

- Attachment 1: Application
- Attachment 2: Site Plan
- Attachment 3: Elevations
- Attachment 4: Location Map
- Attachment 5: Environmental Background: a) Notice of Availability of a Negative Declaration, and b) Initial Study for Velocity Fuel Tank, Development Plan 15-6, July 2015, PlaceWorks
- Attachment 6: Resolution No. CC 2015-30 approving the Negative Declaration and DP 15-6 with findings and the Standard Requirements and Conditions of Approval contained therein.

# **Attachment 1**

## **Application**

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# City of Industry Development Plan Application (Long Form)

15625 East Stafford Street • Suite 101 • City of Industry • CA • 91744  
Phone: (626) 333-2211 • Fax: (626) 961-6795  
www.cityofindustry.org

15 APR 6:10:31:10

*The Development Plan – Long Form – is used for most new construction, major exterior modifications and addition of exterior equipment, which cannot be exempted from Environmental Review. Please contact the Planning Department to determine if this application applies to your project.*

Please type or print clearly

Project Location: 2425 KELLA AVE 90601 Assessor's Parcel Number \_\_\_\_\_  
Street Zip

Zoning Designation: \_\_\_\_\_ General Plan Designation: \_\_\_\_\_

Project Contact Person: DAVID HOFERER Phone Number: 714) 744-4049 Email Address: DAVID@OCPETROLEUM.COM

Address: 1015 N. PARKER STREET ; ORANGE 92867  
Street City Zip

Applicant:  Property Owner  Tenant  Architect  Engineer  Builder

Name: ORANGE COAST PETROLEUM EQUIPMENT, INC Phone Number: 714) 744-4049

Address: 1015 N. PARKER STREET ORANGE 92867  
Street City Zip

Property Owner Information:

Name: Bradley C. Favre Phone Number: 800-366-4621

Address: 2429 S. Peck Rd. Whittier CA 90601  
Street City Zip

Project Description (describe in detail): INSTALLATION OF ONE 12,000 GALLON DIESEL FUEL TANK - ABOVE GROUND.

Project Valuation: \$ 204,650.-

	Existing	Proposed
Building Area	N/A	N/A
Landscape Area	N/A	N/A
Parking Spaces	N/A	N/A
Land Area	N/A	N/A

Applicant Name: DAVID F. HOFERER

Applicant Signature:

Date: 03/31/15





# CITY OF INDUSTRY

15626 East Stafford Street Suite 101 City of Industry CA 91744  
(626) 333-2211 FAX (626) 961-6796  
www.cityofindustry.org  
planning@cityofindustry.org

PROPERTY OWNER  
CONSENT AFFIDAVIT FOR  
DEVELOPMENT PLAN  
APPLICATION - LONG

**\*\*THIS FORM MUST BE NOTARIZED\*\***

BUSINESS DESCRIPTION truck rental, leasing, and maint

BUSINESS LOCATION 2425 Kella Ave; City of Industry, CA 90601

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS  
CITY OF INDUSTRY )

DATE: 3/20/15

I/We, Bradley C. Favvre, the OWNER(s) of the Real Property involved in this application, do hereby consent to the filing of this application. I/We do hereby appoint the following person(s) as my agent(s) to act on my behalf on the foregoing application:

OWNER'S AGENT: ORANGE COAST PETROLEUM EQUIP. Phone No. (714) 744-4049  
(e.g. Property Manager) (Printed Name of Agent)

Address of Owner's Agent: 1015 N. Parker St.; Orange, CA 92867  
(Number) (Street) (City) (State) (Zip)

OWNER: [Signature]  
(Signature)

OWNER: \_\_\_\_\_  
(Signature)

Address: 2429 S. Peck Rd.  
(Number) (Street)  
Whittier, CA 90601  
(City) (State) (Zip)

Address: \_\_\_\_\_  
(Number) (Street)  
\_\_\_\_\_  
(City) (State) (Zip)

NOTE: A NOTARIZED OWNER'S AFFIDAVIT IS REQUIRED AS PARTY OF ALL APPLICATIONS. IF OWNERSHIP IS HELD OTHER THAN BY AN INDIVIDUAL, PROOF, IN THE FORM OF A SPECIAL POWER OF ATTORNEY, AUTHORIZED CORPORATE RESOLUTION, PARTNERSHIP AGREEMENT OR OTHER ACCEPTABLE DOCUMENT(S) SHALL BE SUBMITTED TO THE CITY ALONG WITH THE NOTARIZED SIGNATURES OF THOSE OFFICERS AUTHORIZED TO SIGN ON BEHALF OF THE CORPORATION OR PARTNERSHIP. PLEASE NOTE THAT OUR APPLICATION MAY NOT BE DETERMINED TO BE COMPLETE UNLESS AND UNTIL OWNERSHIP CAN BE VERIFIED.

### FOR NOTARY USE ONLY

STATE OF CA )

COUNTY OF Los Angeles )

Subscribed and sworn to (or affirmed) before me this 20 day of MARCH 20 15

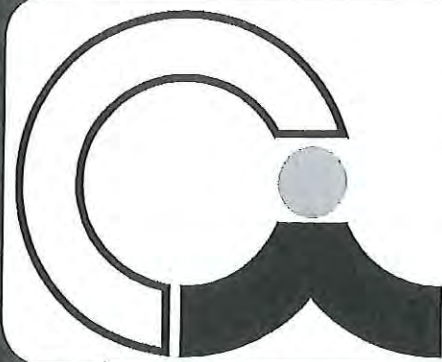
by Bradley C. Favvre, by \_\_\_\_\_  
(Printed Name of Owner As Signed Above) (Printed Name of Owner As Signed Above)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared to me.

[Signature] SEAL  
NOTARY PUBLIC







# CITY OF INDUSTRY

## Construction Waste Management Plan (CWMP)

**This form must be completed for all 1) new construction (including tenant improvement), 2) demolition projects, and 3) additions/alterations to existing structures.**

All debris and waste generated on-site **MUST** be hauled by the City of Industry franchise hauler, Valley Vista Services, Inc. The only exception is single-stream, source-separated recyclable materials(s), which **MUST** be hauled by a recycler with a valid City of Industry collectors permit.

- Prior to receiving approval of a **Development Plan** by the City of Industry, the project contractor(s) must submit this construction and demolition waste management plan (CWMP).
- Prior to receiving a **Building Permit Final**, the contractor **MUST** demonstrate compliance with the City of Industry Integrated Waste Management Plan Ordinance (IMC Chapter 8.20) by providing documentation for all materials re-used and/or recycled either on or off-site of the project.

### PROJECT CONTACT INFORMATION

Project Name: VELOCITY - FUEL TANK Address: 2425 KELLA AVE  
 Contractor: ORANGE COAST PETROLEUM EQUIP Contact Person: DAVID HOFERER  
 Phone: (714) 744-4049 Email: DAVID@OCPETROLEUM.COM  
 Mailing Address: 1015 N. PARKER ST. City: ORANGE Zip: 92867

1. Project Type: (check one)  New Construction  Demolition  Addition/Alteration/T.I.
2. Building Square Footage: N/A Project Valuation: \$ 204,650.00
3. Estimated Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_
4. Brief Project Description: INSTALLATION OF ONE 12,000 GALLON DIESEL TANK - ABOVE GROUND.

**For City Use Only:** Project #: \_\_\_\_\_ Submitted: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Received by WST: \_\_\_\_/\_\_\_\_/\_\_\_\_ Plan Reviewer: \_\_\_\_\_  
 Exempt  CWMP Approved  CWMP Denied Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Project Diversion Report Approved Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_  
 Approved for Building Permit Final Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_



## CONSTRUCTION WASTE MANAGEMENT PLAN (CWMP)

**The contractor(s) are required to divert at least 50% of all solid waste generated by project activities. Please complete steps 1 and 2 for this CWMP submittal. Step 3 will be required prior to issuance of a Building Permit Final.**

### Step 1: Check all that apply

- Contractor requests that the franchise hauler, Valley Vista Services, process all or a portion of the project generated material through mixed C&D processing.
- Contractor chooses to conduct certain onsite re-use practices to meet all or part of the 50% diversion requirement.
- Contractor chooses to conduct certain off-site recycling practices to meet all or part of the 50% diversion requirement.

### Step 2: Indicate method(s) of project diversion

- \* NO ASPHALT OR CONCRETE TO BE REMOVED SO NO RECYCLE MATERIALS GENERATED*
- 0 % Percentage of project-generated materials to be **mixed C&D processing** through the City's franchise hauler.
  - 0 % Percentage of project-generated materials to be recycled **on-site** through "re-use."
  - 0 % Percentage of project-generated materials to be recycled **off-site** through a permitted 3rd party recycler (must be a City of Industry permitted recycler).

### Step 3: Submit project diversion report

Prior to the issuance of a **Building Permit Final**, the contractor must complete and submit a project diversion report to the recycling coordinator. This report **MUST** demonstrate the contractors' successful implementation of the approved CWMP (Steps 1 and 2). Contractor **MUST** provide copies of all weight tickets with the diversion report submittal. See sample project diversion report below:

#### SAMPLE PROJECT DIVERSION REPORT

	Total Tons C&D Processing	Total Tons On-Site Re-Use	Total Tons Off-Site Recycling	Total Tons Total Tons Generated
Mixed Debris	80	0	5	85
Inert Debris	0	100	0	100
<b>Totals</b>	<b>80</b>	<b>100</b>	<b>5</b>	<b>185</b>

John Smith  
Name

*John Smith*  
Signature

9/14/2020  
Date

**For assistance in completing this report, please contact the program consultant:**  
Waste Systems Technology, Inc. • Jeff Duhamel • (562) 432-3700 • JD@WasteSystemsTech.com





**CITY OF INDUSTRY**  
**APPLICATION FOR CONSTRUCTION/DEMOLITION WASTE & RECYCLING SERVICES**

Applications will not be accepted without this form signed by Valley Vista Services and attached to the application. City of Industry Municipal Code requires every business to arrange for appropriate solid waste collection service with the City approved collector. The requirement applies to any permanent or temporary businesses operating in the City of Industry.

Valley Vista Services - (800) 442-6454  
 17445 RAILROAD STREET  
 CITY OF INDUSTRY, CA 91745

**BUSINESS INFORMATION** (please type or print clearly)

Business Name/DBA: Orange Coast Petroleum Phone: \_\_\_\_\_  
 Service Address: 2425 Kelle Ave Industry 90601  
Street Zip

**CONTRACTOR/PROJECT INFORMATION**

Project Start Date: 4/2015 Project Completion Date: TBD Contact Person: Desiree Delgado  
 Lead Contractor: Orange Coast Petroleum Contact Phone Number: (714) 271-4049  
 Contractor Address (Billing): 1015 North Parker Orange CA 92867  
 Estimate Material Types for Collection: Wood, Misc Materials

Payment of a deposit based on a waste flow projection is required before receiving a signature on this application. The waste flow projection will be based on the actual waste generation (volume) estimated during the course of the project. No Deposit shall be returned if self-hauling or unauthorized haulers are used on Project.

All delinquent charges and penalties imposed are deemed to be civil debts owed to the City by the customer and property owner, and may be collected by any available means, including the filing of a civil action.

Payment for service is the joint obligation of the customer and the property owner (if separate from the customer). In the case of non-payment by the customer, the owner of the property may be held responsible for payment and no new service may be established and no property related permit, approval or entitlement may be issued by the City until all delinquent amounts are paid.

**BILLING DISPUTE PROCEDURES** - Any customer who has been billed for service and desires to contest the extent, degree or reasonableness of the charges billed, must file a written statement of such protest with the collector and the City Manager's office within 30 days of the mailing of the disputed bill. The City Manager will review the accounts of customers who dispute collection charges within 30 days after receiving a written request for review. If an error is found after such review, the City or collector will promptly correct the error and, if required and at the City's sole discretion, the City or collector will either credit the customer's account or give the customer a refund.

OFFICE USE ONLY	
Recycling and solid waste collection services have been reviewed and/or arranged for by the above business.	
Project Description:	<u>588 Sq Ft Red + 986 Sq Ft Fueling Lane</u>
Scope of Services/Comments:	<u>Gravel (W/ Asphalt) - Concrete Demol / Forming Fe / Concrete Pav + Misc. Materials</u>
	<u>ONE HALF BOX</u>
Approved by:	<u>Joel In Joel Simonian</u> Date: <u>4/21/2015</u>
Account#:	<u>087373</u> Deposit Amount: <u>678.90</u>

## Environmental Information Form

The Environmental Information Form is intended to provide the basic information necessary for the evaluation of your project to determine its potential environmental impacts. This review provides the basis for determining whether the project may have a significant impact on the environment, as required by state law, or more specifically, the California Environmental Quality Act (CEQA). After this information has been evaluated by the Planning Department, a determination will be made regarding the appropriate environmental documentation for your project, in accordance with the CEQA Guidelines.

If no significant environmental impacts are anticipated, or if impacts can be mitigated or avoided by a change or specific requirement in the project's design or operation, a Negative Declaration or Mitigated Negative Declaration will be prepared. If potential significant environmental impacts are identified, an Environmental Impact Report must be prepared, which focuses on the areas of concern identified by the Initial Study.

The City of Industry, as Lead Agency, is required to comply with CEQA. In order to assist us in completing this required environmental review, please provide us with the information outlined below. Please note that upon review of the submitted information, City staff may request additional supporting documentation to assist in the environmental analysis of your project to ensure compliance with CEQA.

This Environmental Information Form works in concert with the other applications. Both need to be completed in order for your application to be accepted as complete. If you need assistance in completing the Environmental Information Form, or have questions regarding the environmental review procedures, please contact the Planning Department at (626) 333-2211.

### General Information

- Name developer, agent, or project sponsor: DAVID HOFERER Phone Number: 714) 744-4049  
 Address: 1015 N. PARKER ST. ORANGE 92867  
Street City Zip
- Project name: VELOCITY CO1 - FUEL TANK Assessor's Parcel Number: \_\_\_\_\_  
 Address: 2425 KELLA AVE; CITY OF INDUSTRY, CA 90601  
Street Zip

### Environmental Setting (Attach additional sheets and photos as necessary)

- Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects:

EXISTING FACILITY WITH A COMMERCIAL BUILDING THAT  
HAS PARKING ON THREE SIDES. THE FRONT OF THE  
BUILDING HAS PLANTING AREA AND LANDSCAPE. THE BACK  
OF THE BUILDING HAS A DIRT AREA HELD FOR THE PROPOSED  
FUEL TANK. THE PROPERTY IS FLAT.

- Provide photographs of the site and describe any existing structures onsite and the use of the structures:

PHOTOGRAPHS ARE INCLUDED WITH THE PROJECT PLANS.  
THE PROPERTY HAS ONE BUILDING USED FOR OFFICE SPACE  
AND A LEASING OFFICE. THERE IS ALSO AN OPEN FACE SERVICE AREA.



- Describe the surrounding properties (north, east, south, and west of the project site), including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (Industrial, commercial, etc.), intensity of land use (warehousing, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.):

THE SITE IS SURROUNDED BY COMMERCIAL PROPERTIES EXCEPT TO THE NORTHEAST WHERE THERE ARE SOME RESIDENTIAL PROPERTIES. THE FUEL TANK INSTALLATION WOULD NOT BE VISIBLE TO THE PUBLIC AND WOULD HAVE NO IMPACT ON ANIMALS OR ANY CULTURAL OR HISTORICAL SITES.

- Provide photographs of the surrounding uses and adjoining properties.

Project Description (attach additional sheets as necessary)

- List and describe any other permits and approvals required for project implementation, including those required by local, regional, state, and/or federal agencies:

BECAUSE THIS IS A DIESEL ABOVE GROUND FUEL TANK, THERE WILL NEED TO BE PERMITS FROM BUILDING ON THE PAD AND ELECTRICAL AND THE LA COUNTY FIRE DEPARTMENT PETRO-CHEM UNIT WILL REVIEW.

- List any other development proposals associated with the project and its relationship to a larger project or series of projects, if any:

THERE ARE NO OTHER ASSOCIATED OR LINKED PROJECTS.

- Demolition proposed: No:  Yes:  Square feet: N/A

- Tentative development schedule including start and completion dates, and phasing if proposed:

THE ENTIRE PROJECT WOULD BE SIX WEEKS ONCE APPROVED.

- If commercial or office, indicate the type, whether neighborhood, city or regionally oriented, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, and location of loading facilities and anticipated hours of loading/delivery operations:

THIS PROJECT IS TO ADD A FUEL TANK TO AN EXISTING COMMERCIAL PROPERTY. THE COMMERCIAL ASPECT OF THE PROPERTY WILL REMAIN AS IS WITH NO ALTERATIONS TO THE BUILDINGS SIZE, APPEARANCE, OR USE.

- If Industrial, manufacturing or warehouse, indicate the type and major function, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, and location of loading facilities and anticipated hours of loading/delivery operations:

N/A

7. If Institutional, indicate the type and major function, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, location of loading facilities and anticipated hours of loading/delivery operations, and community benefits to be derived from project:

N/A

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8. If the project involves an exception, conditional use permit, or re-zoning application, state this and indicate clearly why the application is required:

N/A

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**Potential Environmental Impacts**

If any of the following items are applicable to your project please discuss (use a separate sheet as necessary).


	Yes	No
1. Change in existing features of any drainage ways or hills, or substantial alteration of any ground contours.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Change in scenic views or vistas from existing residential areas or public lands or roads.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Change in pattern, scale, or character of the general area of the project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in significant amounts of solid waste or debris.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Change in or introduction of air emissions (e.g., dust, ash, smoke, fumes) or odors in the vicinity during grading and/or construction phases.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Change in surface water (e.g., channel, stream) or ground water quality or quantity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Substantial alteration of existing drainage patterns that could lead to flooding on- or offsite.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Substantial change in noise or vibration levels in the project vicinity during grading and/or construction phases.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Substantial change in traffic patterns and circulation in the project vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Substantial change in topography of project site and/or vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Site located on filled land or on slopes of 10 percent or more.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Substantial change in demand for public services and utilities and service systems (police, fire, water, wastewater, solid waste, electricity, gas, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>



*What studies have been prepared for this site that might assist the City in reviewing the potential environmental impacts of the project? Some examples of such studies include environmental site assessment, soils and geology study, biological resources study, cultural resources study, hydrology study, etc. These studies may have been prepared for this project or some earlier development project. Supporting documentation or studies may answer questions and facilitate the processing of your application.*

**Certification**

I am the legal owner of the property that is the subject of this application or have been authorized by the owner to act on his/her behalf regarding this application. I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further acknowledge that any false statements or information presented herein may result in the revocation of any approval or permit granted on the basis of this information.

Name of preparer: DAVID HOFBERG Preparer's signature: 

Date: \_\_\_\_\_

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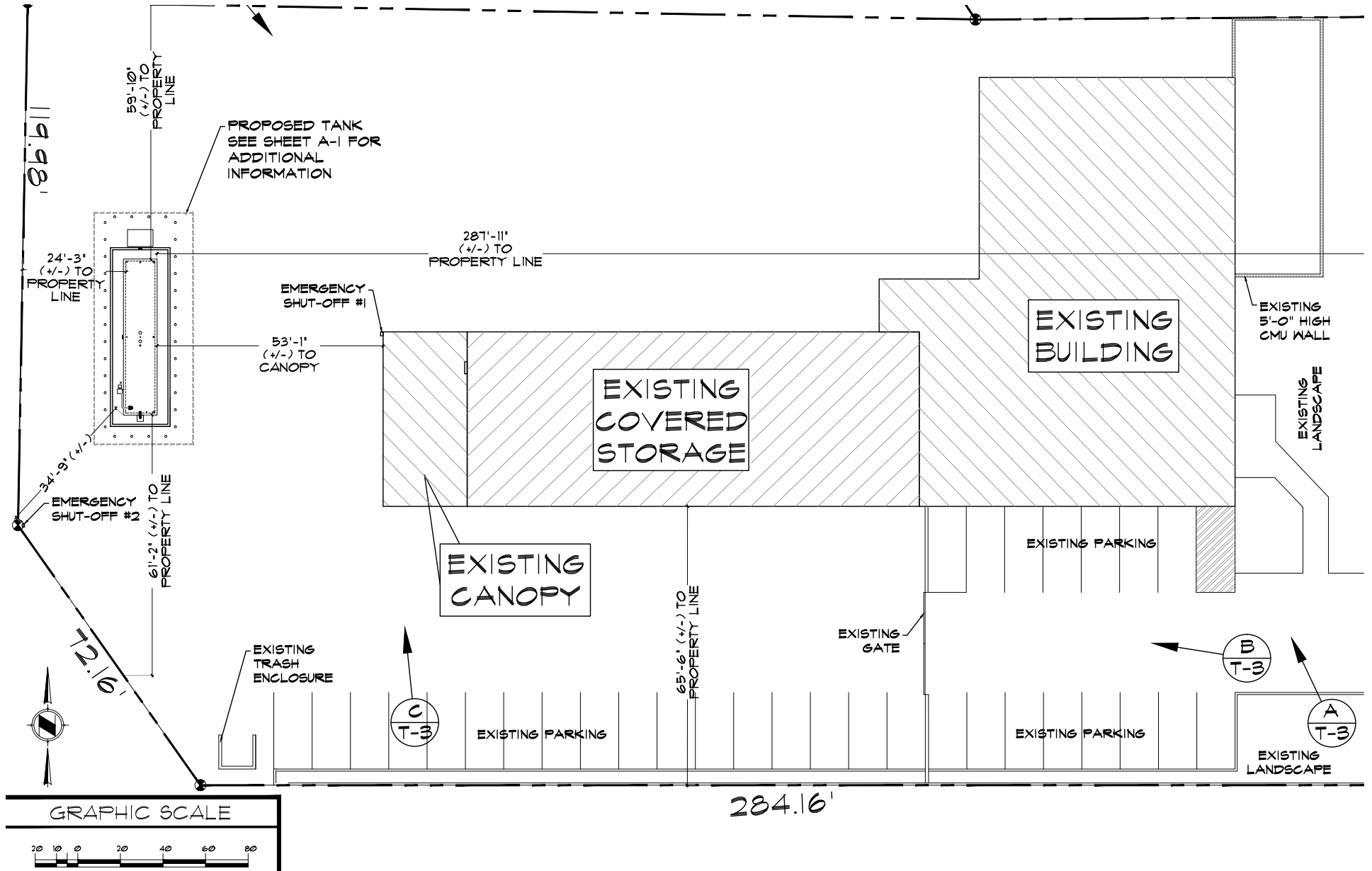
# **Attachment 2**

## **Site Plan**

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# DP 15-6 Site Plan



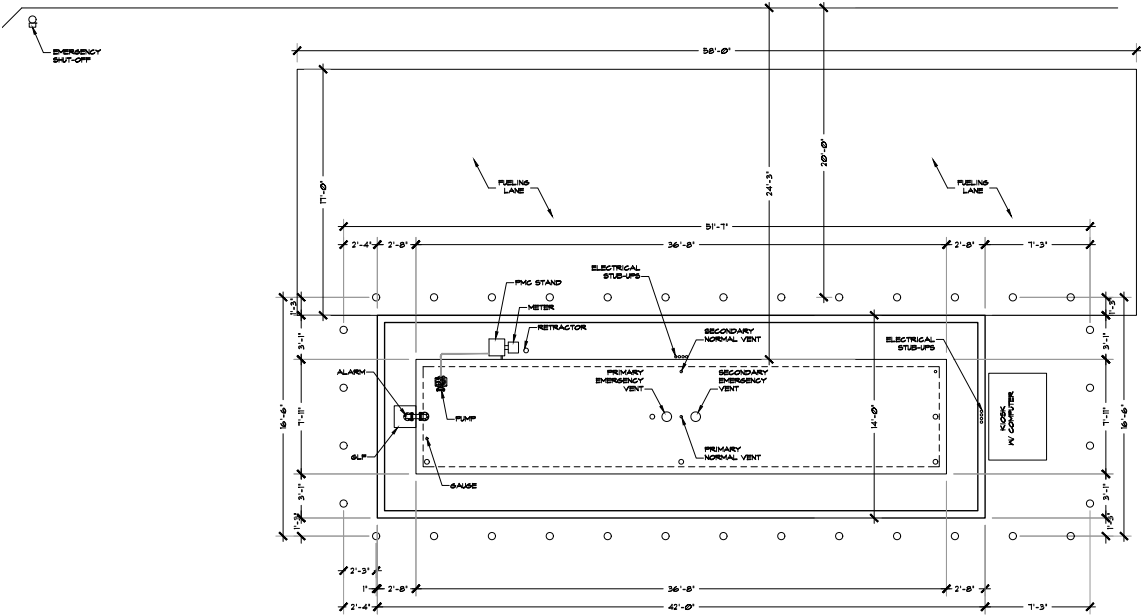
*This page intentionally left blank*

# **Attachment 3**

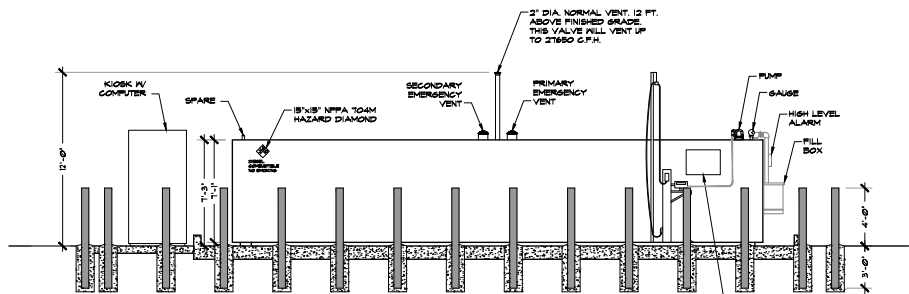
## **Elevations**

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# DP 15-6 Elevations

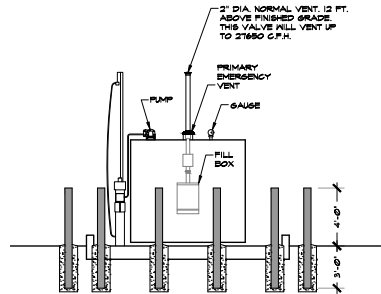


TANK PLAN VIEW  
SCALE: 1/4"=1'-0"



IN CASE OF SPILL OR RELEASE  
SIGN TO INCLUDE EMERGENCY  
TELEPHONE NUMBERS AND  
FACILITY ADDRESS

TANK ELEVATION VIEW  
SCALE: 1/4"=1'-0"



TANK SIDE VIEW  
SCALE: 1/4"=1'-0"

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# **Attachment 4**

## **Location Map**

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# DP 15-6

## Location Map



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## **Attachment 5**

**Environmental Background: a) Notice of Availability of a Negative Declaration, and b) Initial Study for Velocity Fuel Tank Development Plan 15-6, July 2015, PlaceWorks**

**NOTICE OF INTENT TO ADOPT A  
NEGATIVE DECLARATION  
DEVELOPMENT PLAN 15-6  
2425 KELLA AVENUE, CITY OF INDUSTRY**

**CITY OF INDUSTRY**

---

**Purpose:** In accordance with the State of California Public Resources Code Section 21092, Title 14 of the California Code of Regulations Guidelines for implementation of Section 15063 of the California Environmental Quality Act, and the Industry Municipal Code, this is to advise you that the Planning Department of the City of Industry has prepared an initial study of environmental impacts on the following project and is recommending the environmental determination described below.

**Project Description:** The proposed project (Development Plan 15-6) is a request by Orange Coast Petroleum Equipment Inc. for Velocity Truck Rental to construct and operate a 12,000 gallon above ground diesel fuel tank at an existing industrial facility.

**Location:** The proposed project is located at 2425 Kella Avenue in the City of Industry, Los Angeles County (Assessor Parcel Numbers 8125-010-010).

**Environmental Determination:** Based on the findings of the Initial Study, the Planning Department has determined that the proposed project would not result in significant environmental impacts. Accordingly, the City intends to adopt a Negative Declaration pursuant to Section 21080 (c) of the Public Resources Code.

The project site is not included on the list of hazardous materials facilities, hazardous waste properties, or hazardous waste disposal sites named under Section 65962.5 of the California Government Code (Cortese List).

**Public Review and Comment Period:** Copies of the proposed Negative Declaration and Initial Study are available in the Planning Department at the address listed below. **A 20-day public review period for the Negative Declaration begins August 20, 2015, and ends September 9, 2015.** Written comments on the adequacy of the document must be received by the City prior to 5:00 PM on September 9, 2015. If you would like to comment, please send written comments to:

Troy Helling, Senior Planner  
15625 E. Stafford Street, Suite 100  
P.O. Box 3366  
City of Industry, CA 91744  
thelling@cityofindustry.org  
(626) 333-2211

**Public Hearing:** The City Council is scheduled to consider the Negative Declaration and proposed project at a regularly scheduled meeting to be held on September 10, 2015, at 9:00 AM in the City of Industry Council Chambers located at 15651 E. Stafford Street, City of Industry, CA 91744. To confirm the date and time of the meeting, please check the City's website: [www.cityofindustry.org](http://www.cityofindustry.org).

July 2015 | City of Industry

# Velocity Fuel Tank Initial Study

## Development Plan Application 15-6

*Prepared for:*

**City of Industry**

Contact: Troy Helling, Senior Planner  
15625 East Stafford, Suite 100  
City of Industry, California 91744  
626.333.2211

*Prepared by:*

**PlaceWorks**

Contact: Dwayne Mears, Principal, Environmental Services  
3 MacArthur Place, Suite 1100  
Santa Ana, California 92707  
714.966.9220  
info@placeworks.com  
[www.placeworks.com](http://www.placeworks.com)

*Project Number:*

IND-07.142





## Table of Contents

1.	Introduction.....	1
1.1	PROJECT LOCATION.....	1
1.2	ENVIRONMENTAL SETTING.....	1
1.2.1	Existing Land Use.....	1
1.2.2	Surrounding Land Use.....	2
1.3	PROJECT DESCRIPTION.....	2
1.3.1	Environmental Information Forms.....	2
1.3.2	Demolition.....	2
1.3.3	Construction.....	2
1.3.4	Operation.....	3
1.3.5	Project Phasing.....	3
1.4	EXISTING ZONING AND GENERAL PLAN.....	3
1.5	CITY ACTION REQUESTED.....	4
2.	Environmental Checklist.....	21
2.1	BACKGROUND.....	21
2.2	ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	22
2.3	EVALUATION OF ENVIRONMENTAL IMPACTS.....	23
2.4	REFERENCES.....	31
3.	Environmental Analysis.....	33
3.1	AESTHETICS.....	33
3.2	AGRICULTURE AND FOREST RESOURCES.....	34
3.3	AIR QUALITY.....	35
3.4	BIOLOGICAL RESOURCES.....	38
3.5	CULTURAL RESOURCES.....	39
3.6	GEOLOGY AND SOILS.....	41
3.7	GREENHOUSE GAS EMISSIONS.....	44
3.8	HAZARDS AND HAZARDOUS MATERIALS.....	46
3.9	HYDROLOGY AND WATER QUALITY.....	52
3.10	LAND USE AND PLANNING.....	56
3.11	MINERAL RESOURCES.....	57
3.12	NOISE.....	57
3.13	POPULATION AND HOUSING.....	59
3.14	PUBLIC SERVICES.....	60
3.15	RECREATION.....	61
3.16	TRANSPORTATION/TRAFFIC.....	62
3.17	UTILITIES AND SERVICE SYSTEMS.....	64
3.18	MANDATORY FINDINGS OF SIGNIFICANCE.....	66
4.	Consultant Recommendations.....	69
5.	Lead Agency Determination.....	71

## Table of Contents

### *List of Figures*

<b>Figure</b>		<b>Page</b>
Figure 1	Regional Location.....	5
Figure 2	Local Vicinity .....	7
Figure 3	Aerial Photograph.....	9
Figure 4a	Site Photographs.....	11
Figure 4b	Site Photographs.....	13
Figure 4c	Site Photographs.....	15
Figure 5	Site Plan .....	17
Figure 6	Storage Tank Details .....	19

### *List of Appendices*

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Appendix A.	Development Plan Application
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# 1. Introduction

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Orange Coast Petroleum Equipment, Inc., the project applicant, is seeking approval from the City of Industry for a Development Plan (DP No. 15-6) to install and operate one 12,000-gallon diesel fuel aboveground storage tank (AST) at an existing industrial facility located at 2425 Kella Avenue, City of Industry, California 90601. The project site is owned by Velocity Truck Rental and Leasing and is used for rental, leasing, and maintenance of trucks and school buses.

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA), as amended, to determine if approval of the requested discretionary action and subsequent development could have a significant impact on the environment. This analysis will also provide the City of Industry with information to document the potential impacts of the proposed project.

## 1.1 PROJECT LOCATION

The project site is in the City of Industry in the San Gabriel Valley in Los Angeles County, California. The City of Industry extends approximately 14 miles east-west across the southern San Gabriel Valley (see Figure 1, *Regional Location*). The San Gabriel Valley extends east-west from near central Los Angeles on the west to the eastern Los Angeles County boundary, and is bounded to the north by the San Gabriel Mountains and to the south by the Puente Hills.

The project site is located on the west end of the City of Industry at 2425 Kella Avenue, near the intersection of the San Gabriel River Freeway (Interstate 605) and Pomona Freeway (State Route 60) (see Figure 2, *Local Vicinity*). The 2.35-acre site is identified as Los Angeles County Assessor Parcel Numbers (APNs) 8125-010-010 and 8125-010-012. Regional access to the site is from either the San Gabriel River or Pomona Freeways via separate interchanges with Peck Road. From there, the site can be entered via a driveway from Kella Avenue.

## 1.2 ENVIRONMENTAL SETTING

### 1.2.1 Existing Land Use

According to Los Angeles County Assessor records and a site inspection on June 25, 2015, the project site is improved with a one-story, 20,438-square foot industrial building constructed in 1964, along with a canopied extension that houses four truck maintenance bays and a wash bay. The building is used primarily for office space, although additional maintenance activities are conducted in a small area at the rear. Several evergreen trees and well maintained drought-tolerant landscaping are present along Kella Avenue in front of the building. An asphalt-paved parking lot along the southwest side of the building provides for employee and visitor parking. The remainder of the property to the north and northwest is used for the storage and parking

## 1. Introduction

of leased trucks and school buses. A driveway and gated entrance provide access to the property from Kella Avenue.

The proposed AST location is behind the existing building/maintenance bay along the northwest property line (see Figure 3, *Aerial Photograph*). The location is an approximately 30-foot x 50-foot bare soil area surrounded by concrete pavement. A small removable concrete pad was observed within the bare soil area during the inspection. Photographs taken during the inspection are provided in Figures 4a, 4b, and 4c, *Site Photographs*.

### 1.2.2 Surrounding Land Use

The project site is situated in an industrial area of the City of Industry occupied primarily by manufacturing facilities and warehouses (see Figure 3, *Aerial Photograph*). Kella Avenue borders the site to the southeast. Large, warehouse-type buildings and associated parking lots are present on adjacent properties to the southwest and northwest. A residential community in unincorporated Los Angeles County, known as the Pellissier Village Equestrian District, borders the site to the northeast. An 8-foot high chain link fence with opaque privacy screen is present along the shared property boundary with the residential community and, given the orientation of the residential buildings, the residents are largely shielded from site operations.

Features of interest in the vicinity of the project site include the San Gabriel River approximately 440 feet to the north, the San Gabriel River Freeway (I-605) approximately 0.15 mile to the south, the Pomona Freeway (SR 60) approximately 0.35 mile to the north, and the Whittier Narrows Equestrian Center approximately 0.3 mile to the west. Traffic along Kella Avenue was relatively quiet during the weekday morning inspection and activities at nearby businesses were subdued.

## 1.3 PROJECT DESCRIPTION

### 1.3.1 Environmental Information Forms

A copy of the Development Plan Application submitted by the project applicant is provided in Appendix A. In addition, the project applicant provided a design package that includes engineering drawings, construction notes, electrical notes, concrete details, seismic calculations, and equipment specifications. The existing project site layout and proposed location for the new AST are shown on Figure 5, *Site Plan*. Plan and elevation details for the AST are shown on Figure 6, *Storage Tank Details*.

### 1.3.2 Demolition

The AST would be installed along the northwest side of the project site within an area of bare soil. Accordingly, no demolition activities would be required.

### 1.3.3 Construction

A 12-inch thick, 588-square foot concrete pad would first be constructed to house and support the AST. The pad would be surrounded by 8-inch high continuous concrete curbing that would facilitate housekeeping and

## 1. Introduction

provide containment in the event of a spill or release. The curb would be equipped with plugged drains to allow water drainage following rainfall events. A total of 34 yellow painted crash poles, each 4 feet in height, would be positioned around the tank for barrier protection. Once the concrete pad had been constructed, the AST would be placed on the pad with a crane and anchored with welded tie downs to meet Zone 4 seismic requirements. The remaining 986 square feet of bare soil would be finished with 8-inch thick concrete to create a truck fueling lane next to the tank pad.

The proposed diesel fuel AST would be a rectangular, 12,000-gallon, double-walled Hoover Vault Tank,<sup>TM</sup> with dimensions of 36' 8" long x 7' 11" wide x 7' 1" high. It would be UL 2085 listed and manufactured and installed in accordance with the 2013 California Building Code (CBC) and California Electrical Code (CEC). The primary tank would be constructed of UL 142 specified steel thickness with continuous welds. An outer steel tank would provide secondary containment and allow for the detection of leaks from the primary tank. The AST would be fitted with a fill port, normal and emergency vent ports, liquid gauging port, pump dispensing port, vapor recovery port, and leak detection system. Placards, warning signs, and labels would be affixed to the exterior of the tank.

### 1.3.4 Operation

The AST would be used to store and dispense diesel fuel for Velocity Truck Rental and Leasing's fleet operations. Trucks would approach the fueling area via the concrete-paved fueling lane and obtain diesel fuel from a pedestal dispenser. Dispensing operations would be performed under the supervision of a qualified attendant at all times, per Section 2304.1 of the 2013 California Fire Code (CFC). All employees would be trained to safely operate and maintain the fuel systems, fire extinguisher, and educated on how to protect the environment from harmful contaminants.

The contents of the AST would be monitored by a tank level gauge equipped with a high level alarm. As needed, tanker trucks bearing diesel fuel product would arrive to refill the AST. The AST would be refilled through the fill port, with displaced diesel fuel vapors being captured via the vapor recovery port to prevent air emissions. Two emergency shut-off switches would be provided at locations between 25 and 75 feet from the AST. Fuel loading and dispensing operations would be conducted during the normal operating hours of the existing industrial business, which are 7:00 am to 5:00 pm, Monday through Friday. No additional employees would be required for the maintenance and operation of the AST.

### 1.3.5 Project Phasing

Once the project applicant secures the necessary permits and approvals for the project, construction of the tank pad would begin. The project applicant has estimated that completion of the pad and installation of the AST would require six weeks to complete. Tank filling, dispensing, and routine maintenance would occur intermittently during the subsequent operational phase.

## 1.4 EXISTING ZONING AND GENERAL PLAN

The proposed project would be constructed within an existing industrial property identified as Los Angeles County APNs 8125-010-010 and 8125-010-012. The existing zoning for these parcels is Industrial-

## 1. Introduction

Commercial Overlay (IC overlay)<sup>1</sup> and the General Plan land use designation is Employment. All uses permitted in the underlying industrial zone are permitted on properties zoned IC overlay. Accordingly, the proposed project would be consistent with the General Plan and is allowed under the current zoning designation.

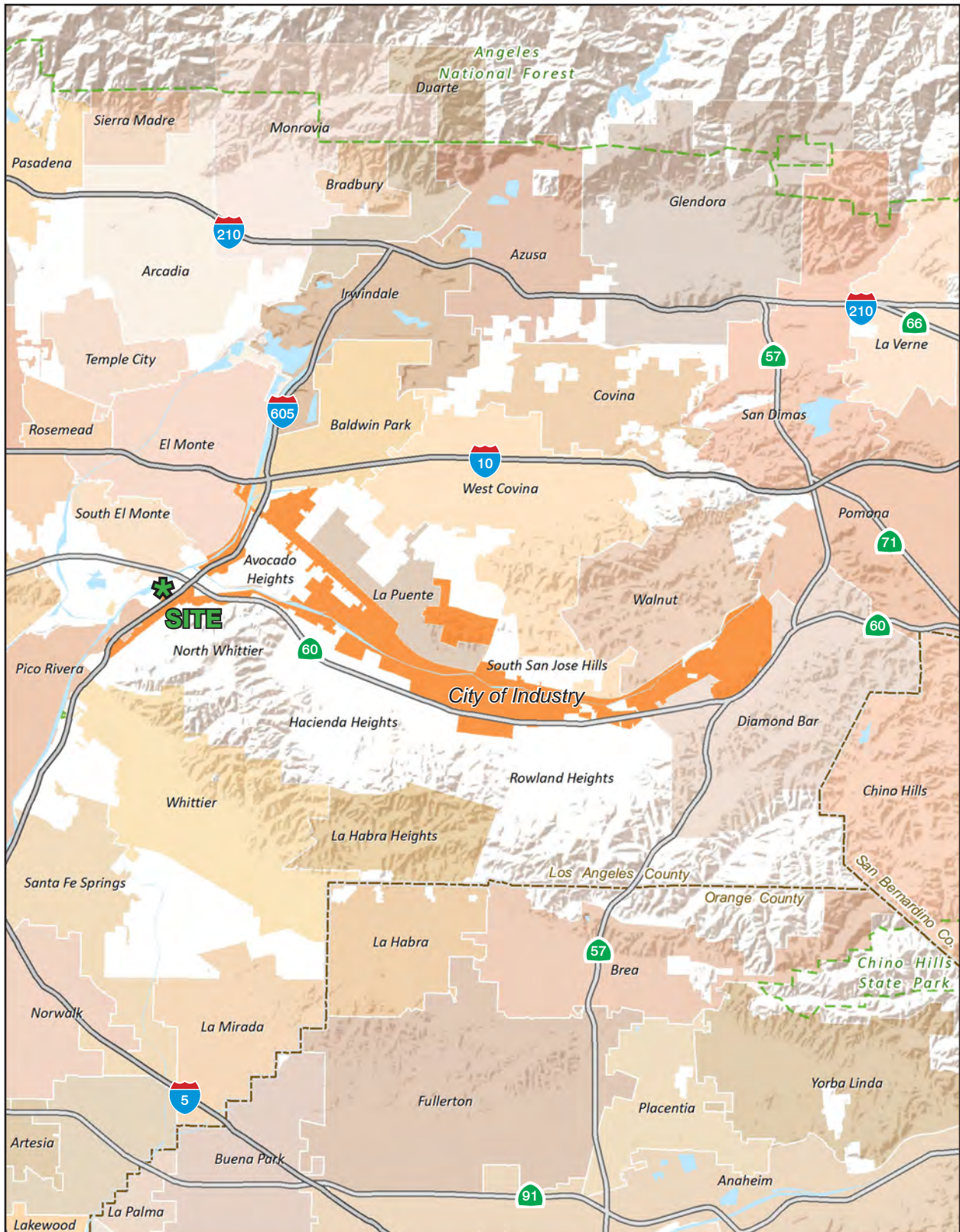
### 1.5 CITY ACTION REQUESTED

The project applicant is seeking the City's approval for Development Plan Application No. 15-6 to allow the installation of a 12,000-gallon AST on an existing industrial property at 2425 Kella Avenue, City of Industry, California 90601. The project site is currently used for truck rental, leasing, and maintenance. The proposed project will also require approvals from the Los Angeles County Fire Department Petroleum Chemical Unit and the Los Angeles County Department of Public Works Building and Safety.

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<sup>1</sup> Referred to as Manufacturing-Commercial Overlay (M-C overlay) in the City of Industry Municipal Code (2015).

Figure 1 - Regional Location  
1. Introduction



Note: Unincorporated county areas shown in white.



Source: ESRI, 2015

IND-07.142

PlaceWorks

## 1. Introduction

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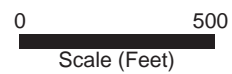


Figure 2 - Local Vicinity  
1. Introduction



--- Subject Property

--- City Boundary



Source: ESRI, 2015

IND-07.142

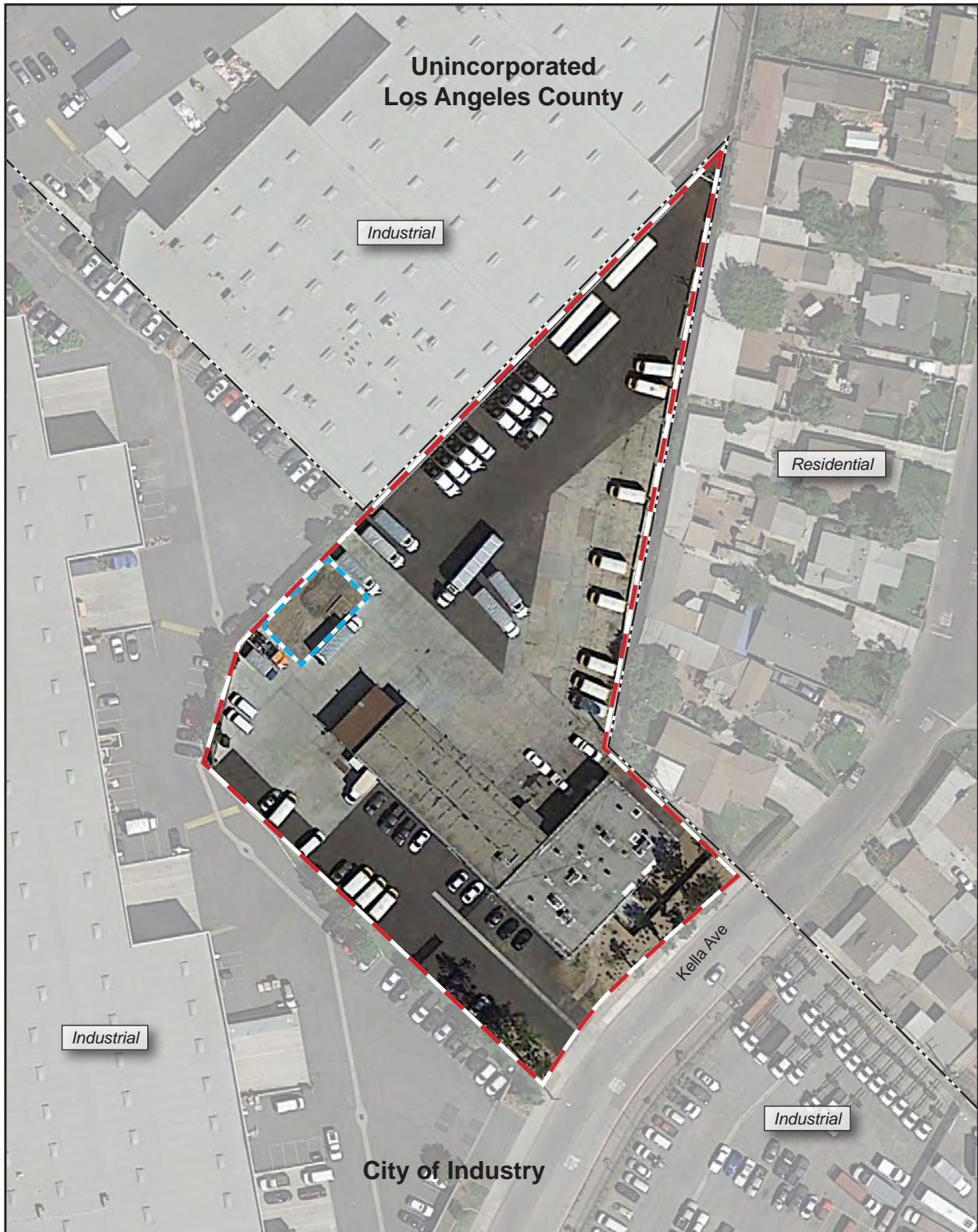
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## 1. Introduction

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Figure 3 - Aerial Photograph  
1. Introduction



- Subject Property
- Proposed AST Location
- - - City Boundary

Source: Google Earth Pro, 2015

IND-07.142

0 100  
Scale (Feet)



PlaceWorks

## 1. Introduction

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Figure 4a - Site Photographs  
1. Introduction



Front of existing industrial office building at the project site, viewed toward the north from Kella Avenue.



Entranceway and parking lot on the southeast side of the industrial building, viewed across Kella Avenue.

## 1. Introduction

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Figure 4b - Site Photographs  
1. Introduction



Bare soil area along the northwest property border where the AST will be installed. The adjacent industrial building northwest of the project site can be seen in the background.



Another view of the proposed AST location, with the adjacent industrial building southwest of the project site in the background. The small concrete pad in the AST area will be removed.

## 1. Introduction

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Figure 4c - Site Photographs  
1. Introduction



Truck maintenance and wash bays extend from the office building just southeast from the proposed AST location. One of the two AST emergency shutoff switches will be located near the post at the far right of the photograph.



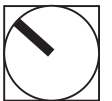
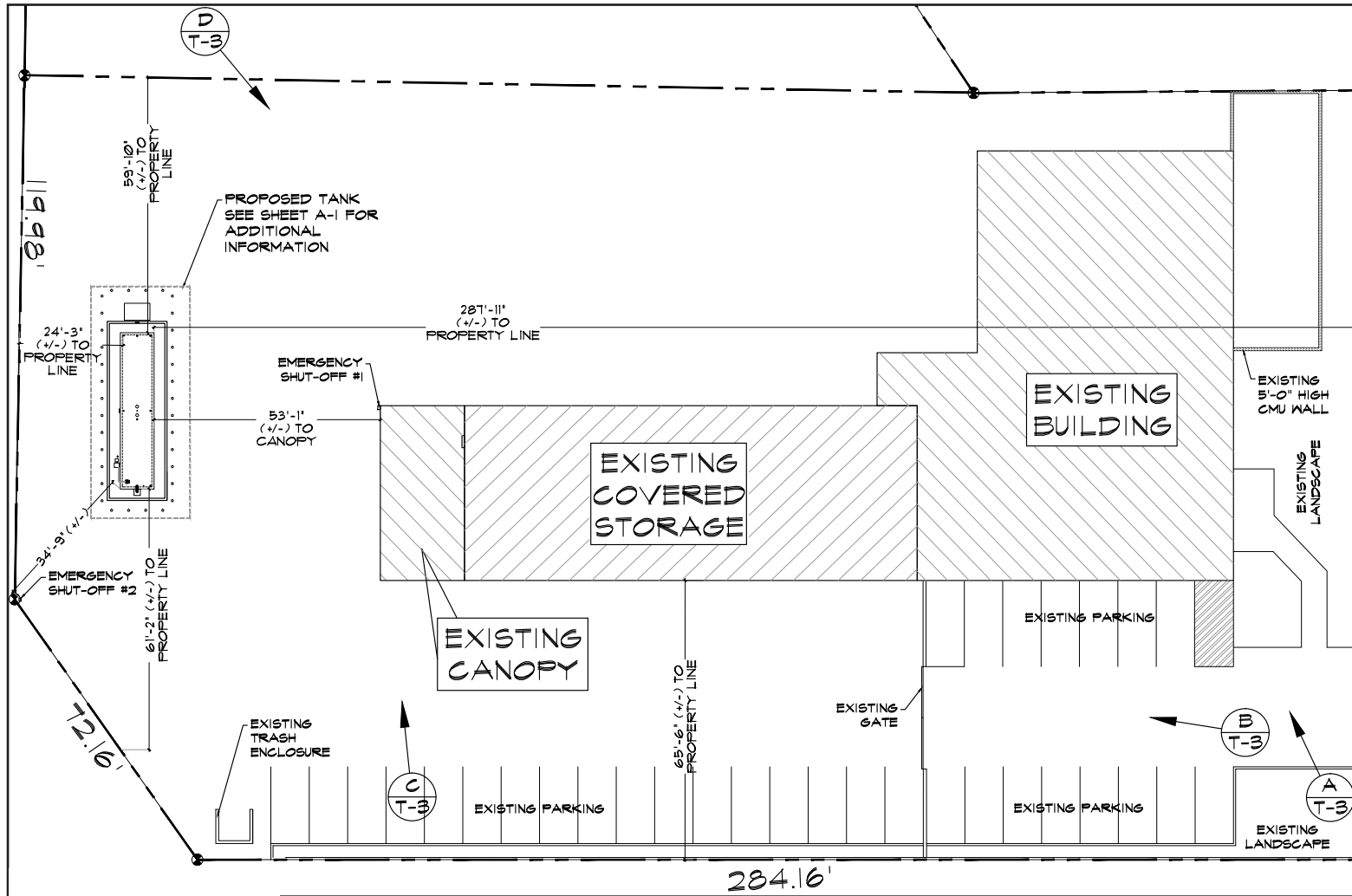
The adjacent residential neighborhood and Puente Hills can be seen in the background of this photograph taken near the proposed AST location.

## 1. Introduction

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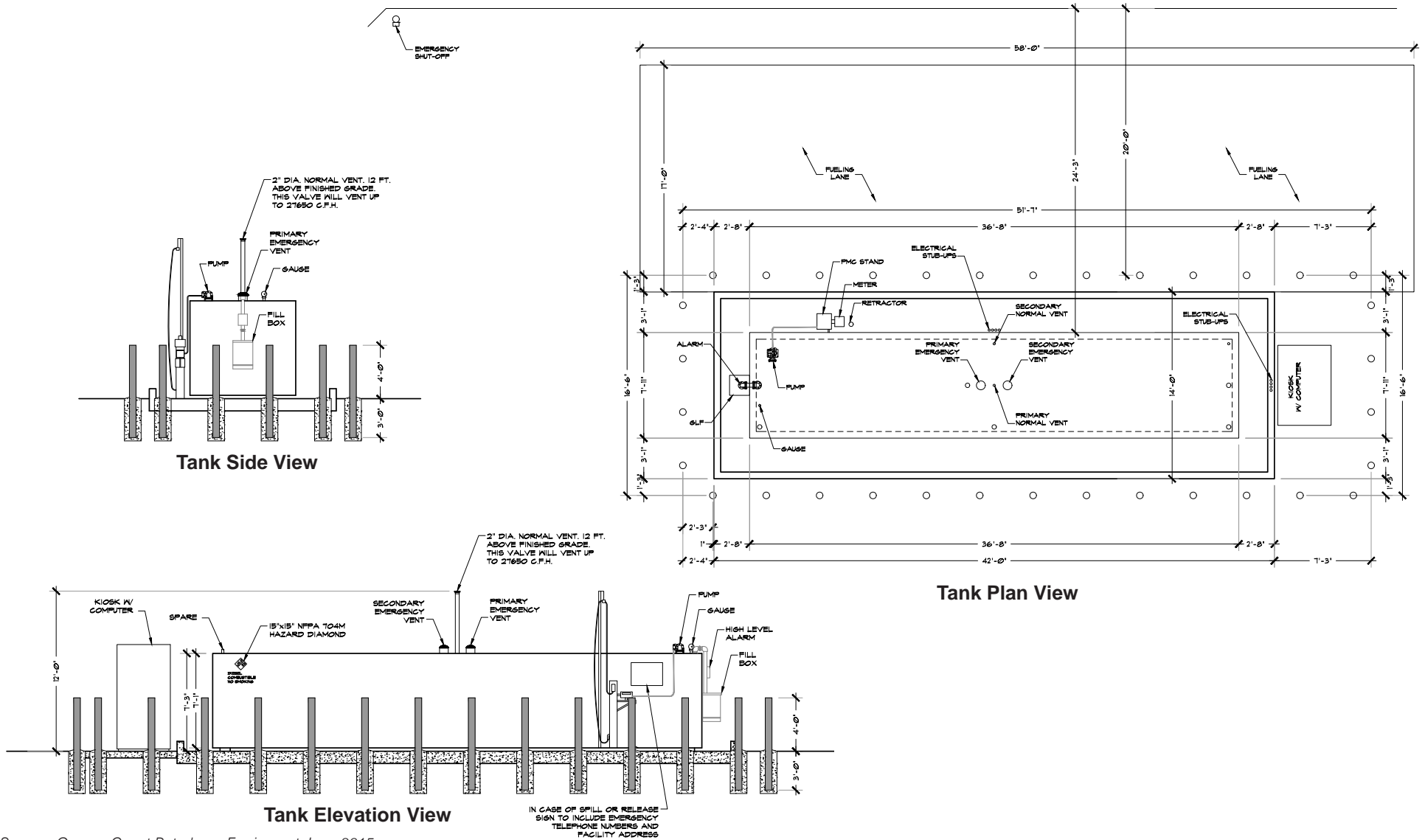
Figure 5 - Site Plan  
1. Introduction



## 1. Introduction

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Figure 6 - Storage Tank Details  
 1. Introduction



Source: Orange Coast Petroleum Equipment, Inc., 2015

## 1. Introduction

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## 2. Environmental Checklist

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### 2.1 BACKGROUND

1. **Project Title:** Velocity Fuel Tank Initial Study for Development Plan Application No. 15-6.

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2. **Lead Agency Name and Address:**

City of Industry  
15625 East Stafford, Suite 100  
P. O. Box 3366  
City of Industry, CA 91744-0366

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3. **Contact Person and Phone Number:**

Mr. Troy Helling, Senior Planner  
626.333.2211

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4. **Project Location:** The project site is located on the west end of the City of Industry at 2425 Kella Avenue, near the intersection of the San Gabriel River and Pomona Freeways. The 2.35-acre site comprises all of Los Angeles County Tax Assessor Parcel Numbers (APNs) 8125-010-010 and 8125-010-012.

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5. **Project Sponsor's Name and Address:**

David Hoferer  
Orange Coast Petroleum Equipment, Inc.  
1015 North Parker Street  
Orange, California 92867

Orange Coast Petroleum Equipment, Inc. will install the AST for Velocity Truck Rental and Leasing.

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6. **General Plan Designation:** Employment

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7. **Zoning:** Industrial-Commercial Overlay (IC overlay)

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## 2. Environmental Checklist

### 8. Description of Project:

The proposed project involves the construction of one 12,000-gallon diesel fuel aboveground storage tank (AST) on an existing industrial property currently used for truck rental, leasing, and maintenance. The AST would be used for the storage and dispensing of diesel fuel for the facility's truck fleet. The proposed tank location is currently an approximately 30-foot x 50-foot bare soil area. A concrete pad surrounded by continuous curbing would be constructed at this location, upon which the AST would be installed. The project also involves construction of an adjacent concrete-paved truck fueling lane.

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### 9. Surrounding Land Uses and Setting:

The project site is situated in an industrial area of the City of Industry occupied primarily by manufacturing facilities and warehouses. Kella Avenue borders the site to the southeast. Large, warehouse-type buildings and associated parking lots are present on adjacent properties to the southwest and northwest. A residential community in unincorporated Los Angeles County, known as the Pellissier Village Equestrian District, borders the site to the northeast. Features of interest in the vicinity of the project site include the San Gabriel River approximately 440 feet to the north, the San Gabriel River Freeway (I-605) approximately 0.15 mile to the south, the Pomona Freeway (SR 60) approximately 0.35 mile to the north, and the Whittier Narrows Equestrian Center approximately 0.3 mile to the west.

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### 10. Other Public Agencies Whose Approval Is Required (e.g., permits, financing approval, or participation agreement):

Los Angeles County Fire Department  
Los Angeles County Public Works Department  
Los Angeles County Building Department  
Los Angeles County Sanitation Districts  
South Coast Air Quality Management District  
State Water Resource Control Board

## 2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the following checklist:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agricultural and Forest Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                | <input type="checkbox"/> Geology / Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials     | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                 | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                   | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems       | <input type="checkbox"/> Mandatory Findings of Significance |
-

## 2. Environmental Checklist

### 2.3 EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g. the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) **Earlier Analysis Used.** Identify and state where they are available for review.
  - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

## 2. Environmental Checklist

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significant.



## 2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?				<b>X</b>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				<b>X</b>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				<b>X</b>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				<b>X</b>
<b>II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				<b>X</b>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				<b>X</b>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				<b>X</b>
d) Result in the loss of forest land or conversion of forest land to non-forest use?				<b>X</b>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				<b>X</b>
<b>III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?				<b>X</b>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			<b>X</b>	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			<b>X</b>	
d) Expose sensitive receptors to substantial pollutant concentrations?			<b>X</b>	

## 2. Environmental Checklist

e) Create objectionable odors affecting a substantial number of people?				<b>X</b>
<b>IV. BIOLOGICAL RESOURCES. Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				<b>X</b>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			<b>X</b>	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			<b>X</b>	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				<b>X</b>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				<b>X</b>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				<b>X</b>
<b>V. CULTURAL RESOURCES. Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				<b>X</b>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				<b>X</b>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				<b>X</b>
d) Disturb any human remains, including those interred outside of formal cemeteries?				<b>X</b>
<b>VI. GEOLOGY AND SOILS. Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				<b>X</b>
ii) Strong seismic ground shaking?			<b>X</b>	
iii) Seismic-related ground failure, including liquefaction?			<b>X</b>	
iv) Landslides?				<b>X</b>
b) Result in substantial soil erosion or the loss of topsoil?				<b>X</b>

## 2. Environmental Checklist

c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				<b>X</b>
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				<b>X</b>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				<b>X</b>
<b>VII. GREENHOUSE GAS EMISSIONS. Would the project:</b>					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			<b>X</b>	
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				<b>X</b>
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			<b>X</b>	
b)	Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			<b>X</b>	
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				<b>X</b>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			<b>X</b>	
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				<b>X</b>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				<b>X</b>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				<b>X</b>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				<b>X</b>
<b>IX. HYDROLOGY AND WATER QUALITY. Would the project:</b>					
a)	Violate any water quality standards or waste discharge requirements?			<b>X</b>	

## 2. Environmental Checklist

b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				<b>X</b>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site				<b>X</b>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				<b>X</b>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			<b>X</b>	
f)	Otherwise substantially degrade water quality?			<b>X</b>	
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				<b>X</b>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				<b>X</b>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			<b>X</b>	
j)	Inundation by seiche, tsunami, or mudflow?				<b>X</b>
<b>X. LAND USE AND PLANNING. Would the project:</b>					
a)	Physically divide an established community?				<b>X</b>
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				<b>X</b>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>X</b>
<b>XI. MINERAL RESOURCES. Would the project:</b>					
a)	Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				<b>X</b>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<b>X</b>
<b>XII. NOISE. Would the project result in:</b>					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			<b>X</b>	
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				<b>X</b>

## 2. Environmental Checklist

c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				<b>X</b>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			<b>X</b>	
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				<b>X</b>
<b>XIII. POPULATION AND HOUSING. Would the project:</b>					
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				<b>X</b>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>
<b>XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b>					
a)	Fire protection?			<b>X</b>	
b)	Police protection?				<b>X</b>
c)	Schools?				<b>X</b>
d)	Parks?				<b>X</b>
e)	Other public facilities?				<b>X</b>
<b>XV. RECREATION. Would the project:</b>					
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				<b>X</b>
b)	Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				<b>X</b>
<b>XVI. TRANSPORTATION/TRAFFIC. Would the project:</b>					
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			<b>X</b>	
b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			<b>X</b>	

## 2. Environmental Checklist

c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<b>X</b>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				<b>X</b>
e)	Result in inadequate emergency access?				<b>X</b>
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				<b>X</b>
g)	Result in inadequate parking capacity?				<b>X</b>
<b>XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>					
a)	Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?				<b>X</b>
b)	Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				<b>X</b>
c)	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				<b>X</b>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?				<b>X</b>
e)	Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				<b>X</b>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				<b>X</b>
g)	Comply with federal, state, and local statutes and regulations related to solid waste?				<b>X</b>
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>					
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				<b>X</b>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			<b>X</b>	
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			<b>X</b>	

## 2. Environmental Checklist

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## 3. Environmental Analysis

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Section 2.3 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions that are contained in the checklist and identifies mitigation measures, if applicable.

### 3.1 AESTHETICS

**Would the project:**

**a) Have a substantial adverse effect on a scenic vista?**

**No Impact.** Scenic vistas are views of features such as mountains, forests, the ocean, or urban skylines, generally more than one mile distant from the viewer. The San Gabriel Mountains to the north and Puente Hills to the south provide the greatest opportunities for scenic vistas in the City of Industry. The Puente Hills can be viewed from the project site. However, the location of the AST at the rear of the property and its low profile (approximately 7 feet high) would not alter open spaces or block existing views of this mountain range. No impact would occur.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

**No Impact.** The project site consists of an existing industrial building constructed in 1964 surrounded by surface parking lots and planting areas. The site does not contain any scenic resources, historic buildings, or rock outcrops, and only a few non-biologically sensitive evergreen and palm trees provide for landscape aesthetics. Additionally, the project site is not adjacent to or near a state scenic highway. The nearest officially-designated state scenic highway is SR-2 (Caltrans 2015), which traverses the Angeles National Forest approximately 16 miles to the north. Therefore, no impact would occur.

**c) Substantially degrade the existing visual character or quality of the site and its surroundings?**

**No Impact.** The box-like shape of the AST would be similar in size and appearance to the trucks that are presently stored and maintained at the project site. As such, tank would not be out of character with the existing industrial activities now conducted at the site and adjacent areas. The AST would be located at the far northwest end of the site, where it would not be visible to the public from Kella Avenue. Due to its size and location, it is unlikely that the AST would stand out or be noticed by adjacent residents along the opposite end of the site. Therefore, no impact to the visual character or quality of the site and its surroundings would occur.

### 3. Environmental Analysis

**d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?**

**No Impact.** The proposed project would not involve the installation of any additional lighting or introduce any new sources of light or glare. The existing facility does not contain perimeter or interior light standards; rather, outdoor illumination is provided by box lights mounted on the sides of the existing building and maintenance bays that project outward from heights of approximately 20 feet. The existing industrial business does not presently operate at night and nighttime operation of the AST is not proposed. No impact would occur.

### 3.2 AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

**Would the project:**

**a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact.** The project site has no agricultural resources and is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as mapped on the Important Farmland Finder maintained by the California Department of Conservation (CDC 2015). In addition, there are no agricultural uses in the vicinity of the site. Therefore, the proposed project would not convert farmland to nonagricultural uses and no impact would occur.

**b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No Impact.** The project site has no agricultural resources and is not zoned for agricultural use. The Williamson Act applies to parcels consisting of at least 20 acres of Prime Farmland or at least 40 acres of farmland not designated as Prime Farmland; the project site is not under a Williamson Act contract. Therefore, no impact would occur.

### 3. Environmental Analysis

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact.** The project site is in a fully urbanized area of the City of Industry and does not lie within or adjacent to forest land or timberland. The site is zoned for industrial/commercial use and project approval would not change the zoning or result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact would occur.

- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** The project site is zoned for industrial/commercial use. There is no forest land on or near the project site and no forest land would be converted to non-forest use. Therefore, no impact would occur.

- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** The proposed project has no agricultural or forest resources and is not designated as Farmland, as mapped on the Important Farmland Finder maintained by the California Department of Conservation (CDC 2015). Therefore, the proposed project would not convert Farmland to non-agricultural uses or forest land to non-forest use. No impact would occur.

### 3.3 AIR QUALITY

This section of the Initial Study addresses the impacts of the proposed project on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthy pollutant concentrations. Due to the nature of the project and its relatively small scale, air quality modeling was not deemed necessary for this Initial Study. Air quality impacts associated with the proposed project are addressed qualitatively in the following sections.

#### **Would the project:**

- a) **Conflict with or obstruct implementation of the applicable air quality plan?**

**No Impact.** A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the air quality management plan (AQMP). It fulfills the CEQA goal in informing decision makers of the environmental efforts of the project under consideration at an early enough stage to ensure that air quality concerns are fully addressed. It also provides the local agency with ongoing information as to whether they are contributing to clean air goals contained in the AQMP. The most recent adopted comprehensive plan is the 2012 AQMP, which was adopted December 7, 2012.

Regional growth projections are used by the South Coast Air Quality Management District (SCAQMD) to forecast future emission levels in the South Coast Air Basin (SoCAB). For southern California, these regional

### 3. Environmental Analysis

growth projections are provided by the Southern California Association of Governments (SCAG) and are partially based on land use designations included in city/county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. The proposed project is not a regionally significant project that would warrant intergovernmental review by SCAG.

Because the proposed project does not involve new development, it would not result in a significant (or any) increase in employment in the City of Industry. Nor would it affect regional growth projections, because the proposed use of the site is consistent with the City of Industry underlying General Plan land use designation. Therefore, the project would not affect the regional emissions inventory or conflict with strategies in the AQMP to attain Ambient Air Quality Standards (AAQS). No impact would occur.

**b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Less Than Significant Impact.** Due to the location of the project site within the SoCAB, emissions generated by the project may have some cumulative impacts on local and regional air quality. During pad construction and tank installation, short-term air emissions would occur from operation of heavy diesel-powered construction equipment and heavy trucks; and minor amounts of dust emissions from ground disturbance. However, the emissions would be much less than typical construction activities involving grading and building construction and would be of much shorter duration (i.e., six weeks). Therefore, the air emissions are expected to be well below acceptable limits set by the SCAQMD.

Tank filling and fuel dispensing operations would potentially result in air emissions of diesel fuel hydrocarbons over the long term. However, VOC emissions would be negligible, because the vapor pressure of diesel fuel is low relative to gasoline and methanol fuels, which are subject to SCAQMD regulations and permitting. The vapor pressure of diesel fuel at 70°F is approximately 0.04 psi and SCAQMD rules generally only regulate organic liquids with vapor pressures >0.05 psi (e.g., Rules 462, 463, and 1178). In addition, the diesel fuel AST would not be subject to SCAQMD regulations due to its capacity (12,000 gallons), which is below the Rule 463 – “Organic Liquid Storage” regulatory threshold of 19,815 gallons and thresholds cited in other rules that govern the storage and transfer of organic liquids.

The AST installed at the site would have a vent port that could allow very low levels of VOC emissions to be generated from the static system. However, most air emissions from fuel dispensing systems are generated during tank filling and fuel dispensing. Vapor recovery equipment for a diesel fuel dispenser nozzle and tank is not required, as it would be if the fuel were gasoline. Nevertheless, the AST will be equipped with a 4-inch Phase I Vapor Recovery port that will allow VOCs to be captured and recovered by the tanker truck during tank filling operations. Given the considerations outlined above, air emissions associated with the proposed project would be less than significant and no mitigation measures are necessary.

### 3. Environmental Analysis

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

**Less Than Significant.** Areas are classified under the federal and California Clean Air Act as in either attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The SoCAB, which is managed by the SCAQMD, is designated as nonattainment for O<sub>3</sub>, PM<sub>2.5</sub>, and lead (Los Angeles County only) under the California and national AAQS and nonattainment for NO<sub>2</sub> and PM<sub>10</sub> under the California AAQS (CARB 2015). Due to the small scale of the proposed project and the nature of its activities, air emissions are expected to be minimal and would not cause a considerable net increase in any criteria pollutant for which the region is non-attainment. Impacts would be less than significant and no mitigation measures are necessary.

- d) Expose sensitive receptors to substantial pollutant concentrations?**

**Less Than Significant.** The proposed project could expose sensitive receptors to elevated pollutant concentrations if it were to cause or contribute significantly to elevated pollutant concentration levels. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can be more readily correlated to potential health effects. Sensitive receptors include children, the elderly, hospital patients, and others who are more sensitive to pollution than the general population. The sensitive receptor nearest to the project site is a residential neighborhood approximately 175 feet east of the proposed AST location. As described in Section 3.3.b, air emissions generated during the installation and operation of the AST would be minimal and would not affect this or any other sensitive population. Impacts would be less than significant and no mitigation measures are necessary.

- e) Create objectionable odors affecting a substantial number of people?**

**No Impact.** The proposed project would not result in objectionable odors. The threshold for odor is if a project creates an odor nuisance pursuant to SCAQMD Rule 402, Nuisance, which states:

“A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.”

The types of facilities that are considered to have objectionable odors include wastewater treatment plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The storage and transfer of diesel fuel would not result in the types of odors generated by the aforementioned land uses and, given the low volatility of diesel fuel, likely would not be noticeable at significant distances from the fueling station. Additionally, the AST's Phase I

### 3. Environmental Analysis

Vapor Recovery system would prevent episodic air emissions and associated odors that might otherwise occur during periodic tank filling operations. No impact would occur.

#### 3.4 BIOLOGICAL RESOURCES

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**No Impact.** The project site has been previously graded and developed for industrial land use. There are no native habitats, sensitive natural communities, or riparian habitats on or in the vicinity of the project site. The area surrounding the site is a highly urbanized and built-out area of the City of Industry and unincorporated Los Angeles County. Therefore, there would be no adverse impacts on candidate, sensitive, or special status species, either directly or via modification of an existing habitat.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

**Less Than Significant Impact.** Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies; that are known to provide habitat for sensitive animal or plant species; or that are known to be important wildlife corridors. No such communities exist on or in the vicinity of the project site. Riparian habitats are those occurring along the banks of rivers and streams. The National Wetlands Mapper does not show any federally-protected streams, wetlands or other water bodies, or any riparian habitat, refuges, or other areas of interest on or adjacent to the project site (USFWS 2015a). The closest such feature is the San Gabriel River approximately 440 feet north of the site, which the USFWS has classified as a riverine ecosystem, with areas of forested shrub and emergent wetland. The AST's double-walled containment, bermed pad, leak detection system, and dual emergency shutoff switches are designed to prevent a diesel fuel release to the environment. With these features in place, a fuel release capable of reaching the San Gabriel River would be an unlikely event and the impact to riparian habitat or other sensitive natural communities is considered to be less than significant.

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

**Less Than Significant Impact.** Wetlands are defined by Section 404 of the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. As explained in Section 3.4.b, the United States Fish and Wildlife Service (USFWS) classifies the nearby San Gabriel River as a riparian wetland. Given the distance of the AST from the river and the systems that would be in place to detect and prevent a diesel fuel release, the possibility

### 3. Environmental Analysis

of a release large enough to reach the San Gabriel River is considered unlikely. The impact, therefore, is less than significant.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**No Impact.** Wildlife corridors are typically made up of undeveloped wildlife areas and open space between larger patches of wildlife habitat. The project site is entirely fenced and gated and surrounded by developed urban land uses and, therefore, does not contain or support wildlife habitat or nursery use and is not used for overland wildlife movement. The site does not contain trees or shrubs that would be used for nesting by migratory birds. No impact would occur.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

**No Impact.** The project site and surrounding area do not contain biological resources that are protected by any local policies or ordinances, such as a tree preservation policy or ordinance. The City of Industry Municipal Code does not contain ordinances protecting trees or other biological resources on private property. No impact would occur.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

**No Impact.** The project site is located in a developed, disturbed, urban environment and is surrounded by contiguous development. It is not located within an adopted Habitat Conservation Plan area, as designated by the United States Fish and Wildlife Service (USFWS 2015b), or a Natural Community Conservation Plan area, as designated by the California Department of Fish and Game (CDFW 2015). Nor is the project site within an existing or proposed Significant Ecological Area (SEA)<sup>2</sup> designated by the County of Los Angeles (LACDRP 2015). The nearest designated SEA is the Puente Hills SEA (No. 18), which is approximately 400 feet north of the project site where it incorporates the San Gabriel River. The nature of the proposed project is such that no impact would occur to this SEA.

## 3.5 CULTURAL RESOURCES

**Would the project:**

**a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?**

**No Impact.** Section 15064.5 defines historical resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead

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<sup>2</sup> Significant Ecological Areas (SEAs) are ecologically important land and water areas designated by Los Angeles County. SEAs are not preserves; however, development projects proposed in SEAs are subject to increased environmental and design review with the aim of balancing development with ecological resources.

### 3. Environmental Analysis

agency. Generally a resource is considered to be “historically significant” if it meets one of the following criteria:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important in our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- iv) Has yielded, or may be likely to yield, information important in prehistory or history.

The project site is developed with a nondescript industrial building that was constructed in 1964. The building would not be demolished or significantly altered and, in any case, has no historical or cultural significance. There are no resources listed on the National Register of Historic Places and no California Historical Landmarks within or near the project site (COHP 2015; NPS 2015). Therefore, no impact to historical resources would occur as a result of the proposed project.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**No Impact.** No archaeological resources are known to exist within or near the project site. The entire site has been disturbed by previous grading and excavation. The proposed project does not involve significant new construction or property alterations. The area and depth of ground disturbance required for construction of the AST pad and fueling lane would be minimal. No impacts to archaeological resources would occur.

**c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**No Impact.** No unique paleontological and geologic resources are known to exist within or near the project site. The site is relatively flat and surrounded by developed land; there are no exposed rock formations or other unique geological features on or near the site. The proposed project does not involve significant new construction or property alterations. The area and depth of ground disturbance required for construction of the AST pad and fueling lane would be minimal. No impacts to paleontological resources or geologic features would occur.

**d) Disturb any human remains, including those interred outside of formal cemeteries?**

**No Impact.** No human remains are known to exist within the project site. The proposed project does not involve significant new construction or property alterations. The area and depth of ground disturbance required for construction of the AST pad and fueling lane would be minimal. No impacts to interred human remains would occur.



### 3. Environmental Analysis

## 3.6 GEOLOGY AND SOILS

Would the project:

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**
- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

**No Impact.** Fault rupture impacts can occur when a structure is situated on top of an active fault that produces surface displacement during an earthquake event. Active faults are those where surface rupture has occurred within the last 11,000 years. Potentially active faults are defined as those where surface rupture has occurred during the past 1,600,000 years. The project site is not located within an Alquist-Priolo Earthquake Fault Zone,<sup>3</sup> as delineated by the California Geological Survey, nor is it situated on or near any known active or potentially active fault. The nearest Alquist-Priolo Earthquake Fault Zone is the East Montebello fault, which is located approximately 2.4 miles west of the project site (CGS 2015; USGS 2015). Because known active and potentially active faults do not cross the site, the proposed project would not expose people or structures to substantial hazards arising from surface rupture of a known active fault. No impact would occur.

ii) **Strong seismic ground shaking?**

**Less Than Significant Impact.** Similar to the rest of southern California, the project site is subject to ground shaking and potential damage in the event of seismic activity. Major active faults near the project site include the East Montebello, Whittier, Raymond and Puente Hills<sup>4</sup> Faults (USGS 2015). More regionally, the San Andreas Fault is capable of producing an earthquake that could cause significant damage at the site. Each of these faults is classified as active, with strong seismic capabilities. Lesser faults that are closer to the site include the Walnut Creek and San Jose Faults. The expected ground motion characteristics of future earthquakes in the region depend on the distance to the epicenter and magnitude of the earthquake, as well as the soil profile of the site.

Based on the available data, impacts associated with ground shaking at the project site would not be greater than at other sites in seismically active southern California. The AST would be installed in accordance with 2013 California Building Code (CBC) standards. The CBC contains provisions for earthquake safety based on factors that include occupancy type, the types of soil and rock on-site, and the strength of ground motion with specified probability of occurring at the site. The construction design package provided by the project applicant contained seismic calculations prepared by KCJ

<sup>33</sup> The Alquist-Priolo Earthquake Fault Zoning Act was passed to prevent construction of buildings used for human occupancy on the surface of active faults, in order to minimize the hazard of surface rupture of a fault to people and buildings. Before cities and counties can permit development within Alquist-Priolo Earthquake Fault Zones, geologic investigations are required to show that the sites are not threatened by surface rupture from future earthquakes.

<sup>4</sup> Also known as the Puente Hills blind thrust system.

### 3. Environmental Analysis

Engineering, Inc. The calculations demonstrated that the AST pad foundation design, which includes a 12-inch thick, 2,000 psi concrete pad; cantilevered rebar; and carbon steel bolted anchors, was adequate to meet Seismic Site Class D construction standards. In addition, when the AST is installed, anchoring tie downs would be welded to the bottom of the tank to meet Zone 4 seismic requirements. Therefore, the AST has been designed to protect the AST from hazards associated with strong seismic ground shaking. Impacts would be less than significant and no mitigation measures are necessary.

#### **iii) Seismic-related ground failure, including liquefaction?**

**Less Than Significant Impact.** Liquefaction refers to unconsolidated, saturated sand or silt deposits that lose their load-supporting capability when subjected to intense shaking. Like much of the available land in the City of Industry, the project site is located in an area that is underlain by unconsolidated sediments that include interbedded silts, sands, and gravel. The thickness of these unconsolidated sediments beneath the site has not been determined. Unconsolidated silts, sands, and gravel may produce surface cracking, differential settlement, and, depending upon groundwater depth, liquefaction during high-intensity seismic ground shaking.

The California Geological Survey (CGS), a branch of the State Department of Conservation, has a mandate to identify and map the state's most prominent earthquake hazards pursuant to the Seismic Hazards Mapping Act of 1990. These hazards include areas where earthquakes are likely to cause shaking, liquefaction, or ground failure. In 1999, the CGS updated existing seismic hazard maps for portions of southern California, including the area that encompasses the City of Industry. The updated map that covers the project site (El Monte 7.5-minute quadrangle) indicates that the site is located in a state-mapped liquefaction zone, which is defined as follows (CGS 2015):

“Areas where historic occurrence of liquefaction or local geological, geotechnical, or groundwater conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.”

Accordingly, the AST could be subject to the effects of seismically induced liquefaction in the event of an earthquake. However, based on the available information, impacts at the project site would not be greater than at many other sites in seismically active southern California. As discussed in the previous section, the tank pad has been designed to meet current seismic standards and the AST would be secured to the containment pad with welded anchors consistent with Zone 4 seismic requirements. Therefore, the AST and its foundation should withstand any anticipated seismic-related ground failure and impacts are judged to be less than significant.

#### **iv) Landslides?**

**No Impact.** As discussed in the previous section, the CGS is mandated by the Seismic Hazards Act of 1990 to identify and map the state's most prominent earthquake hazards, including hazard areas that are at risk for earthquake-induced landslides. If a project site is located in one of the landslide hazard areas, the City of Industry is required to prepare a geotechnical report defining and delineating landslide hazards in the project area. Based on a review of the El Monte 7.5-minute quadrangle map (CGS 2015), the project site is not located in a mapped landslide hazard area and is not subject to landslide hazards.

### 3. Environmental Analysis

Moreover, the project site and surrounding land are virtually flat. Therefore, no impact related to landslide hazards would occur.

**b) Result in substantial soil erosion or the loss of topsoil?**

**No Impact.** Erosion is the movement of rock fragments and soil from one place to another. Precipitation, running water, waves, and wind are all agents of erosion. Significant erosion typically occurs on steep slopes where stormwater and high winds can carry topsoil down hillsides. Erosion can be accelerated dramatically by ground-disturbing activities if effective erosion control measures are not used. The project site and surrounding area are in a highly urbanized area that is virtually flat and contains minimal rises or changes in elevation. No major slopes or bluffs are on or adjacent to the site.

The project site is currently developed with an industrial building, maintenance bays, a driveway, and parking areas and is completely paved except for perimeter landscaping and the approximately 30-foot x 50-foot bare soil area where the AST would be installed. By covering this small bare soil area with concrete, the AST installation would eliminate the possibility for future soil erosion at this location. Construction of the pad would involve minor grading, compaction, and foundation preparation, but these activities would not lead to soil erosion due to the short construction period (6 weeks) and the containment afforded by the surrounding pavement. No impact would occur.

**c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

**No Impact.** Hazards related to liquefaction and landslides are addressed in Sections 3.6.a.iii and 3.6.a.iv, respectively. Lateral spreading is the downslope movement of surface sediment due to liquefaction in a subsurface layer. The risk of lateral spreading at the project site is negligible due to the relatively flat terrain.

The major cause of ground subsidence is withdrawal of groundwater. Groundwater levels in the Main San Gabriel Groundwater Basin, which underlies the project site, are managed by the Main San Gabriel Basin Watermaster to avoid groundwater withdrawals exceeding recharges. The project would not require direct groundwater withdrawal, nor would it involve or allow significant groundwater recharge.

Collapsible soils shrink upon being wetted, being subject to a load, or under both conditions. The proposed project does not involve new construction, grading, or other soil-disturbing activities that would require collapsible soils to be addressed. Based on the foregoing, no impacts are anticipated with respect to lateral spreading, subsidence, and collapsible soils.

**d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

**No Impact.** Expansive soils, with respect to engineering properties, are soils that upon wetting and drying will alternately expand and contract, causing problems for foundations of buildings and other structures. The proposed AST location would be subject to established engineering standards and practices regarding soil

### 3. Environmental Analysis

compaction and foundation preparation prior to construction of the concrete tank pad and truck fueling lane. No impact would occur.

**e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

**No Impact.** Development of the proposed project would not require the installation of a septic tank or alternative wastewater disposal system. Significant quantities of wastewater would not be generated by the construction or operation of the AST. No impact would occur.

### 3.7 GREENHOUSE GAS EMISSIONS

Scientists generally concur that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHGs is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs -- water vapor (H<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and ozone (O<sub>3</sub>) -- that are the likely cause of an increase in global average temperatures observed within the 20<sup>th</sup> and 21<sup>st</sup> centuries. Other GHGs identified by the IPCC that contribute to global warming to a lesser extent include nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.

Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact.

**Would the project:**

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

**Less Than Significant Impact.** Minor amounts of GHG emissions would be generated from construction equipment during construction of the equipment pad and installation of the AST. Operation of the AST would not contribute either directly or indirectly to GHG emissions in any meaningful way, because there would be no associated increase in vehicle traffic and utility usage (i.e., electrical, water and wastewater) would be minimal. Due to the nature of activities and scale of the project, potential sources of GHG emissions would be insignificant and well below the South Coast Air Quality Management District's interim screening threshold of 3,000 million tons/year used to determine significant impacts from residential and industrial projects (SCAQMD 2008). Therefore, the proposed project's cumulative contribution to GHG emissions is less than significant.

### 3. Environmental Analysis

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**No Impact.** The California Air Resources Board's (CARB's) Scoping Plan is California's GHG reduction strategy to achieve the state's GHG emissions reduction target established by Assembly Bill (AB) 32, which is to return to 1990 emission levels by year 2020. To estimate the reductions necessary, CARB projected statewide 2020 business-as-usual (BAU) GHG emissions and identified that the state as a whole would be required to reduce GHG emissions by 28.5 percent from year 2020 BAU to achieve the target of AB 32 (CARB 2008). Since release of the 2008 Scoping Plan, CARB has updated the 2020 BAU forecast to reflect GHG emissions in light of the economic downturn and measures not previously considered within the 2008 Scoping Plan baseline inventory.

Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard (LCFS),<sup>5</sup> California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the Corporate Average Fuel Economy (CAFE) standards, and other early action measures as necessary to ensure the state is on target to achieve the GHG emissions reduction goals of AB 32. In addition, new buildings are required to comply with the 2013 Building and Energy Efficiency Standards (or future cycle update) and California Green Building Code (CALGreen). The EPA has also adopted the Heavy-Duty National Program to reduce GHG emissions and fuel consumption in the heavy-duty highway vehicle sector, which includes combination tractors (semi-trucks), heavy-duty pickup trucks and vans, and vocational vehicles (including buses and refuse or utility trucks). None of these programs are applicable to the proposed project and, therefore, the state and federal GHG emission reduction strategies would not be impacted.

In addition to AB 32, the California legislature passed Senate Bill (SB) 375 to connect regional transportation planning to land use decisions made at a local level. SB 375 requires the metropolitan planning organizations to prepare a Sustainable Communities Strategy (SCS) in their regional transportation plans to achieve the per capita GHG reduction targets. For the Southern California Association of Governments (SCAG) region, the SCS was adopted in April 2012 (SCAG 2012). The SCS does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers. The project site is designated for industrial use in the City of Industry's General Plan; hence, the proposed project is consistent with the underlying General Plan land use designation and would not interfere with SCAG's ability to implement the regional strategies outlined in the 2012 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). No impact would occur.

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<sup>5</sup> On December 29, 2011, the U.S. District Court for the Eastern District of California issued several rulings in the federal lawsuits challenging the LCFS. One of the court's rulings preliminarily enjoins the CARB from enforcing the regulation during the pendency of the litigation. In January 2012, CARB appealed the decision and on April 23, 2012, the Ninth Circuit Court granted CARB's motion for a stay of the injunction while it continues to consider CARB's appeal of the lower court's decision.

### 3. Environmental Analysis

## 3.8 HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- a) **Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?**

**Less Than Significant Impact.** The proposed project involves the storage, transport, and handling of diesel fuel, which is classified as a Class II combustible liquid by the National Fire Protection Association (NFPA), US Department of Transportation (DOT), US Environmental Protection Agency (EPA), US Occupational Safety and Health Administration (OSHA), and others. Class II combustible liquids are defined as liquids having a flash point greater than 100°F but less than 140°F. Transporters of diesel fuel are regulated by the DOT and are required to follow specific registration, training, communication, packaging, emergency response and security regulations to maintain public safety (49 CFR 100-185). Diesel fuel is classified as a hazardous material under the OSHA Hazard Communication Standard (29 CFR 1910.1200) and is subject to permitting, notification, storage, and release reporting requirements administered by the local Certified Unified Program Agency (CUPA), which for this project is the Los Angeles County Fire Department (LACFD). At the volumes projected to be handled, diesel fuel is also subject to regulation under the EPA's Spill Prevention Control and Countermeasure (SPCC) regulations (40 CFR 112).

For the proposed project, diesel fuel would be delivered by tanker trucks, off-loaded into the 12,000-gallon AST, and then dispensed to fleet trucks on an as-needed basis. Each of these activities presents inherent safety hazards, but the hazards are routine and similar in scale to the service stations that abound in the local community. The storage, transport and handling of diesel fuel would have to conform to the laws and regulations of several federal, state, and local agencies, including the EPA, DOT, OSHA, California Occupational Safety and Health Administration (Cal-OSHA), California Department of Transportation (Caltrans), and LACFD. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that they are handled in an appropriate manner, and would minimize the potential for safety or environmental impacts to occur. Based on a review of the design plans submitted by the project applicant, the following regulatory requirements would apply to the proposed project:

- **LACFD Permit** – In accordance with LACFD Fire Code Title 32, Section 105.6.16, a permit is required from the LACFD to operate tank vehicles, equipment, tanks, and other facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used. Based on its preliminary project review, the LACFD has identified several requirements that will be imposed on the project, as follows:
  - The AST would be located in accordance with 2013 CFC Section 5704.2.9.6.1.1
  - The AST would be UL 2085 and UL 142 listed, making it a “protected tank” that meets and/or exceeds fire ratings as well as projectile requirements, per 2013 CFC Chapters 23 and 57

### 3. Environmental Analysis

- The operator filling the AST shall be alerted that the tank is at 90% capacity by an audible and visual high level alarm visible from the fill box location
  - Fill limiter valves shall be set to shut off at 95% of tank capacity, per 2013 CFC 5704.2.9.5.1
  - Emergency shut-off switch locations shall be a minimum of 25 feet and a maximum of 75 feet from the tank
  - Fire extinguishers shall be mounted at designated locations
  - Dispensing operators shall be under the supervision of a qualified attendant at all times, per 2013 CFC Section 2304.1
  - All employees shall be trained to safely operate and maintain the fuel system, fire extinguishers, and education on how to protect the environment from harmful contaminants.
- Signage – In accordance with LACFD Fire Code Title 32, Section 5003.5, visible hazard identification signs, as specified in NFPA 704, are required to be placed on stationary containers, aboveground storage tanks, and at entrances to locations where hazardous materials are stored, dispensed, used, or handled in quantities requiring a permit. Based on its preliminary project review, the LACFD has indicated that the following signage will be required:
- The tank contents and product identification shall be affixed to the tank and conspicuously visible on all sides where fire department access occurs, per 2013 CFC Section 5704.2.3.2
  - “No Smoking” and “Combustible” signs shall be posted, as applicable and in accordance with 2013 CFC Section 5704.2.3.1
  - The fill box shall be marked with the appropriate product identification, fill limiter valve warning, fill instructions, and tank calibration table. Dispensers shall be marked with the appropriate product identification
  - A static warning decal and fueling instructions shall be posted
  - An NFPA 704 placard to identify the hazard of the product being stored shall be visible from two approaches by fire apparatus
  - Signs stating procedures to follow in case of a spill and telephone contact numbers shall be posted, per 2013 CFC Section 2304.3.5
  - Operating inspections shall be posted.
  - All visible aboveground piping shall be identified.

### 3. Environmental Analysis

- SPCC Plan – In accordance with EPA regulations found at 40 CCR 112, SPCC Plans are required for facilities with an aggregate storage capacity greater than 1,320 gallons of petroleum products that, if discharged, could reasonably be expected to reach navigable waters of the United States. Calculation of storage capacity includes aboveground storage tanks, totes, and containers having individual capacities greater than 55 gallons. SPCC Plans describe the equipment, workforce, and steps that are in place to prevent, control, and mitigate a discharge of oil, including the emergency response measures that would be taken should a spill occur. SPCC Plans also provide an inventory of the liquid storage tanks and containers and the secondary containment features designed for spill containment. The SPCC Plan must be certified by a Professional Engineer and maintained at the facility, where it must be made available if requested by EPA or the local CUPA during routine inspections.
- Hazardous Material Business Plan (HMBP) – In accordance with California Health & Safety Code (H&SC) Chapter 6.95, Article 1, facilities that handle hazardous materials equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet at any time during the year must prepare and file a HMBP with their local CUPA (see also LACFD Fire Code Title 32, Section 5001.5.1.1). Examples of common materials considered to be hazardous are all types of fuels (including propane), oil (including both new and used oil), paints, inks, solvents, compressed gas over 200 cubic feet at or above 15 psi and those materials that require a MSDS or have a NFPA rating of 1 or higher for health, flammability, reactivity or have a specific hazard. The HMBP contains detailed information regarding the hazardous materials present at a facility, emergency response plans and procedures in the event of a reportable release or threatened release of hazardous materials, and employee training.
- Aboveground Storage Tank Registration – In accordance with the Aboveground Petroleum Storage Act (APSA) of 1990 (H&SC Section 25270), owners or operators of a tank facility must file a tank facility statement that provides facility business information and an inventory of the tanks, containers, and drums used for the storage of petroleum products at the site. Facilities subject to this requirement are the same as those subject to SPCC regulations (see above). Assembly Bill 1130 authorized CUPAs to assume administration of the APSA from the SWRCB, effective January 1, 2008. Therefore, tank registration is now accomplished by filing a standardized form with the local CUPA.
- Release Reporting – Spills or leakage of hazardous materials, including petroleum products, are required to be immediately contained, the hazardous material identified, and the material cleaned up in a prescribed manner. Several federal and state regulatory requirements apply to the reporting of spills as follows:
  - Immediately report to the CUPA and California Office of Emergency Services (OES) a release or threatened release of hazardous material if there is a reasonable belief that the release poses a significant present or potential hazard to human health and safety, property, or the environment. There is no quantitative reportable quantity stated and this reporting requirement applies regardless of whether the release enters a waterway or escapes the facility (H&SC Section 25507(a) and 19 CCR 2703).



### 3. Environmental Analysis

- Report to the OES or the Regional Water Quality Control Board (RWQCB) a discharge into or onto water of the state of “any amount” of oil. A 42-gallon threshold is stated in the statutes, but the statute-referenced California Oil Spill Contingency Plan requires any amount to be reported (California Water Code Section 13272 and California Government Code Section 8670).
- Report to the CUPA and OES a spill of 42 gallons of petroleum or greater that would be required to be reported under the aforementioned California Water Code section (H&SC Section 25270.8 [APSA]).
- Report to the National Response Center any discharge of oil to navigable waters that causes a sheen upon the water, deposits a sludge upon the shoreline, or violates a water quality standard (Federal Clean Water Act, Section 311 and 40 CFR 110.10).
- Report specified information to the EPA Regional Administrator within 60 days if the facility has discharged more than 1,000 gallons of oil to navigable waters in a single discharge or more than 42 gallons of oil to navigable waters in each of two discharges occurring within a 12-month period (40 CFR 112.4 [SPCC rule]).

Additionally, strict adherence to all emergency response plan requirements set forth by the City of Industry would be required during project operation. Compliance with the above listed regulatory requirements would ensure that the routine use, transport, and storage of hazardous materials during AST operation does not present a significant hazard to the public or the environment and impacts would be less than significant.

**b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

**Less Than Significant Impact.** The use, storage, and disposal of hazardous materials during project operations would comply with the existing regulations of several agencies, as described in Section 3.8.a. While an aboveground tank may be more susceptible to failure or puncture than underground tanks, the AST includes several features designed to prevent a release of diesel fuel to the environment. The AST would be of double-walled, penetration-resistant design (i.e., primary and secondary containment tanks) and installed on a pad surrounded by 8-inch high continuous curbing, thereby providing a redundant means of secondary containment. A leak detection and alarm system would be in place to detect releases from the primary tank and alert facility personnel as to the need to take corrective action. A tank level gauge and alarm system would minimize the possibility of overflows during tank filling operations. Concrete-fill bollards would surround the AST to provide protection from potential accidents as trucks and other vehicles navigate around the tank. Unlike underground storage tanks, spills or releases from ASTs are visible and subject to an immediate response, thereby lessening the possibility of fuel escaping unnoticed to the environment.

From an operational standpoint, facility workers would be trained in procedures for the proper and safe loading, storage, and dispensing of the diesel fuel. Two emergency shut-off switches would be installed near the AST so that fuel dispensing operations could be shut down in the event of a fire or release (see Figure 5, *Site Plan*). Project personnel would request assistance from the LACFD immediately in the event of a diesel fuel spill or release larger than on-site personnel were able to contain and clean up. Emergency response

### 3. Environmental Analysis

procedures would be developed in the form of contingency plans that would be included with the facility's SPCC Plan and HMBP (see Section 3.8.a). Federal, state, and local agencies would be notified of any material spills or releases in accordance with applicable regulations. With these safeguards in place, impacts would be less than significant and no mitigation measures are necessary.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**No Impact.** There are no schools within one-quarter mile (1,320 feet) of the project site. The closest school, South El Monte High School at 3537 Johnson Avenue in El Monte, is approximately 0.5 mile northwest of the site. Therefore, the proposed project would not pose a hazard to nearby schools and no impact would occur.

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

**Less Than Significant Impact.** California Government Code Section 65962.5 specifies that the California Department of Toxic Substances Control (DTSC), California Department of Health Services (DHS), State Water Quality Control Board (SWRCB), and local enforcement agencies compile lists for various types of hazardous materials sites, including hazardous waste facilities subject to corrective action, designated border zone properties, hazardous waste discharges to public land, public drinking water wells containing detectable levels of organic contaminants, underground storage tanks with reported unauthorized releases, and solid waste disposal facilities from which hazardous waste has migrated. The site lists that were assembled pursuant to the original regulations have largely been subsumed by lists currently maintained by the SWRCB (GeoTracker) and DTSC (Envirostor).

A review of these two databases determined that the project site is not listed on Envirostor, but is listed on GeoTracker as a leaking underground storage tank (LUST) site for a gasoline fuel release that occurred on July 18, 1990.<sup>6</sup> The release affected soil only and, after initial site assessment and remedial activities, the Los Angeles Regional Water Quality Control Board (RWQCB) granted site closure on March 14, 1994. The case was reopened on January 13, 2003 for undisclosed reasons and closure was again granted on September 27, 2005. The available information does not suggest that the gasoline fuel release previously posed or currently poses a significant hazard to the public or the environment. Therefore, impacts are less than significant and no mitigation measures are necessary.

Several off-site properties were also identified in the GeoTracker database within approximately 0.25 mile of the site. All of the properties are LUST sites that have been previously investigated and/or remediated and closed under agency oversight. Therefore, the possibility of these properties having impacted the project site is judged to be low.

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<sup>6</sup> Identified in GeoTracker as Cook Industries at 2425 Kella Avenue, City of Industry.

### 3. Environmental Analysis

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** The project site is not located within an area covered by an airport land use plan or within 2 miles of a public airport or public-use airport. The nearest public airport is El Monte Airport, approximately 3.4 miles northwest of the site and outside of any safety hazard zone for those working at the proposed project site. Therefore, project approval would not cause aviation-related hazards for people working in the project area and no impact would occur.

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

**No Impact.** The private airstrip nearest to the project site is Los Altos Heliport (6CN5), which is located approximately 3.0 miles northeast of the site at 450 Baldwin Park Boulevard in the City of Industry (Airnav 2015). The project site is currently zoned for industrial/commercial use and project approval would not augment or alter existing safety hazards associated with current operations at this or any other nearby heliport. Over congested areas, helicopters must maintain an altitude of at least 1,000 feet above the highest obstacle within 2,000 feet of the aircraft, except as needed for takeoff and landing (14 CFR 91.119). Helicopter takeoffs and landings at nearby heliports occur infrequently and are at a sufficient distance from the site that they would not pose a hazard to on-site workers. No impact would occur.

- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

**No Impact.** The existing emergency response plan for the County of Los Angeles is the Operational Area Emergency Response Plan (ERP) approved by the County Board of Supervisors in 1998. The ERP identifies county agencies and other entities that would be involved in emergency responses; threat summaries and assessments; and procedures for responding agencies as well as county agencies that would be involved in coordinating and managing responses. The ERP is focused on emergencies beyond the scope of the daily functions of public safety agencies, such as emergencies requiring multi-agency and/or multi-jurisdictional responses.

Further assessments of potential hazards and county resources available for responding to hazards are contained in the County of Los Angeles All-Hazard Mitigation Plan (AHMP) adopted by the County Board of Supervisors in June 2005. The AHMP includes a vulnerability analysis for many types of hazards including earthquakes, floods, fires, and manmade hazards including terrorism and civil unrest; goals and objectives for strategies for mitigating hazards; proposed strategies and actions for reducing vulnerability to identified hazards; and lists of facilities and equipment available for responding to disasters.

The existing access and circulation features at the project site and the proposed AST location are adequate to accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles and would not be significantly altered by the proposed project. Emergency vehicles would continue to enter the project site using the driveway entrance on Kella Avenue. As shown on Figure 5, *Site Plan*, the north and west sides of the existing building are fully accessible to emergency services and provide sufficient space for a

### 3. Environmental Analysis

fire truck turnabout per LACFD standards. Criteria for the AST location and emergency vehicle access are established in the 2013 CFC regulations and specific requirements for fire extinguishers, emergency shut-off devices, and visible signage, would be enforced pursuant to a permit issued by the LACFD. All emergency access features at the project site would be subject to LACFD review and approval, who would conduct an inspection prior to the start of facility operations to ensure that it is adequately designed and equipped for emergency response (e.g., adequate access roads, emergency exits, fire hydrants, etc.).

The proposed project would not alter or disrupt emergency access to surrounding properties and off-site roadway modifications would not be necessary. Furthermore, the proposed project would not require full road closures or otherwise impact the functionality of surrounding roads that are used as public safety access routes. Therefore, the project would not impair implementation of, or physically interfere with, the ERP and no impact would occur.

**h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

**No Impact.** The project site is in a highly urbanized and built-out area of the City of Industry and is not located within a fire hazard severity zone mapped by the California Department of Forestry and Fire Prevention (CAL FIRE 2015). The nearest such zone is associated with the Puente Hills approximately 0.5 mile southeast of the site. Therefore, no significant risk of loss, injury or death involving wildland fires would occur as a result of the proposed project.

### 3.9 HYDROLOGY AND WATER QUALITY

**Would the project:**

**a) Violate any water quality standards or waste discharge requirements?**

**Less Than Significant Impact.** The proposed project does not involve demolition, and only very limited grading and new construction would be performed within the approximately 1,500-square foot (0.03 acre) area where the AST would be located. Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the SWRCB's General Permit for Discharges of Storm Water Associated with Construction Activity (Order No. 2012-0006-DWQ). Due to the project's size and scope, coverage under the Construction General Permit would not be required.

Once the AST becomes operational, it would be required to control discharges (e.g., rainwater that collects within the bermed tank pad) to the storm drain in accordance with the City of Industry Municipal Code. In particular, Municipal Code Chapter 3.16 contains the following conditions that are potentially applicable to the project:

- Section 13.16.040 – SWRCB National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001 (“General Permit”) provides Waste Discharge Requirements (WDRs) for discharges of stormwater associated with industrial activities. Transportation facilities with vehicle

### 3. Environmental Analysis

maintenance shops and/or non-retail fueling operations are regulated under the General Permit. Facilities regulated under the General Permit are required to perform several activities, including: 1) file a notice of intent with the SWRCB to comply with the permit; 2) obtain a waste discharge identification number (WDID); 3) prepare a storm water pollution prevention plan (SWPPP); and 4) describe the best management practices (BMPs) that will be implemented at the site.

- Section 13.16.060 – This Municipal Code section describes the BMPs that must be implemented for certain activities. It states that BMPs or other steps shall be used, if they exist, to reduce the discharge of pollutants to the maximum extent practicable, including the removal and lawful disposal of any solid waste or any other substance that would be a pollutant if it were to be discharged to the storm drain, including fuels, waste fuels, chemicals, chemical wastes, and animal wastes.
- Section 13.16.020 – This Municipal Code section prohibits illicit discharges to the storm drain unless authorized by a NPDES permit. No pollutant in stormwater may be discharged to the storm drain unless the pollutant has been reduced to the maximum extent practicable.
- Section 13.16.120 – This Municipal Code section empowers the City of Industry to make any necessary inspections to enforce the provisions of the General Permit and City regulations, as outlined above.

City of Industry Municipal Code Chapter 13.17 subjects certain new development or redevelopment<sup>7</sup> activities to specific regulatory requirements for the management of stormwater runoff, including the Los Angeles Countywide Standard Urban Storm Water Mitigation Plan (SUSMP) and the provisions of any applicable municipal storm water permit issued by the RWQCB. SUSMP requirements include minimizing stormwater pollutants and limiting peak post-project stormwater runoff rates to no greater than pre-development rates where increased runoff could increase downstream erosion. Because the proposed project does not meet the definition of new development or redevelopment, as defined by the Municipal Code, these regulatory requirements do not apply.

The primary concern during the project's operational phase would be the accidental spill or release of diesel fuel during AST loading, storage, or dispensing operations. The AST's secondary containment features and the sensors and alarms in place for leak detection and overflow prevention are intended to ensure that any such releases are contained, immediately identified, and cleaned up before the released materials could find their way into the storm drain. The continuous curbing around the tank pad would be equipped with closed rainfall drains so that incident precipitation would be contained and not released until it could be confirmed to be free from diesel fuel contaminants. Emergency response measures outlined in the contingency plan prepared for the AST would be relied upon to ensure that released fuel is not conveyed into the storm drain in such quantities or in a manner that would violate water quality standards or waste discharge requirements.

Through its inspection and enforcement authority, the City of Industry would ensure that the project complies with various statutory requirements necessary to achieve regional water quality objectives and

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<sup>7</sup> "Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of five thousand square feet or more of impervious surface area on an already developed site.

### 3. Environmental Analysis

protect groundwater and surface waters from pollution by contaminated storm water runoff. Therefore, water quality impacts from project operations would be less than significant.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

**No Impact.** The project site is located above the Main San Gabriel Groundwater Basin. Groundwater levels in the Main San Gabriel Groundwater Basin are managed by the Main San Gabriel Basin Watermaster to avoid groundwater withdrawals exceeding recharges. The San Gabriel Valley Water Company (SGVWC) provides water to the project site. The SGVWC's water supply is derived primarily from locally-produced groundwater, using 31 wells located in the Main San Gabriel Groundwater Basin and another 4 wells located in the Central Groundwater Basin (Stetson 2011). A small amount of surface water (about 2%) is also imported from the Metropolitan Water District of Southern California. The AST would not add to the overall water demand at the project site and, therefore, would not affect regional groundwater levels or supplies.

The project site is not used for intentional groundwater recharge. The site is almost completely covered with pavement and buildings that afford little opportunity for stormwater infiltration. The 1,500-square foot bare soil area where the AST would be located represents only about 1% of the entire project site (0.03/2.35 acres), and covering it with pavement would only incrementally change its impervious nature and would not significantly affect stormwater runoff and infiltration volumes. Therefore, the project would have no impact on local groundwater recharge.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site.**

**No Impact.** The proposed project would not affect existing drainage patterns on or in the vicinity of the project site. Stormwater runoff would continue to be controlled and directed to local storm drains as it is now. Site and area-wide drainage is controlled by typical "curb and gutter" systems that direct stormwater runoff into local catchment basins for eventual discharge to the San Gabriel River. Because the site and surrounding area are almost completely covered by buildings or are paved, there currently is little opportunity for local drainage to result in substantial on-site or off-site erosion or siltation. Covering the proposed AST location with pavement would eliminate the opportunity for future erosion or siltation from this small existing area of bare soil. The project would not result in the alteration of watercourses in the vicinity of the site, including the San Gabriel River approximately 440 feet to the north. Therefore, no impact would occur.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

**No Impact.** The proposed project would require that a small area of bare soil where the AST is to be located be covered with concrete pavement. However, the 1,500-square foot bare soil area represents only about 1%

### 3. Environmental Analysis

of the total area of the project site, which otherwise is almost completely covered by buildings and pavement. Paving over this small area could potentially increase the amount and rate of surface water runoff. However, any such impacts would be negligible due to the small area involved and because much of the rainfall would be captured within the curbed tank pad and later released in a controlled manner. The proposed project, then, would not cause or contribute to on-site or off-site flooding. No impact would occur.

**e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Less Than Significant Impact.** The project would not significantly alter the physical characteristics of the site and, therefore, would not change the rate or amount of surface runoff in a manner that would cause local stormwater drainage system capacities to be exceeded (see Section 3.9.d). Project impacts related to the quality of stormwater runoff are addressed in Section 3.9.a and would be less than significant.

**f) Otherwise substantially degrade water quality?**

**Less Than Significant Impact.** Project impacts related to water quality are addressed in Section 3.9.a and would be less than significant.

**g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** The proposed project does not involve construction of any housing units. Furthermore, a flood hazard map prepared by the Federal Emergency Management Agency (FEMA 2015) indicates that the project site is in Flood Zone X, which does not include designated 100-year and 500-year flood zones. Therefore, no impact would occur.

**h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

**No Impact.** As stated above, the project site is not within a 100-year or 500-year flood hazard area (FEMA 2015). Approval of the proposed project would not impede or redirect flood flows, since there is little potential for flood flows to travel through or near the project site. Therefore, no impact would occur.

**i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**Less Than Significant Impact.** Four dams have been identified in the San Gabriel River Watershed upstream from the City of Industry -- Puddingstone Dam, Santa Fe Dam, Thompson Creek Dam, and Whittier Narrows Dam. The project site is located within flood inundation areas associated with the failure of the Puddingstone and Santa Fe Dams (City of Industry 2014). A worst-case failure of the former dam would result in flooding at the site in approximately 220 minutes, while failure of the latter dam would result in flooding at the site in approximately 205 minutes. Because the depth of any arriving floodwaters would be relatively shallow and occupants of the site would have more than 3 hours to evacuate, impacts associated with the failure of either dam are deemed less than significant.

### 3. Environmental Analysis

#### j) Inundation by seiche, tsunami, or mudflow?

**No Impact.** A seiche is a surface wave created when a body of water is shaken, usually by earthquake activity. Seiches are of concern relative to water storage facilities, because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. The nearest such feature is an aboveground water storage tank located approximately 1.1 miles northeast of the site. Therefore, the potential for seiches to affect the project site is considered negligible and no impact would occur.

Tsunamis are a type of earthquake-induced flooding that is produced by large-scale sudden disturbances of the sea floor. Tsunamis interact with the shallow sea floor topography upon approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas. The project site is approximately 25 miles inland from the Pacific Ocean and lies at an approximate elevation of 240 feet above mean sea level; thus, impacts from tsunamis are considered negligible and no impact would occur.

Mudflows are landslide events in which a mass of saturated soil flows downhill as a very thick liquid. The project site and surroundings are relatively flat and contain no abrupt changes in elevation. As indicated in Section 3.6.a.iv, the site is not located in a mapped landslide hazard area. Additionally, there are no substantial slopes on or in the immediate vicinity of the site with the potential to result in mudflow impacts. In the absence of slopes, the potential for mudslides to affect the project site is considered negligible and no impact would occur.

## 3.10 LAND USE AND PLANNING

**Would the project:**

#### a) Physically divide an established community?

**No Impact.** The project site is located within an existing industrial area of the City of Industry. Established industrial businesses, including similar warehouse and manufacturing buildings, surround the site on three sides, while a residential community adjoins the site to the east. The proposed project would not result in any new development that would not physically divide the adjacent residential neighborhood or any other established community. No impact would occur.

#### b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**No Impact.** The project site is zoned for Industrial-Commercial Overlay (IC overlay), which allows a mix of commercial and industrial land uses. The General Plan land use designation is Employment. The proposed project is consistent with the General Plan and is allowed under the broad IC overlay zoning designation. Installation of the AST would not be incompatible with the existing character of the surrounding area, nor would it conflict with any applicable land use plan, policy, or regulation. No impact would occur.



### 3. Environmental Analysis

**c) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

**No Impact.** As explained in Section 3.4.f, the project site is not within or near a Habitat Conservation Plan area (USFWS 2015b) or Natural Community Conservation Plan area (CDFW 2015). No impact would occur.

#### 3.11 MINERAL RESOURCES

**Would the project:**

**a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?**

**No Impact.** According to California Geological Survey, there are no lands within the City of Industry designated by the State Mining and Geology Board as being of regional or statewide significance (City of Industry 2014). Project approval would not cause a loss of availability of mineral resources of value to the region and residents of the state. No impact would occur.

**b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

**No Impact.** The project site is not designated as a mining site in the City of Industry General Plan (2014) and the project would not cause a loss of availability of a designated mining site. No impact would occur.

#### 3.12 NOISE

Due to the nature of the project and its relatively small scale, ambient noise measurements and noise modeling were not deemed necessary for this Initial Study. Noise impacts associated with the proposed project are addressed qualitatively in the following sections.

**Would the project result in:**

**a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Less Than Significant Impact.** The City of Industry does not have any regulations governing maximum permissible noise levels for manufacturing or warehouse operations. An impact could be significant if a project were sited in a location where noise levels would exceed the appropriate standards. In this case, the proposed project is located in a highly-developed industrial area, where the tolerance for noise is higher than if it were located within a residential area.

In the short-term, a temporary increase in noise levels would result from the construction and installation of the AST. This temporary increase would cease once the 6-week construction phase had elapsed. In addition, the AST would be located along the northwest property boundary, next to existing off-site industrial operations and approximately 175 feet away from the adjacent residences. Any construction noises at this distance would blend in with the existing truck operations and would be largely attenuated at the shared

### 3. Environmental Analysis

property border. Since the noise level increase during construction would be minimal and short-term, impacts would be less than significant.

Once operational, additional on-site truck movement would be associated with the fueling operations, but the noise would be of the same frequency and volume as the current noise levels created by trucks moving within and around the site. By State law,<sup>8</sup> diesel trucks are prohibited from idling for more than five minutes at any one location, which would limit noise impacts from trucks that might be forced to queue while waiting for fuel. In addition, the fueling lane would be located approximately 175 feet away from the adjacent residences and any generated truck noise would be attenuated and generally indiscernible from ambient noise levels in the active truck yard. Operating hours would be limited to daytime hours (7:00 am to 5:00 pm) during the normal five-day workweek when the tolerance to ambient noise is higher. Given the above considerations, noise levels associated proposed project operations would be essentially unchanged from current conditions and impacts would be less than significant.

**b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

**No Impact.** The City of Industry does not set quantitative standards for vibration impacts. Vibration impacts are often associated with construction projects that involve the use of heavy construction equipment, blasting operations, pile driving, or large-scale demolition. Because the proposed project would not involve demolition or the use of heavy construction equipment that would induce groundborne vibration, related vibration impacts would not occur. Long-term maintenance and operation of the AST would not to involve the use of any mechanical equipment that would induce groundborne vibration. No impact would occur.

**c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**No Impact.** Permanent increases in ambient noise levels would occur if the project were to introduce significant new sources of noise to the project vicinity. AST filling and dispensing operations would not introduce any new noise sources or levels different from those currently generated by the movement of trucks within and around the project site. No impact would occur.

**d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Less Than Significant Impact.** Temporary or periodic increases in ambient noise levels are impacts generally associated with the construction phase of a project. The operation of construction equipment results in the generation of both steady and episodic noise for finite periods of time that may be significantly above ambient levels normally experienced near a project site. The AST construction phase would occur over a relatively short period of time (6 weeks) and the equipment required to construct the tank pad and fueling

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<sup>8</sup> California Air Resources Board regulations, contained in CCR Title 13, Section 2485 and found at: <http://www.arb.ca.gov/msprog/truck-idling/2485.pdf>

### 3. Environmental Analysis

lane and install the tank would not be especially noisy. Therefore, temporary or periodic increases in ambient noise levels during construction are considered to be a less than significant impact.

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** The project site is not located within an area covered by an airport land use plan or within 2 miles of a public airport or public-use airport. As explained in Section 3.8.f, the nearest public airport is El Monte Airport approximately 3.4 miles northwest of the site. While light plane and other aircraft noise may be occasionally noticeable in the project area, the project site is well beyond any airport's noise control zone. Therefore, the proposed project would not expose people residing or working in the area to excessive noise levels and no impact would occur.

- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

**No Impact.** As explained in Section 3.8.g, the private airstrip nearest to the project site is Los Altos Heliport, which is located approximately 3.0 miles northeast of the site. The project site is well beyond this heliport's noise control zone. While all areas of the City of Industry and the broader Los Angeles metropolitan area are occasionally subject to helicopter noise, such impacts are infrequent and typically of low duration. Over congested areas, helicopters must maintain an altitude of at least 1,000 feet above the highest obstacle within 2,000 feet of the aircraft, except as needed for takeoff and landing (14 CFR 91.119). Helicopter takeoffs and landings from nearby heliports or occasional flyovers would not expose site workers or visitors to excessive noise levels. No impact would occur.

### 3.13 POPULATION AND HOUSING

Would the project:

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

**No Impact.** The proposed project would not involve or require the construction of new homes or the extension of infrastructure such as roads or sewers. Therefore, it would not directly or indirectly induce population growth in the area. Nor would the project increase employment at the existing truck leasing facility or induce people to move into the area. No impact would occur.

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

**No Impact.** The project site is currently developed with a manufacturing/warehouse building and does not contain residential homes. Therefore, existing housing would not be involved and replacement housing would not be needed. No impact would occur.

### 3. Environmental Analysis

**c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

**No Impact.** Installation and operation of the AST would not displace people, nor would it require the construction of replacement housing. No impact would occur.

#### 3.14 PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

**a) Fire protection?**

**Less Than Significant Impact.** The City of Industry contracts with the Los Angeles County Fire Department (LACFD) for fire protection services. The City is served by Division 8, Battalion 12 of the LACFD, which mans and operates six fire stations (Fire Station Nos. 26, 43, 87, 91, 118, and 145). Battalion 12 also provides fire protection services to Roland Heights, La Puente, La Mirada, and Hacienda Heights. Due to its location at the far west end of the City of Industry, the LACFD station nearest to the project site is Fire Station No. 90 at 10115 East Rush Street in the city of El Monte, about 1.5 miles northwest of the site (LACFD 2015).

Installation and operation of the diesel fuel AST would be subject to all pertinent regulations outlined in the Los Angeles County Fire Code (Title 32 of the Los Angeles County Code), which is adopted by reference in Chapter 15.28 (Fire Code) of the City of Industry Municipal Code. The City involves the LACFD in the project review process in order to ensure that the necessary fire prevention and emergency response features are incorporated into the development plans. As such, the AST installation would be subject to review and permitting by the LACFD, who would then inspect the AST prior to its placement in service. The LACFD has conducted a preliminary review of the proposed project design plans and identified several conditions for AST installation and operation, as discussed in Section 3.8.a.

The project involves the transfer, storage, and handling of combustible materials, which could result in a slight increase in the need for fire protection and emergency medical services. However, such activities are not dissimilar from those that are routinely conducted at service stations in the surrounding community. Considering the existing firefighting resources available in and near the City of Industry, project impacts on fire protection are not expected to be significant and the LACFD would continue to provide adequate service to the project site without the need for new or expanded stations or additional staff or equipment. Project impacts would be less than significant and no mitigation measures are necessary.

**b) Police protection?**

**No Impact.** The City of Industry contracts with the Los Angeles County Sheriff's Department (LASD) for law enforcement and crime prevention services. The LASD has a patrol station in the City of Industry at 150 Hudson Avenue, approximately 4.4 miles east of the project site. This station is responsible for providing

### 3. Environmental Analysis

police services to the cities of Industry, La Puente, and La Habra Heights, and the unincorporated Los Angeles County communities of East and West Valinda, Bassett/North Whittier, and Hacienda Heights.

The proposed project is not expected to increase the need for police protection service over previous site uses and no new public safety issues would result from project implementation. Nor is the project expected to create a need for new or expanded police facilities or additional officers. The LASD would continue to provide adequate service to the project area. No impact would occur.

#### c) Schools?

**No Impact.** The project site is in the Whittier City School District. Demand for public services such as schools is generally based on population. The proposed project does not involve residential development and would not induce population growth. Therefore, the project would not increase the demand on local schools and no impact would occur.

#### d) Parks?

**No Impact.** The proposed project does not involve park development or displacement. Demand for parks is determined by the population of the parks' service areas. The project would not add residences or cause an increase in the population of the surrounding community. Therefore, the project would not increase the demand for parks and no impact would occur (see Section 3.15).

#### e) Other public facilities

**No Impact.** The proposed project would not directly or indirectly lead to an increase in population in the project area. Additionally, the proposed project would not require the use or maintenance of other public facilities, such as libraries. Therefore, no impact to other public facilities would occur.

### 3.15 RECREATION

Would the project:

#### a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?

**No Impact.** The demand for parks is determined by changes in housing and population. The proposed project would not involve the development of any housing and would not directly or indirectly induce population or increase demand on parks and recreational resources. Therefore, no impact would occur.

#### b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

**No Impact.** The proposed project would not develop recreational facilities and would not require the development of such facilities. No impact would occur.

### 3. Environmental Analysis

#### 3.16 TRANSPORTATION/TRAFFIC

Due to the nature of the project and its relatively small scale, modeling and quantitative analysis of traffic impacts were not deemed necessary for this Initial Study. Traffic impacts associated with the proposed project are addressed qualitatively in the following sections.

**Would the project:**

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

**Less Than Significant Impact.** The Congestion Management Program for the County of Los Angeles states that the minimum project-added traffic that is needed before an intersection has to be studied is 50 two-way trips in either the morning or evening weekday peak hour. This is consistent with most local jurisdictions that require traffic impact studies for projects that generate more than 50 peak hour trips. Mainline freeway monitoring locations must also be analyzed for projects that would add 150 or more trips during either the morning or evening weekday peak hour. The proposed project would not increase employment or otherwise serve as a magnet for truck or vehicle trips to the project site. The only additional traffic would be associated with periodic deliveries of diesel fuel to refill the AST, which are expected to be relatively infrequent. For example, assuming an average truck fill-up of 40 gallons and ten trucks per day, the AST would need to be refilled approximately once per month.<sup>9</sup> Because the project would generate negligible additional traffic, it does not meet the thresholds required for a traffic impact analysis and the impact would be less than significant.

Due to the nature of the proposed project and the industrial setting, pedestrian or bicycle traffic would not be generated or affected in the vicinity of the site. The proposed project would not adversely affect the performance of these transit or non-motorized transportation facilities and would not conflict with any plans or policies relative to these transportation modes.

- b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

**Less Than Significant Impact.** The Los Angeles County Congestion Management Program (CMP) was issued by the Metropolitan Transit Authority in December 2010 (MTA 2010). All freeways and selected arterial roadways are designated elements of the CMP Highway System. The CMP requires that individual development projects of potentially regional significance undergo a traffic impact analysis. Per the CMP Transportation Impact Analysis (TIA) guidelines, a significant impact may result and a traffic impact analysis is required under the conditions listed on the following page.

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<sup>9</sup> 12,000 gallon AST capacity / (40 gallons/truck x 10 trucks/day = 400 gallons/day) = 30 days.

### 3. Environmental Analysis

- At CMP arterial monitoring intersections where the proposed project will add 50 or more vehicle trips during either morning or evening weekday peak hours
- At CMP mainline freeway monitoring locations where the proposed project will add 150 or more vehicle trips, in either direction, during either morning or evening weekday peak hours.

As indicated in Section 3.16.a, the proposed project is expected to generate one or two truck trips per month to refill the AST. This additional traffic is well below thresholds that would require the analysis of traffic impacts to CMP roadways, as outlined above. Impacts would be less than significant.

**c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

**No Impact.** There are no airports in the immediate project vicinity (see Section 3.8.e) and the proposed project would not create or add to any structures that could interfere with air travel or air safety. The project would not increase or alter air traffic and no impact would occur.

**d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**No Impact:** No physical alterations are proposed for the project site that would create hazards associated with increased traffic, pedestrian conflicts, and/or vehicular turning movements. Operation of a fueling station is compatible with the existing land use at the project site. A truck fueling lane would be constructed next to the AST pad with sufficient clearance at both ends to allow truck maneuvering during ingress and egress. On-site truck movement for fueling operations would be similar to the traffic patterns that currently exist at the site. Therefore, the project would not substantially increase hazards due to a design feature or incompatible uses.

**e) Result in inadequate emergency access?**

**No Impact.** The existing access and circulation features at the project site are adequate to accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles and would not be significantly altered by the proposed project. As shown on Figure 5, *Site Plan*, all sides of the existing building and proposed AST location are, and would remain, accessible to emergency services and provide sufficient space for a fire truck turnabout per LACFD standards. The location of the AST would meet 2013 CFC Section 5704.2.9.6.1.1 requirements for minimum separation distances from the existing building and property line. The NEPA 704 hazard placards would be visible from two approaches by firefighting personnel so that the contents of the AST could be readily identified. All emergency access features at the site would be subject to LACFD review and approval, who would conduct an inspection prior to the start of AST operations to ensure that the tank was properly installed and equipped for emergency response (e.g., emergency shut-off switches, signage, fire hydrants). No impact would occur.

### 3. Environmental Analysis

**f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

**No Impact.** The proposed project would not conflict with policies, plans, or programs regarding transit, bicycle, or pedestrian facilities, and the project would not decrease the performance or safety of such facilities. No impact would occur.

**g) Result in inadequate parking capacity?**

**No Impact.** During a site inspection on June 25, 2015, the parking capacity of the existing facility appeared to be more than adequate for the current needs of the business employees and truck fleet operations. The proposed project would not change the current parking capacity or create additional parking needs at the project site. As such, the project would not result in inadequate parking capacity and no impacts would occur.

### 3.17 UTILITIES AND SERVICE SYSTEMS

Would the project:

**a) Exceed waste water treatment requirements of the applicable Regional Water Quality Control Board?**

**No Impact.** Construction and operation of the AST would not generate significant volumes of wastewater or wastewater that contains potentially hazardous constituents. Therefore, the proposed project would not require an Industrial Wastewater Discharge Permit (IWDP) from the Los Angeles County Sanitation Districts (LACSD) for discharge to the sanitary sewer or a National Pollutant Discharge Elimination System (NPDES) permit from the Los Angeles Regional Water Quality Control Board (RWQCB) for discharge to a storm drain. No impact would occur.

**b) Require or result in the construction of new water or waste water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**No Impact.** Wastewater treatment for the City of Industry, including the project site, is provided through the Los Angeles County Sanitation Districts (LACSD), whose purpose is to construct, operate, and maintain facilities that collect, treat, recycle, and dispose of domestic and industrial wastewater. Individual districts operate and maintain their own portions of the collection system. There are 24 independent districts serving Los Angeles County; the City of Industry is located in portions of Districts 15, 18, and 21. Cities are responsible for collection of wastewater through local lines, which feed to major trunk lines that vary from 8 inches to 144 inches in diameter. The San Jose Creek Water Reclamation Plant (WRP), with a treatment capacity of 100 million gallons per day (mgd), serves the City of Industry (LACSD 2015). It provides primary, secondary, and tertiary treatment that yields approximately 42 mgd of reclaimed water for use in groundwater recharge and irrigation; the remainder is discharged to the San Gabriel River.

The San Gabriel Valley Water Company (SGVWC) supplies potable water to the project site. The SGVWC's water supply is derived primarily from locally-produced groundwater, using 31 wells located in the Main San



### 3. Environmental Analysis

Gabriel Groundwater Basin and another 4 wells located in the Central Groundwater Basin (Stetson 2011). A small amount of surface water (about 2%) is also imported from the Metropolitan Water District of Southern California. SGVWC's projected water supplies in 2015 in normal water year conditions are 37,961 acre-feet, or about 12.4 billion gallons.

Construction and operation of the AST would not require significant volumes of water, nor would it generate significant quantities of wastewater that require disposal. Therefore, it would not place any significant demands on water or wastewater treatment facilities. Neither the LACSD nor SGVWC would be required to build new or expand existing treatment facilities. No impact would occur.

**c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**No Impact.** The proposed project would not require the construction or expansion of facilities to manage stormwater flow; the existing curb and gutter collection system and storm drains have sufficient capacity to manage existing and projected runoff from the project site, including the proposed AST location (see Section 3.9.c). No impact would occur.

**d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**No Impact.** Construction and operation of the AST would not require significant volumes of water. Because the project does not involve construction or development that would create a new water demand, new or expanded entitlements, including a "will-serve" letter from the SGVWC, would not be required. No impact would occur.

**e) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**No Impact.** Construction and operation of the AST would not generate significant quantities of wastewater that would be discharged to the sewer. Because the project does not involve construction or development that would create a new wastewater treatment demand, new or expanded entitlements, including a "will-serve" letter from the LACSD, would not be required. No impact would occur.

**f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

**No Impact.** The LACSD provides solid waste disposal services to the City of Industry, and waste management needs are currently met through several facilities, including the Puente Hills Materials Recovery Facility, Downey Area Recycling and Transfer Facility, South Gate Transfer Station, and Commerce Refuse-to-Energy Facility. Long-term waste disposal needs are expected to be met by exporting solid waste to the Mesquite Regional Landfill in Imperial County by rail via the Puente Hills Intermodal Facility in the City of Industry. The Puente Hills Intermodal Facility will be able to handle up to 8,000 tons per day of solid waste,

### 3. Environmental Analysis

while the Mesquite Regional Landfill, with a 100-year capacity, will be permitted to accept 20,000 tons per day (LACSD 2015b).

The proposed project does not involve demolition (with the associated generation of demolition debris) and construction activities are modest. Only minimal volumes of solid waste are expected to be generated during the project construction phase. Once operational, small volumes of solid waste would be generated to operate and maintain the AST. These solid waste volumes would be easily absorbed by the available waste disposal and recycling facilities that currently serve the City of Industry and would not require the development of additional landfill capacity. No impact would occur.

#### **g) Comply with federal, state, and local statutes and regulations related to solid waste?**

**No Impact.** The United States Environmental Protection Agency administers the Resource Conservation and Recovery Act of 1976 and the Solid Waste Disposal Act of 1965, which govern solid waste disposal. In the State of California, Assembly Bill (AB) 939 -- the Integrated Solid Waste Management Act of 1989, Public Resources Code 40050 et seq. -- required every California city and county to divert 50 percent of its waste from landfills by the year 2000 by such means as recycling, source reduction, and composting. AB 939 also requires California counties to show 15 years disposal capacity for all jurisdictions within the county, or provide a plan to transform or divert its waste. AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991, requires local agencies to adopt ordinances mandating the use of recyclable materials in development projects.

The proposed project would comply with laws and regulations governing solid waste, as outlined above. More specifically, the proposed project would not affect the City of Industry's ability to continue to meet the required AB 939 waste diversion requirements as it has in the past (CalRecycle 2012). Construction and operation of the AST would generate negligible volumes of solid waste that would be disposed of at permitted landfills, recycled, or otherwise diverted from landfills via solid waste diversion programs operated by the City of Industry. No impact would occur.

### 3.18 MANDATORY FINDINGS OF SIGNIFICANCE

#### **a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

**No Impact.** The proposed project would approve a Development Plan to allow the installation and operation of a 12,000-gallon diesel fuel AST at an existing industrial property in a fully urbanized area of the City of Industry. The project site has been improved since at least 1964 and is currently used for truck rental, leasing, and maintenance. The surrounding area is built out with a mix of commercial, industrial, and residential development. No wildlife habitats are present on the project site and natural communities and populations of rare or threatened plant or animal species do not exist on or near the site. Additionally, the site and existing building do not meet the criteria to be considered historically significant. Therefore, the

### 3. Environmental Analysis

proposed project would not degrade any natural environment or cultural resources and no impact would occur.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)**

**Less Than Significant Impact.** The proposed project would approve a Development Plan to allow the installation and operation of a 12,000-gallon diesel fuel AST at an existing industrial property in a fully urbanized area of the City of Industry. The project would be consistent with the long-term goals of developing the site with a mix of commercial and industrial uses in accordance with the City’s General Plan. Therefore, the project would not weigh short-term goals above the long-term environmental goals of the City. Additionally, the environmental issues relevant to the project are very localized and confined to the immediate project area. Project approval would not result in impacts that are individually limited but cumulatively considerable, as defined above. Therefore, no significant cumulatively considerable impacts are anticipated to result from the proposed project and no mitigation measures are necessary.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?**

**Less Than Significant Impact.** This Initial Study reviewed the proposed project’s potential impacts to aesthetics, air quality, noise, traffic, public health and safety, and other environmental issues. As explained herein, project approval would not result in an environmental impact for some of the issues analyzed and a less than significant environmental impact for others, assuming applicable laws, regulations, and standard conditions were followed. Therefore, the proposed project would not result in substantial adverse effects on human beings, either directly or indirectly.

### 3. Environmental Analysis

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## 4. Consultant Recommendations

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Based on the information and environmental analysis contained in this Initial Study, we recommend that the City of Industry adopt a Negative Declaration for this project. We find that the project would not have a significant effect on the environment. We recommend that the first category be selected for the City's determination (See Section 5, *Lead Agency Determination*).



July 16, 2015

Date

Dwayne Mears, AICP, for PlaceWorks

## 4. Consultant Recommendation

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## 5. Lead Agency Determination

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On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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*Signature*

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*Date*

---

*Printed Name*

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*For*

## 5. Lead Agency Determination

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## Appendix A. Development Plan Application

## Appendix

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# City of Industry Development Plan Application (Long Form)

15625 East Stafford Street • Suite 101 • City of Industry • CA • 91744  
Phone: (626) 333-2211 • Fax: (626) 961-6795  
www.cityofindustry.org

15 APR 6:10:31:10

The Development Plan – Long Form – is used for most new construction, major exterior modifications and addition of exterior equipment, which cannot be exempted from Environmental Review. Please contact the Planning Department to determine if this application applies to your project.

Please type or print clearly

Project Location: 2425 KELLA AVE 90601 Assessor's Parcel Number \_\_\_\_\_  
Street Zip

Zoning Designation: \_\_\_\_\_ General Plan Designation: \_\_\_\_\_

Project Contact Person: DAVID HOFERER Phone Number: 714) 744-4049 Email Address: DAVID@OCPETROLEUM.COM

Address: 1015 N. PARKER STREET ; ORANGE 92867  
Street City Zip

Applicant:  Property Owner  Tenant  Architect  Engineer  Builder

Name: ORANGE COAST PETROLEUM EQUIPMENT, INC Phone Number: 714) 744-4049

Address: 1015 N. PARKER STREET ORANGE 92867  
Street City Zip

Property Owner Information:

Name: Bradley C. Favre Phone Number: 800-366-4621

Address: 2429 S. Peck Rd. Whittier CA 90601  
Street City Zip

Project Description (describe in detail): INSTALLATION OF ONE 12,000 GALLON DIESEL FUEL TANK - ABOVE GROUND.

Project Valuation: \$ 204,650.-

	Existing	Proposed
Building Area	N/A	N/A
Landscape Area	N/A	N/A
Parking Spaces	N/A	N/A
Land Area	N/A	N/A

Applicant Name: DAVID F. HOFERER Applicant Signature:

Date: 03/31/15





# CITY OF INDUSTRY

15626 East Stafford Street Suite 101 City of Industry CA 91744  
(626) 333-2211 FAX (626) 961-6796  
www.cityofindustry.org  
planning@cityofindustry.org

PROPERTY OWNER  
CONSENT AFFIDAVIT FOR  
DEVELOPMENT PLAN  
APPLICATION - LONG

**\*\*THIS FORM MUST BE NOTARIZED\*\***

BUSINESS DESCRIPTION truck rental, leasing, and maint

BUSINESS LOCATION 2425 Kella Ave; City of Industry, CA 90601

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS  
CITY OF INDUSTRY )

DATE: 3/20/15

I/We, Bradley C. Favvre, the OWNER(s) of the Real Property involved in this application, do hereby consent to the filing of this application. I/We do hereby appoint the following person(s) as my agent(s) to act on my behalf on the foregoing application:

OWNER'S AGENT: ORANGE COAST PETROLEUM EQUIP. Phone No. (714) 744-4049  
(e.g. Property Manager) (Printed Name of Agent)

Address of Owner's Agent: 1015 N. Parker St.; Orange, CA 92867  
(Number) (Street) (City) (State) (Zip)

OWNER: [Signature]  
(Signature)

OWNER: \_\_\_\_\_  
(Signature)

Address: 2429 S. Peck Rd.  
(Number) (Street)  
Whittier, CA 90601  
(City) (State) (Zip)

Address: \_\_\_\_\_  
(Number) (Street)  
\_\_\_\_\_  
(City) (State) (Zip)

NOTE: A NOTARIZED OWNER'S AFFIDAVIT IS REQUIRED AS PARTY OF ALL APPLICATIONS. IF OWNERSHIP IS HELD OTHER THAN BY AN INDIVIDUAL, PROOF, IN THE FORM OF A SPECIAL POWER OF ATTORNEY, AUTHORIZED CORPORATE RESOLUTION, PARTNERSHIP AGREEMENT OR OTHER ACCEPTABLE DOCUMENT(S) SHALL BE SUBMITTED TO THE CITY ALONG WITH THE NOTARIZED SIGNATURES OF THOSE OFFICERS AUTHORIZED TO SIGN ON BEHALF OF THE CORPORATION OR PARTNERSHIP. PLEASE NOTE THAT OUR APPLICATION MAY NOT BE DETERMINED TO BE COMPLETE UNLESS AND UNTIL OWNERSHIP CAN BE VERIFIED.

### FOR NOTARY USE ONLY

STATE OF CA )

COUNTY OF Los Angeles )

Subscribed and sworn to (or affirmed) before me this 20 day of MARCH 20 15

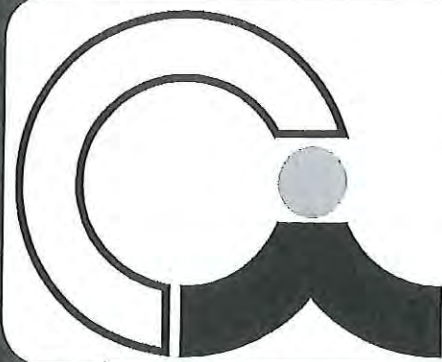
by Bradley C. Favvre, by \_\_\_\_\_  
(Printed Name of Owner As Signed Above) (Printed Name of Owner As Signed Above)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared to me.

[Signature] SEAL  
NOTARY PUBLIC







# CITY OF INDUSTRY

## Construction Waste Management Plan (CWMP)

**This form must be completed for all 1) new construction (including tenant improvement), 2) demolition projects, and 3) additions/alterations to existing structures.**

All debris and waste generated on-site **MUST** be hauled by the City of Industry franchise hauler, Valley Vista Services, Inc. The only exception is single-stream, source-separated recyclable materials(s), which **MUST** be hauled by a recycler with a valid City of Industry collectors permit.

- Prior to receiving approval of a **Development Plan** by the City of Industry, the project contractor(s) must submit this construction and demolition waste management plan (CWMP).
- Prior to receiving a **Building Permit Final**, the contractor **MUST** demonstrate compliance with the City of Industry Integrated Waste Management Plan Ordinance (IMC Chapter 8.20) by providing documentation for all materials re-used and/or recycled either on or off-site of the project.

### PROJECT CONTACT INFORMATION

Project Name: VELOCITY - FUEL TANK Address: 2425 KELLA AVE  
 Contractor: ORANGE COAST PETROLEUM EQUIP Contact Person: DAVID HOFERER  
 Phone: (714) 744-4049 Email: DAVID@OCPETROLEUM.COM  
 Mailing Address: 1015 N. PARKER ST. City: ORANGE Zip: 92867

1. Project Type: (check one)  New Construction  Demolition  Addition/Alteration/T.I.
2. Building Square Footage: N/A Project Valuation: \$ 204,650.00
3. Estimated Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_
4. Brief Project Description: INSTALLATION OF ONE 12,000 GALLON DIESEL TANK - ABOVE GROUND.

**For City Use Only:** Project #: \_\_\_\_\_ Submitted: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Received by WST: \_\_\_\_/\_\_\_\_/\_\_\_\_ Plan Reviewer: \_\_\_\_\_  
 Exempt  CWMP Approved  CWMP Denied Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Project Diversion Report Approved Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_  
 Approved for Building Permit Final Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_



## CONSTRUCTION WASTE MANAGEMENT PLAN (CWMP)

**The contractor(s) are required to divert at least 50% of all solid waste generated by project activities. Please complete steps 1 and 2 for this CWMP submittal. Step 3 will be required prior to issuance of a Building Permit Final.**

### Step 1: Check all that apply

- Contractor requests that the franchise hauler, Valley Vista Services, process all or a portion of the project generated material through mixed C&D processing.
- Contractor chooses to conduct certain onsite re-use practices to meet all or part of the 50% diversion requirement.
- Contractor chooses to conduct certain off-site recycling practices to meet all or part of the 50% diversion requirement.

### Step 2: Indicate method(s) of project diversion

- \* NO ASPHALT OR CONCRETE TO BE REMOVED SO NO RECYCLE MATERIALS GENERATED*
- 0 % Percentage of project-generated materials to be **mixed C&D processing** through the City's franchise hauler.
  - 0 % Percentage of project-generated materials to be recycled **on-site** through "re-use."
  - 0 % Percentage of project-generated materials to be recycled **off-site** through a permitted 3rd party recycler (must be a City of Industry permitted recycler).

### Step 3: Submit project diversion report

Prior to the issuance of a **Building Permit Final**, the contractor must complete and submit a project diversion report to the recycling coordinator. This report **MUST** demonstrate the contractors' successful implementation of the approved CWMP (Steps 1 and 2). Contractor **MUST** provide copies of all weight tickets with the diversion report submittal. See sample project diversion report below:

#### SAMPLE PROJECT DIVERSION REPORT

	Total Tons C&D Processing	Total Tons On-Site Re-Use	Total Tons Off-Site Recycling	Total Tons Total Tons Generated
Mixed Debris	80	0	5	85
Inert Debris	0	100	0	100
<b>Totals</b>	<b>80</b>	<b>100</b>	<b>5</b>	<b>185</b>

John Smith  
Name

*John Smith*  
Signature

9/14/2020  
Date

**For assistance in completing this report, please contact the program consultant:**  
Waste Systems Technology, Inc. • Jeff Duhamel • (562) 432-3700 • JD@WasteSystemsTech.com



**CITY OF INDUSTRY**  
**APPLICATION FOR CONSTRUCTION/DEMOLITION WASTE & RECYCLING SERVICES**

Applications will not be accepted without this form signed by Valley Vista Services and attached to the application. City of Industry Municipal Code requires every business to arrange for appropriate solid waste collection service with the City approved collector. The requirement applies to any permanent or temporary businesses operating in the City of Industry.

Valley Vista Services - (800) 442-6454  
 17445 RAILROAD STREET  
 CITY OF INDUSTRY, CA 91745

**BUSINESS INFORMATION** (please type or print clearly)

Business Name/DBA: Orange Coast Petroleum Phone: \_\_\_\_\_  
 Service Address: 2425 Kelle Ave Industry 90601  
Street Zip

**CONTRACTOR/PROJECT INFORMATION**

Project Start Date: 4/2015 Project Completion Date: TBD Contact Person: Desiree Delgado  
 Lead Contractor: Orange Coast Petroleum Contact Phone Number: (714) 271-4049  
 Contractor Address (Billing): 1015 North Parker Orange CA 92867  
 Estimate Material Types for Collection: Wood, Misc Materials

Payment of a deposit based on a waste flow projection is required before receiving a signature on this application. The waste flow projection will be based on the actual waste generation (volume) estimated during the course of the project. No Deposit shall be returned if self-hauling or unauthorized haulers are used on Project.

All delinquent charges and penalties imposed are deemed to be civil debts owed to the City by the customer and property owner, and may be collected by any available means, including the filing of a civil action.

Payment for service is the joint obligation of the customer and the property owner (if separate from the customer). In the case of non-payment by the customer, the owner of the property may be held responsible for payment and no new service may be established and no property related permit, approval or entitlement may be issued by the City until all delinquent amounts are paid.

**BILLING DISPUTE PROCEDURES** - Any customer who has been billed for service and desires to contest the extent, degree or reasonableness of the charges billed, must file a written statement of such protest with the collector and the City Manager's office within 30 days of the mailing of the disputed bill. The City Manager will review the accounts of customers who dispute collection charges within 30 days after receiving a written request for review. If an error is found after such review, the City or collector will promptly correct the error and, if required and at the City's sole discretion, the City or collector will either credit the customer's account or give the customer a refund.

OFFICE USE ONLY	
Recycling and solid waste collection services have been reviewed and/or arranged for by the above business.	
Project Description:	<u>588 Sq Ft Red + 986 Sq Ft Fueling Lane</u>
Scope of Services/Comments:	<u>Gravel (W/ Asphalt) - Concrete Demol / Forming Fe / Concrete Pav + Misc. Materials</u>
	<u>ONE HALF BOX</u>
Approved by:	<u>Joel In Joel Simonian</u> Date: <u>4/21/2015</u>
Account#:	<u>087373</u> Deposit Amount: <u>678.90</u>



## Environmental Information Form

The Environmental Information Form is intended to provide the basic information necessary for the evaluation of your project to determine its potential environmental impacts. This review provides the basis for determining whether the project may have a significant impact on the environment, as required by state law, or more specifically, the California Environmental Quality Act (CEQA). After this information has been evaluated by the Planning Department, a determination will be made regarding the appropriate environmental documentation for your project, in accordance with the CEQA Guidelines.

If no significant environmental impacts are anticipated, or if impacts can be mitigated or avoided by a change or specific requirement in the project's design or operation, a Negative Declaration or Mitigated Negative Declaration will be prepared. If potential significant environmental impacts are identified, an Environmental Impact Report must be prepared, which focuses on the areas of concern identified by the Initial Study.

The City of Industry, as Lead Agency, is required to comply with CEQA. In order to assist us in completing this required environmental review, please provide us with the information outlined below. Please note that upon review of the submitted information, City staff may request additional supporting documentation to assist in the environmental analysis of your project to ensure compliance with CEQA.

This Environmental Information Form works in concert with the other applications. Both need to be completed in order for your application to be accepted as complete. If you need assistance in completing the Environmental Information Form, or have questions regarding the environmental review procedures, please contact the Planning Department at (626) 333-2211.

### General Information

- Name developer, agent, or project sponsor: DAVID HOFERER Phone Number: 714) 744-4049  
 Address: 1015 N. PARKER ST. ORANGE 92867  
Street City Zip
- Project name: VELOCITY CO1 - FUEL TANK Assessor's Parcel Number: \_\_\_\_\_  
 Address: 2425 KELLA AVE; CITY OF INDUSTRY, CA 90601  
Street Zip

### Environmental Setting (Attach additional sheets and photos as necessary)

- Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects:

EXISTING FACILITY WITH A COMMERCIAL BUILDING THAT HAS PARKING ON THREE SIDES. THE FRONT OF THE BUILDING HAS PLANTING AREA AND LANDSCAPE. THE BACK OF THE BUILDING HAS A DIRT AREA HELD FOR THE PROPOSED FUEL TANK. THE PROPERTY IS FLAT.

- Provide photographs of the site and describe any existing structures onsite and the use of the structures:

PHOTOGRAPHS ARE INCLUDED WITH THE PROJECT PLANS. THE PROPERTY HAS ONE BUILDING USED FOR OFFICE SPACE AND A LEASING OFFICE. THERE IS ALSO AN OPEN FACE SERVICE AREA.



- Describe the surrounding properties (north, east, south, and west of the project site), including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (Industrial, commercial, etc.), intensity of land use (warehousing, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.):

THE SITE IS SURROUNDED BY COMMERCIAL PROPERTIES EXCEPT TO THE NORTHEAST WHERE THERE ARE SOME RESIDENTIAL PROPERTIES. THE FUEL TANK INSTALLATION WOULD NOT BE VISIBLE TO THE PUBLIC AND WOULD HAVE NO IMPACT ON ANIMALS OR ANY CULTURAL OR HISTORICAL SITES.

- Provide photographs of the surrounding uses and adjoining properties.

Project Description (attach additional sheets as necessary)

- List and describe any other permits and approvals required for project implementation, including those required by local, regional, state, and/or federal agencies:

BECAUSE THIS IS A DIESEL ABOVE GROUND FUEL TANK, THERE WILL NEED TO BE PERMITS FROM BUILDING ON THE PAD AND ELECTRICAL AND THE LA COUNTY FIRE DEPARTMENT PETRO-CHEM UNIT WILL REVIEW.

- List any other development proposals associated with the project and its relationship to a larger project or series of projects, if any:

THERE ARE NO OTHER ASSOCIATED OR LINKED PROJECTS.

- Demolition proposed: No:  Yes:  Square feet: N/A

- Tentative development schedule including start and completion dates, and phasing if proposed:

THE ENTIRE PROJECT WOULD BE SIX WEEKS ONCE APPROVED.

- If commercial or office, indicate the type, whether neighborhood, city or regionally oriented, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, and location of loading facilities and anticipated hours of loading/delivery operations:

THIS PROJECT IS TO ADD A FUEL TANK TO AN EXISTING COMMERCIAL PROPERTY. THE COMMERCIAL ASPECT OF THE PROPERTY WILL REMAIN AS IS WITH NO ALTERATIONS TO THE BUILDINGS SIZE, APPEARANCE, OR USE.

- If Industrial, manufacturing or warehouse, indicate the type and major function, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, and location of loading facilities and anticipated hours of loading/delivery operations:

N/A

7. If Institutional, indicate the type and major function, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, location of loading facilities and anticipated hours of loading/delivery operations, and community benefits to be derived from project:

N/A

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8. If the project involves an exception, conditional use permit, or re-zoning application, state this and indicate clearly why the application is required:

N/A

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**Potential Environmental Impacts**

If any of the following items are applicable to your project please discuss (use a separate sheet as necessary).

	Yes	No
1. Change in existing features of any drainage ways or hills, or substantial alteration of any ground contours.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Change in scenic views or vistas from existing residential areas or public lands or roads.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Change in pattern, scale, or character of the general area of the project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in significant amounts of solid waste or debris.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Change in or introduction of air emissions (e.g., dust, ash, smoke, fumes) or odors in the vicinity during grading and/or construction phases.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Change in surface water (e.g., channel, stream) or ground water quality or quantity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Substantial alteration of existing drainage patterns that could lead to flooding on- or offsite.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Substantial change in noise or vibration levels in the project vicinity during grading and/or construction phases.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Substantial change in traffic patterns and circulation in the project vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Substantial change in topography of project site and/or vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Site located on filled land or on slopes of 10 percent or more.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Substantial change in demand for public services and utilities and service systems (police, fire, water, wastewater, solid waste, electricity, gas, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>



*What studies have been prepared for this site that might assist the City in reviewing the potential environmental impacts of the project? Some examples of such studies include environmental site assessment, soils and geology study, biological resources study, cultural resources study, hydrology study, etc. These studies may have been prepared for this project or some earlier development project. Supporting documentation or studies may answer questions and facilitate the processing of your application.*

**Certification**

I am the legal owner of the property that is the subject of this application or have been authorized by the owner to act on his/her behalf regarding this application. I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further acknowledge that any false statements or information presented herein may result in the revocation of any approval or permit granted on the basis of this information.

Name of preparer: DAVID HOFBERG

Preparer's signature:



Date: \_\_\_\_\_

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## **Attachment 6**

**Resolution No. CC 2015-30 approving the  
Negative Declaration and DP 15-6 with  
findings and the Standard Requirements and  
Conditions of Approval**

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## RESOLUTION NO. CC 2015-30

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING A NEGATIVE DECLARATION AND DEVELOPMENT PLAN 15-6 FOR THE CONSTRUCTION OF A 12,000-GALLON ABOVE GROUND, DIESEL FUEL STORAGE TANK AT 2425 KELLA AVENUE CITY OF INDUSTRY, CALIFORNIA, WITHIN THE “MC” MANUFACTURING/COMMERCIAL OVERLAY ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

#### RECITALS

**WHEREAS**, on April 6, 2015, Coast Petroleum Equipment Inc. on behalf of Velocity Truck Rental and Leasing (“Applicant”) filed a complete application requesting the approval of Development Plan (“DP”) No. 15-6 described herein (“Application”); and

**WHEREAS**, the Application applies to an existing 20,438 square-foot industrial building and maintenance structure located on a 2.35 acre property, at 2425 Kella Avenue, City of Industry, California, Assessor’s Parcel Number 8125-010-01- and 8215-010-012 (“Property”); and

**WHEREAS**, the Applicant desires to construct a 12,000-gallon above ground diesel fuel storage tank in the “MC” Manufacturing/Commercial overlay zone, and in accordance with Section 17.36.020 of the City’s Municipal Code (“Code”), a Development Plan is required for this type of activity; and

**WHEREAS**, the Land Use Element of the General Plan designates the Property for employment uses. The proposed use is consistent with the General Plan as it would provide essential goods and services commonly available at other industrial establishments, and does not conflict with the established goals and objectives of the Land Use Element. Above ground diesel fuel storage tanks are permitted in the “MC” Manufacturing/Commercial overlay zone, subject to the approval of an Development Plan pursuant to Section 17.36.020 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 that it could have a significant impact on the environment and a Initial Study/Negative Declaration were prepared in accordance with the requirements of the California Environmental Quality Act (“CEQA”), California Public Resources Code section 21000 *et seq.*, the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15000 *et seq.*, and the Environmental Impact Report Guidelines of the City of Industry, and the City Council has exercised its independent judgment when considering said Initial Study/Negative Declaration and all public comments received in connection therewith; and,

**WHEREAS**, the Initial Study/Negative Declaration was circulated for public and agency review and comment on August 20, 2015 through, and including, September 9, 2015. Copies of the Initial Study/Negative Declaration were made available to the public at the Planning Department on August 20, 2015, and the Initial Study/Negative Declaration was distributed to interested parties and agencies. On August 20, 2015, a Notice of Intent to Adopt an Initial Study/Negative Declaration, including the time and place of the Planning Commission meeting to review the Application and Initial Study/Negative Declaration was published in the local newspaper and posted at the project site, City Hall, Council Chambers and Fire Station 118; and,

**WHEREAS**, the Initial Study/Negative Declaration and all related environmental documents forming the basis for this Negative Declaration and Resolution are located in, and in the custody of, the Office of the City Clerk, City of Industry; and,

**WHEREAS**, on September 10, 2015, the City Council of the City of Industry conducted a meeting 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:

1. The City Council finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

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.

3. Upon independent review and consideration of the information contained in the Staff Report, Initial Study/Negative Declaration for Development Plan No. 15-6, the City Council exercises its independent judgment and finds that no substantial evidence exists that the approval of the Application, as conditioned hereby, will have a significant effect on the environment within the meaning of CEQA and hereby approves the issuance of the Negative Declaration prepared with respect to the Application.

4. Based upon substantial evidence presented to the City Council during the September 10, 2015, meeting, 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 for industrial uses,



including a 12,000-gallon above ground diesel fuel storage tank. The Zoning Ordinance, which implements the General Plan, allows for an above ground diesel fuel storage tank with approval of a Development Plan. In addition, the attached conditions of approval set operational and management standards that ensure the business that 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 will be adequate utilities to accommodate the proposed use. The Property complies with the development standards outlined in Chapter 17.36, Zoning Code of the Industry Municipal Code. The above ground diesel fuel storage tank 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 nature, condition and proposed development of adjacent uses, buildings and structures has been considered, and the proposed use, the 12,000-gallon above ground diesel fuel storage tank, 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 industrial and uses.

(d) 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 Property's footprint of the industrial / commercial property, and the Property is currently served by Kella Avenue, which is of adequate capacity to serve the industrial/commercial use. The addition of the 12,000-gallon above ground diesel fuel storage tank requires no additional parking spaces, and the Property is currently adequately parked.

(e) The 12,000-gallon above ground diesel fuel storage tank is compatible with surrounding properties and uses because the surrounding area is composed of other similar 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. The 12,000-gallon above ground diesel fuel storage tank complements existing and potential industrial/commercial uses.

Based upon the foregoing findings, the City Council hereby approves DP No. 15-6, subject to the conditions contained in Exhibit A.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Industry at a regular meeting held on September 10, 2015 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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Mark D. Radecki, Mayor

**ATTEST:**

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Cecelia Dunlap, Deputy City Clerk



# CITY OF INDUSTRY

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

## EXHIBIT A

### Standard Requirements and Conditions of Approval

**Application:** Development Plan 15-6

**Applicant:** Velocity

**Location:** 2425 Kella Avenue

### 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 City Council per Section 17.36.080 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 shall obtain all permits required by any local, county, state or federal regulations or laws.
2. The applicant shall obtain all permits required by the Los Angeles County in accordance with LACFD Fire Code Title 32, Section 105.6.16, and 5003.5 LACFD.
3. The above ground storage tank (AST) shall be located in accordance with 2013 CFC Section 5704.2.9.6.1.1
4. A Spill Prevention Control and Countermeasure Plan (SPCC) is required in accordance with EPA regulations found at 40 CCR 112, SPCC Plans are must be certified by a Professional Engineer and maintained at the facility, where it must be made available if requested by EPA or the local CUPA during routine inspections.
5. A Hazardous Material Business Plan (HMBP) is required in accordance with California Health & Safety Code (H&SC) Chapter 6.95, Article 1. The HMBP contains detailed information regarding the hazardous materials present at a facility, emergency response plans and procedures in the event of a reportable release or threatened release of hazardous materials, and employee training.
6. The applicant shall provide Aboveground Storage Tank Registration – In accordance with the Aboveground Petroleum Storage Act (APSA) of 1990 (Health & Safety Code Section 25270), owners or operators of a tank facility must file a tank facility statement that provides facility business information and an inventory of the tanks, containers, and drums used for the storage of petroleum products at the site.

**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 City Council 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 approval expires twelve (12) months after the date of approval by the City Council if a building permit for each building and structure thereby approved has not been obtained within such period.
2. The applicant shall construct adequate fire protection facilities to the satisfaction of the Los Angeles County Fire Department.
3. All exterior surfaces of buildings and appurtenant structures shall be painted in accordance with the approved development plan.
4. The applicant shall provide off-street parking as shown on the approved development plan.
5. For projects less than 1 acre of disturbed soil. In conformance with Chapter 13.16 of the Municipal Code and prior to the start of grading and construction, the applicant will implement an effective combination of erosion and sediment control Best Management Practices (BMPs) consistent with the National Pollutant Discharge Elimination System (NPDES) construction general permit to prevent erosion and sediment loss and the discharge of construction wastes, to the satisfaction of the City Engineer. This needs to be in the form of a storm water soil loss prevention plan (also called an erosion control plan or a water pollution control plan).
6. In conformance with Chapter 13.16 of the Municipal Code, all future owners or successors of a property subject to a requirement for maintenance of structural and treatment control BMPs must either: 1) assume responsibility for maintenance of any existing structural or treatment control BMPs at least once a year and retain proof of maintenance/inspection for review by the City Engineer upon request; or 2) replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the City and the municipal NPDES permit. Prior to building final and/or issuance of the certificate of occupancy, this requirement will be included in a recorded restrictive covenant on property and included in any sale or lease agreement or deed of the property.
7. The applicant shall provide building plans to be approved prior to the issuance of a building permit. Such plans shall be in substantial conformity with the development plans. (Building plans shall be submitted to and approved by the Los Angeles County Engineer's Office - Building and Safety Division prior to the issuance of a building permit.)
8. Demolition and construction operations shall be limited to the hours prescribed by the Los Angeles County Noise Ordinance (Los Angeles County Municipal Code, Section 12.08.390).
9. No outdoor storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed.

10. Should archeological resources be uncovered during site preparation, grading, or excavation, work shall be stopped for a period not to exceed 14 days. The find shall be immediately evaluated for significance by a county-certified archaeologist. If the archaeological resources are found to be significant, the archaeologist shall perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; submit resources to the California State University Fullerton; and provide a comprehensive final report including appropriate records for the California Department of Parks and Recreation (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).
11. 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 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 project 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 Commission concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

### **Consent and Acknowledgment**

1. The Applicant shall within thirty (30) days after approval of this Development Plan by the City Council, submit to the Planning Department his/her written consent to all of the conditions referenced herein. The Applicant understands that approval of this Development Plan will be of no force or effect unless such written consent is submitted to the City within the stated 30 day period.

*CITY COUNCIL*

ITEM NO. 8.2



## MEMORANDUM

To: Honorable Mayor and Members of the City Council

From: Paul J. Philips, City Manager

Staff: Clement N. Calvillo, CNC Engineering *CC*  
Gerardo Perez, CNC Engineering *GP*

Date: August 28, 2015

**SUBJECT:** Industry's 66 KV Electrical Substation Facilities at 208 S. Waddingham Way (CITY-1389)

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The City Council authorized the above project at their meeting of March 10, 2011. The project was implemented under Contract No. CITY-1389 for a final contract amount of \$7,201,006.20. The contractor was Southern Contracting Company. CNC Engineering has inspected the site and find all work complete and in accordance with the contract documents.

Therefore, Staff recommends the City Council receive and file the final accounting and approve and authorize the City Engineer to sign the Notification of Construction and Notice of Acceptance.

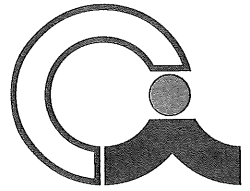
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PJP/ GP:rg

# CITY OF INDUSTRY

- Civic Recreational-Industrial Authority
- City of Industry Waterworks System
- Industry Urban-Development Agency
- Parking Authority

15651 East Stafford Street, City of Industry, CA 91744



## Notification of Construction Completion

**Project** Industry's 66 KV Electrical Substation  
Facilities at 208 S. Waddingham Way

**Date:** September 10, 2015

**Contract No.** CITY-1389  
MP 02-05

### Contract

### Contractor Southern Contracting Company

As a result of an inspection conducted on **8/14/2015**, the contractor's construction work has been completed in accordance with the contract documents, with the exception of the items noted below:

Acceptance of completed construction work shall not relieve the contractor from other requirements of the contract documents.

Accepted by Contractor **Josh Biesiada**  **Project Manager** **8/26/15**  
Printed Name Signature Title Date

Recommended by Project Engineer **Ruel Ituralde**  **Project Engineer** **8/27/15**  
Printed Name Signature Title Date

Recommended by Project Inspector **Shaun Malganji**  **Project Inspector** **8/28/15**  
Printed Name Signature Title Date

Recommended by Project Manager **Gerardo Perez**  **Project Manager** **8-28-15**  
Printed Name Signature Title Date

Recommend by Public Agency **John D. Ballas** \_\_\_\_\_ **City Engineer** \_\_\_\_\_  
Printed Name Signature Title Date

Approved by Public Agency **Paul J. Philips** \_\_\_\_\_ **City Manager** \_\_\_\_\_  
Printed Name Signature Title Date



**RECORDING REQUEST**

and **WHEN RECORDED, MAIL TO:**

**Agency CITY OF INDUSTRY**

**Mailing** 15625 East Stafford Street  
**Address** Attention: Clement N. Calvillo  
**City** City of Industry  
**State, Zip** California 91744

**THIS SPACE FOR RECORDER'S USE**

**NOTICE OF COMPLETION**

Notice is given that work was completed on that certain work known as Project No. **CITY-1389, Industry's 66 KV Electrical Substation Facilities at 208 S. Waddingham Way, City of Industry, CA 91744, County of Los Angeles**, for the undersigned agency and said work was accepted as complete on **9/10/2015**. The contractor on said job was **Southern Contracting Company 559 N. Twin Oaks Valley Rd. San Marcos, CA 92069**.

This Notice of Completion is being recorded on behalf of the **Owner, CITY OF INDUSTRY**, a Public Agency.

City of Industry

By \_\_\_\_\_  
**John D. Ballas, City Engineer**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
 )ss.  
County of Los Angeles )

The undersigned, being duly sworn, says: That he is the City Engineer and that he makes this verification on behalf of said entity; that he has read the foregoing and declares that the contents thereof, and that the facts stated herein, are true and correct.

\_\_\_\_\_  
**John D. Ballas, City Engineer**

Subscribed and sworn to (or affirmed) before me on this 10th day of September 2015, by John D. Ballas, City Engineer, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Date)

\_\_\_\_\_  
(Notary Signature)

(Seal)

*CITY COUNCIL*

ITEM NO. 8.3



## MEMORANDUM

To: Honorable Mayor and Members of the City Council

From: Paul J. Philips, City Manager

Staff: Clement N. Calvillo, CNC Engineering  
Joshua Nelson, CNC Engineering *gn*

Date: September 3, 2015

**SUBJECT:** Walnut Drive South Widening and Storm Drain Improvements (IPD-233), CITY-1420

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The above project was authorized for solicitation of bids on July 24, 2014, for an estimated cost of \$1,190,000.00. The Notice Inviting Sealed Bids was advertised in the San Gabriel Valley Tribune on June 16, 2015 and June 23, 2015. It was also advertised in Construction Bidboard, Inc., Dodge Date, Bid America, and Southern California Builders on June 12, 2015.

Twenty-eight (28) contractors obtained plans and specifications for this project:

All American Asphalt	Beador Construction
Christensen Brothers	Colich & Sons, LP
E.C. Construction	Environmental Construction
Excel Paving	GCI Construction, Inc.
Gentry Brothers, Inc.	GMC Engineering, Inc
GRFCO	Griffith Company
H&H General Contractors, Inc.	Hardy & Harper, Inc.
KEC Engineering	Los Angeles Engineering, Inc.
Mamco, Inc. Alabbasi	Mike Bubalo Construction
Miramontes Construction	Moalej Builders, Inc.
Norstar Plumbing Engineering, Inc.	OHL Usa Shawnan
Paulus Engineering, Inc.	Premier Developing Services
Sequal Contractors, Inc.	Sully-Miller
Toro Enterprises, Inc.	Universal Pipeline, Inc.

Of the twenty-eight contractors only 10 contractors submitted bids, which were received on July 28, 2015 at 10:00 a.m. in the City's Administrative Office. The bids ranged from \$1,444,572.00 to \$2,366,918.00.

A portion of this project encroaches on a privately owned parcel. However, shortly after we received bids for this project, we were notified by this property owner that the easement they had granted the City for the storm drain wasn't valid and they requested some changes to the plans that they had previously approved. Because of this request we don't think it would be prudent at this time to award this project. We will continue to work out the details with the property owner and will request to rebid this project at some point in the future once we have come to terms with the adjacent property owner.

It is therefore recommended that the City Council reject all bids. The project will be submitted to the City Council at a future date to request authorization to rebid.

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PP/CC/JN:af

*CITY COUNCIL*

ITEM NO. 8.4

(NOTE: The materials for this item were not available at the time of publication. The materials will be distributed once they have been finalized.)