

RESOLUTION NO. 2004-120

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA
APPROVING, WITH CONDITIONS, CONDITIONAL USE PERMIT CUP 03-028
TO ALLOW A WOOD RECYCLING FACILITY ON A LOT GREATER THAN ONE
ACRE IN SIZE LOCATED IN THE M-2 (GENERAL INDUSTRIAL) ZONE ON
PROPERTY LOCATED AT 1313 EAST PHILLIPS BOULEVARD**

WHEREAS, there has been heretofore been submitted by The Fifth Day FOR RECYCLED WOOD PRODUCTS, a proposed Conditional Use Permit CUP 03-028, pursuant to Section .580 of the Zoning Ordinance to allow a wood recycling facility on a lot greater than one acre in size at 1313 East Phillips Boulevard located in the M-2 (General Industrial) zone and designated as "General Manufacturing" on the General Plan Land Use Map;

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof, as required by law, held a public hearing concerning requested Conditional Use Permit CUP 03-028; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of the City of Pomona as follows:

SECTION 1. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act, a Mitigated Negative Declaration and Mitigation Monitoring Plan has been prepared and reviewed, finding that, with implementation of the Mitigation Monitoring Plan, the proposed project will not have a significant effect on the environment. The City Council hereby approves said Mitigated Negative Declaration and Mitigation Monitoring Plan attached hereto as Exhibit A and by reference made a part hereof.

SECTION 2. The City Council hereby finds and determines as follows:

1. The proposed use at the particular location will contribute to the general well being of the neighborhood or community.

The proposed project will improve the site by providing buildings and components that will assure that the proposed use does not significantly add to the dust pollution in this industrial area. In addition, it improves the ability of this business to continue a tax-generating business that employs over 43 persons and promotes the re-use and recycling of natural materials.

2. The use will not be detrimental to the health, safety, peace or general welfare of person residing or working in the vicinity or detrimental to the use, valuation or enjoyment of property or improvements in the vicinity.

The proposed use is a conditionally permitted use in the M-2 (General Industrial) zone. It is consistent with the intent of the M-2 zone because it proposes the continued expansion of an industrial use in a manner that mitigates the emissions, dust and other nuisance effects from operating the use at the subject site without adequate conditions. The proposed mitigated negative declaration and mitigation monitoring plan shows that the use, as conditioned herein below, will not have a significant impact on the environment as all potentially significant impacts have been mitigated to a level of insignificance. These mitigation measures include compliance with proposed buildings plans and sight layout and conformance to a Dust Mitigation Plan. The design of the buildings and layout of the site have been formulated to maximize dust and noise mitigation for the protection of persons and property in the vicinity of the site.

3. The site for the proposed use is of adequate topography, size and shape to accommodate the use, as well as all yards, spaces, walls, fences, parking, loading, landscaping and other features necessary to allow the use and the proposed modifications to the use in a manner that is compatible with the neighborhood.

The site consists of 4.3+ acres of land with large open areas to accommodate the wood-by-product mounds and other components of this operation.

4. The site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use.

The site fronts onto Phillips Boulevard an arterial street that is adequate in size and shape to accommodate the traffic generated by the use.

5. The granting of the conditional use permit will not adversely affect the General Plan of the City, or any other adopted plan of the City.

The use and the modifications to the use, as conditioned herein below, are consistent with M-2 zoning designation and the General Manufacturing Land Use Designation of the General Plan. In addition, the use and the modifications to the use are consistent with the objectives of the Community Design and Economic Development Element of the General Plan. Specifically, the use herein and the modifications to the use comply with the following objective:

"It is the policy of the City of Pomona to encourage, with all means possible, the economic development and redevelopment of Pomona by the private sector"

SECTION 3. Based upon the above findings, the City Council hereby approves Conditional Use Permit, CUP 03-028 subject to the following conditions:

1. The subject property shall be developed and/or used in the manner requested and shall be in substantial conformity with the submitted plans date-stamped May 10, 2004, unless revisions and/or additional conditions are specifically required in the resolution of approval.
2. This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one (1) year from the date of this approval.
3. Prior to the issuance of permits, detailed site development plans, including plot plans, floor plans, building elevations, landscape and irrigation plans shall be submitted to the Building Division for review and approval.
4. The applicant or property owner shall retain a copy of this resolution on the premise at all times and will be prepared to produce it immediately upon the request of any City representative.
5. The applicant or future business owner shall ensure that the operation of the facilities comply with all SCAQMD rules, regulations and agreements, including, but not limited to, the Dust Mitigation Plan approved by the South Coast Air Quality District (SCAQMD). Any future amendments to the plan shall be subject to the review and approval of Planning Division staff.
6. All product storage mounds shall be confined to the "pile storage area" outlined in Exhibit SP-1. All product storage mounds made of fine material shall be equipped with a fixed, automatic radial sprinkler system that waters down the mound. All product storage mounds made of coarse material may be equipped with a fixed automatic or mobile radial sprinkler system. For purposes of this condition, the terms "fine material" and "coarse material" shall be as defined in the AQMD management plan.
7. All roll-off containers shall be performed in the "Container Maintenance Area" identified in the Master Site Plan (Exhibit SP-1) or the Maintenance Garage.
8. The Planning Commission shall conduct a review of this conditional use permit on or before the one-year anniversary of its approval.
9. The applicant shall waive all rights under CUP 99-023, to any modification thereto, and such CUP 99-023 shall hereby be of no force or effect.

10. RWP shall comply with all terms provided in any settlement agreement executed by and between RWP and the City of Pomona in the case RWP Transfer, Inv. v. City of Pomona (Los Angeles County Superior Court Case No. BS087657), the terms of which are summarized in the "Memorandum of Settlement Terms" (attached hereto as Exhibit "B" and incorporated herein by this reference).

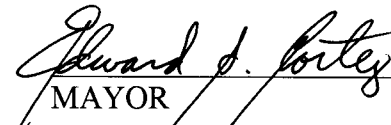
SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and it shall thereupon be in full force and effect.

APPROVED AND PASSED this 17th day of May 2004.

ATTEST:

THE CITY OF POMONA


CITY CLERK


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY

"Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."



**NOTICE OF INTENT
TO ADOPT
MITIGATED NEGATIVE DECLARATION**

NOTICE: Pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21080 et. seq.), the City of Pomona has determined that the project referenced hereinafter will not have a significant effect on the environment, subject to mitigation measures and conditions of approval applied to the project.

PROJECT TITLE: Recycled Wood Products (Case # CUP 99-023 Modified)

PROJECT LOCATION: 1313 East Phillips Boulevard, Pomona, California

PROJECT DESCRIPTION: The proposed project is a modification to Conditional Use Permit CUP 99-023. This CUP was permitted on July 28, 1999 to Recycled Wood Products to allow operation of a wood recycling facility located at 1313 East Phillips Boulevard in the City of Pomona. The modified Conditional Use Permit proposes to mitigate unacceptable dust generated by the recycled wood grinding and storage operations, as well as to expand the facility.

PROJECT PROPONENT: Recycled Wood Products, 1313 Phillips Boulevard, Pomona, CA 91766-5431.

LEAD AGENCY: City of Pomona, 505 South Garey Avenue, Pomona, California 91766

A copy of the Initial Study, documenting reasons to support the findings that said project will not have a significant effect on the environment, is attached hereto for public review. Copies of all documents referenced therein are available for review at the Community Development Department at the City of Pomona.

PUBLIC REVIEW PERIOD: Begins: November 10, 2003 Ends: December 10, 2003

PUBLIC HEARING/MEETING: Planning Commission – December 10, 2003

Anyone interested in the draft Mitigated Negative Declaration or the project itself is invited to comment by written response on or before the close of business on December 20, 2003

APPEALS. Any person or agency aggrieved by this decision may appeal to the Pomona City Council in compliance with all provision for filing of such appeals. Any such appeal must be filed within thirty (30) days after the issuance of this decision, or it shall be dismissed by the City Council

Richard Belmudez, Senior Planner (909) 620-2191 October 29, 2003

CONTACT PERSON	TITLE	TELEPHONE	DATE
Richard Belmudez	Senior Planner	(909) 620-2191	October 29, 2003



CITY OF POMONA

ENVIRONMENTAL CHECKLIST FORM

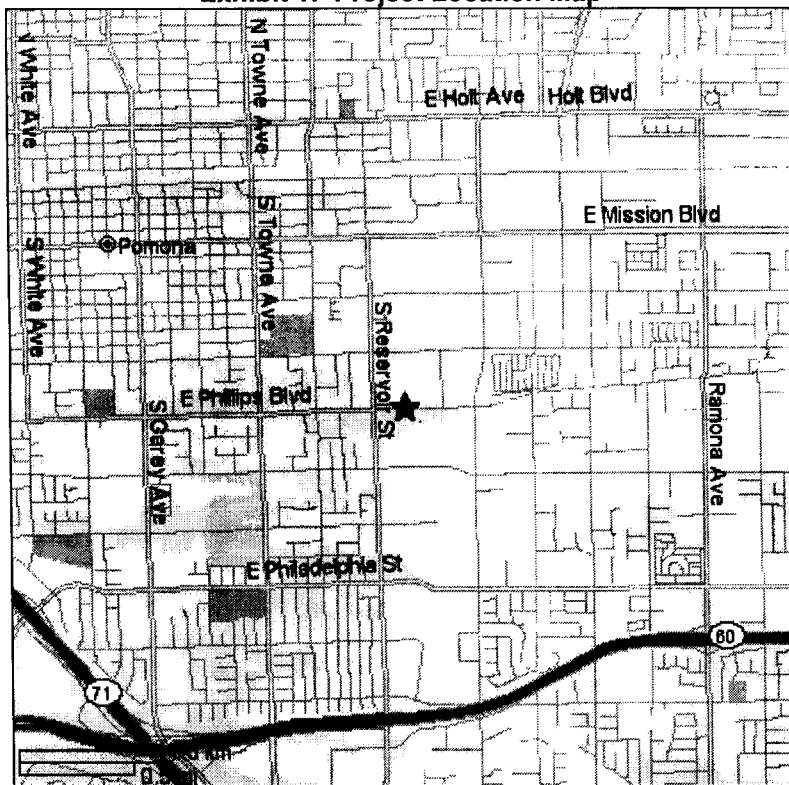
EXECUTIVE SUMMARY:

This Initial Study assesses the potential environmental impacts of a modification of Conditional Use Permit (CUP) 99-023 that was permitted on July 28, 1999. CUP 99-023 allowed operation of a wood recycling facility located at 1313 East Phillips Boulevard in the City of Pomona. The modified Conditional Use Permit proposes to mitigate unacceptable dust generated by the recycled wood grinding and storage operations, as well as to expand the facility. This Initial Study finds that the proposed project does not properly mitigate dust generation, and that the project is currently in violation of its existing CUP relative to extent and area of operation. Potential significant adverse project impacts are identified relative to aesthetics, air quality and land use. Mitigation measures are recommended to reduce these impacts to acceptable levels. Consequently, a Mitigated Negative Declaration will be prepared for the project.

PROJECT DESCRIPTION:

1. Project title: **Recycled Wood Products (Case # CUP 99-023 Modified)**
2. Lead agency name and address: **City of Pomona, 505 South Garey Avenue, Pomona, California 91766**
3. Contact person and phone number: **Richard Belmudez, Planning Department, (909) 620-2191**
4. Project location: **1313 East Phillips Boulevard in the City of Pomona (See Exhibit 1, Project Location Map, below.)**
5. Project sponsor's name and address: **Recycled Wood Products, 1313 Phillips Boulevard, Pomona, CA 91766-5431.**
6. General plan designation: **General Manufacturing.**
7. Zoning: **M-1, Light Industrial.**

Exhibit 1: Project Location Map



8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.)

Recycled Wood Products (RWP) is a manufacturer of wood by-products for use by municipal parks departments, school districts, nurseries, alternative fuel energy plants and individual landscapers. RWP produces approximately 15 different products at its Pomona facility. Generically, RWP products consist of wood chips, mulch and sawdust. Each product requires certain combinations of woods, additives, grinding/sizing and finishing. The facility encompasses approximately 8.0 acres from Grand Avenue on the north and Phillips Boulevard on the south. Along Phillips Boulevard, RWP contains an 800 square foot office and outdoor retail center. The majority of the site is dedicated to the grinding and storage of wood products. Trucks delivering the wood products to the site currently deposit the material into open air storage bins. These piles are mixed with other material depending on the end use of the recycled wood product being produced. The material is then transported to an open air grinder where the product is grinded and then sorted and stored in large open air piles. During an October 4, 2002 site visit, City Planning Division staff observed approximately 10 outdoor piles of wood chips, mulch and sawdust. The piles were approximately 10-15 feet in height and approximately 10-20 feet in length.

A CUP to permit operation of the RWP at its Phillips Boulevard location was approved by the City Planning Commission July 28, 1999. The CUP is required subject to Section .062 of the Pomona Zoning Code which list recycling as a conditionally permitted use. A condition of the CUP was that RWP be consistent with and complimentary to the adjoining properties. However, since its approval and subsequent operation, the City has received numerous and frequent complaints from neighboring properties stating that the dust generated by RWP is excessive and a nuisance. From November 1999 through April 2001, the City Code Enforcement Division issued Notices of Corrections. The applicant disputed the charges regarding excessive dust, and consequently made no changes in response to the Notices of Correction, and the excessive dust emissions

continued unabated. On April 24, 2001, the Code Enforcement Division issued a court citation to RWP for violations of the Zoning Ordinance relative to dust generation. Again the applicant disputed the charges and made no progress in reducing dust emissions. A second court citation was issued on May 15, 2002; and on July 2, 2001, the Pomona City Council directed staff to initiate procedures for revocation of the CUP.

Staff found that most of the dust generated by RWP occurs during the grinding operation and from the large open piles of material stored onsite. This dust was found to be spreading on to adjacent properties, in violation of the CUP. These findings supported revocation of the RWP CUP. In response to these findings, RWP proposed to construct a metal building to house the grinding operation and prevent dust from migrating outside the property and on to adjacent uses. The Planning Commission, at a September 26, 2001 public hearing to revoke the CUP, accepted the proposal to enclose the grinding operation as mitigation for the excessive dust generation, and decided to forestall revocation proceedings pending implementation and monitoring of the applicant's proposal.

In July 2002, RWP submitted a master site plan and operations manual to the City intended to modify the existing CUP and serve as mitigation for excessive dust generation. This submission did not include construction of an enclosed structure for the grinding operation as previously accepted by the Planning Commission; and consequently, City staff rejected that submission. Since that time, City staff in conjunction with the State of California Air Quality Management District (SCAQMD) have been working with the applicant to ensure that operations are properly enclosed and dust emissions are adequately mitigated. A revised operating plan and modified CUP application, submitted August 2003, includes an enclosed metal truck loading building that would be constructed below grade. The truck loading building would be located on the west side of the property adjacent to the existing railroad tracks and would deposit material into storage bins contained within the building. The materials would then be transported via conveyors to one of two tub grinders, both fully enclosed in separate 3,000 square foot metal buildings. The revised operating plan also calls for four outdoor piles of material with a maximum height of 10 feet for fine material and 15 feet for coarse material. The piles would be equipped with fixed radial sprinklers on automatic timers to provide regular dust control at stock piles. SCAQMD has found that revised operating plan would adequately mitigate dust emissions and air quality impacts.

The revised operating plan also proposes to add another 3,240 square feet to the office facility, for a total square footage of 4,040 square feet, and to expand the site to encompass property on the north and property on the east. The expanded site areas would be used primarily for storage and maintenance of existing RWP equipment. During the October 4, 2002 site visit, City Planning Division staff observed that the applicant has already expanded into these added properties, in violation of its approved CUP.

9. Existing land uses on the project site: (Briefly describe the project's existing features)

As mentioned above, RWP already occupies the site and has already expanded onto two adjacent properties in violation of its approved CUP. A single family house is situated on the southeasterly adjacent property on which RWP has expanded. The single family house is an existing nonconforming land use, and is currently occupied by a renter family.

10. Surrounding land uses and setting: (Briefly describe the project's surroundings)

The site is bounded on all sides by industrial zoning and industrial land uses. A rail line runs north-south, immediately west of the project site.

11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

None.

EVALUATION OF ENVIRONMENTAL IMPACTS:

An Environmental Checklist Form (Form) has been used to evaluate the potential environmental impacts associated with the proposed project. The Form has been prepared by the Resources Agency of California to assist local governmental agencies, such as the City of Pomona, in complying with the requirements of the Statutes and Guidelines for implementing the California Environmental Quality Act. In the Form, environmental effects are evaluated as follows:

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 its response. 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 will 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 (mitigation measures from an "Earlier Analyses," as described in #5 below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. 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).
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - (a) The significance criteria or threshold, if any, used to evaluate each question.
 - (b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL IMPACT

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
<i>I. a),b). No Impact.</i> The project site is generally flat, surrounded by urbanized land uses. There are no identified scenic vistas or scenic resources such as trees or rock outcroppings or a state scenic highway within or adjacent to the project site. Therefore, there is no identified potential for project implementation to result in adverse impacts on scenic vistas or resources.				
c) Substantially degrade the existing visual character and quality of the site and its surroundings?		X		
<i>I. c. Less Than Significant with Mitigation Incorporated.</i> The large open air storage piles of recycled wood products, discussed under the Project Description above, are visible from adjacent uses. Although the project site is in an industrial area, it is the only facility in the vicinity of the site that has open air storage clearly visible from outside the property. The piles appear to be disorderly and the dust from the piles can be seen from the adjacent properties. Consequently, the project does substantially degrade the visual character and quality of the site and its surroundings. RWP's revised operating plan and modified CUP application, submitted August 2003, includes proposals to enclose much of the current operations in metal buildings and to limit the number of outdoor storage piles. These provisions of the operating plan are critical to the mitigation of existing as well as potential future aesthetics impacts, and are therefore incorporated herein as Mitigation AQ-1. The operating plan, specified in this mitigation measure, requires enclosing of loading, unloading and grinding operations; and limiting the number and size of outdoor piles of material and equipping said piles with automatic sprinklers. Implementation of mitigation measures AQ-1 will reduce project impacts relative to aesthetics to less than significant levels.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<i>I. d). Less Than Significant.</i> The project does not have excessive outdoor lighting that creates substantial light or glare that would adversely affect day or nighttime views in the area. Consequently these impacts are less than significant and no mitigation is required.				
II. AGRICULTURAL RESOURCES. 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				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
Program of the California Resources Agency, to non-agricultural use?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X
<p><i>II. a), b), c). No Impact.</i> No agricultural operations exist on the property or in the surrounding area. The site is not identified as a Prime Farmland, Unique Farmland, or Farmland of Statewide Importance ("Farmland"), and does not contain any Williamson Act contracts. Therefore, there is no identified potential for the project to impact agricultural resources.</p>				
III. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute to an existing or projected air quality violation?		X		
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 with exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to		X		

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
substantial pollutant concentrations?				
<p><i>III. a), b, c, d). Less Than Significant with Mitigation Incorporated.</i> As discussed under the project description, dust from the project site has and continues to migrate to properties located primarily east of the site, in the direction of prevailing winds. Tenants of the adjacent businesses have repeatedly complained to the City that dust from RWP is soiling their property and merchandise, damaging lights and electrical equipment, and hurting their lungs. A number of adjacent tenants have complained that they need to wear face masks to protect themselves from the dust on certain days when the winds are particularly high. During the past year, City staff in conjunction with the State of California Air Quality Management District (SCAQMD) have been working with the applicant to ensure that operations are properly enclosed and dust emissions are adequately mitigated. A revised operating plan and modified CUP application, submitted August 2003, includes an enclosed metal truck loading building that would be constructed below grade. The materials would then be transported via conveyors to one of two tub grinders, both fully enclosed in separate 3,000 square foot buildings. The revised operating plan also calls for four outdoor piles of material with a maximum height of 10 feet for fine material and 15 feet for coarse material. The piles will be equipped with fixed radial sprinklers on automatic timers to provide regular dust control at stock piles. The revised operating plan also calls for paving of unpaved site areas; installation and operation of a wind station; appointment of an onsite "Environmental Observer" authorized and empowered by RWP to deploy RWP maintenance personnel and any other reasonably available human or material resources to prevent or abate fugitive dust emissions. SCAQMD has found that implementation of these operating plan measures would reduce project air quality impacts to less than significant levels. Mitigation Measure AQ-1 is added to the project to ensure that the SCAQMD approved operating plan for RWP is properly implemented pursuant to both City and SCAQMD standards.</p> <p>In addition to the measures called out by the operating plan, RWP has expanded onto adjacent properties, one which contains a single family home. This home is currently occupied by a renter family. RWP is proposing to remove the renter family and instead use the structure for miscellaneous office and storage. Because of potential adverse air quality impacts to the existing renter family, Mitigation Measure AQ-2 is added to the project to require that RWP assist the residents with relocation.</p> <p><u>Mitigation Measures:</u></p> <p>AQ-1. Approval of CUP 99-023 Modified is contingent on the applicant improving and operating the RWP facility pursuant to a SCAQMD and City approved operating plan¹.</p> <p>AQ-2. RWP shall assist the existing residents with relocation. Said relocation assistance may include assistance in the form of one month rent, subject to review and approval of the City Community Development Director.</p> <p>Implementation of mitigation measures AQ-1 and AQ-2 will reduce project impacts relative to air quality to less than significant levels.</p>				
e) Create objectionable odors affecting a substantial number of people?				X
<p><i>III. e). No Impact.</i> Complaints from adjacent properties regarding the project have not identified noxious odors from RWP operations. Consequently, the project is not expected to create objectionable odors affecting substantial number of people.</p>				

¹ The RWP Operating Plan is available at the City Community Development Department

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as 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?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife?				X
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?				X
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?				X
<p><i>IV. a), b), c), d). No Impact.</i> The project site is located within a highly urbanized area, and the site itself has been highly disturbed with previous and existing development. There are no natural drainage courses on or adjacent to the site. The site does not contain species identified as 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. There are no identified riparian habitats or other sensitive natural communities, federally protected wetlands or wildlife migratory corridors in or adjacent to the project site. Therefore, there is no identified potential for the project to impact biological resources.</p>				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
IV. e),f). <i>No Impact.</i> The project site does not contain any trees, biological resources or habitats that are protected by preservation or conservation plans. Therefore, there is no identified potential for the project to conflict with policies or plans that protect biological resources.				
V. CULTURAL AND RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains including those interred outside of formal cemeteries?				X
V. a), b), c), d). <i>No Impact.</i> The project site is already developed and occupied by the RWP facility. None of the existing structures onsite qualify as historical resources as defined in Section 15064.5 of the CEQA Guidelines. The site and the adjacent areas have already been graded and developed with urban uses. No significant archaeological or paleontological resources or human remains have been recorded in or around the project site. Therefore, the project is not expected to impact the above-defined cultural resources.				
VI. 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				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
Special Publication 42.				
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
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?				X
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?				X
<p>VI. a),b),c),d). <i>No Impact.</i> The project site is not located within a fault zone area according to the Pomona General Plan Geotechnical Map, and no other conditions have been identified in past records or studies that indicate unstable earth conditions or changes in geological substructures. Therefore, there is no identified potential for the project to expose people or structures to adverse effects due seismic ground shaking, and no mitigation is required.</p>				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
<p>VI. e). <i>No Impact.</i> The project site is currently served by public sewer. Therefore, soils capacity to support the use of septic tanks or alternative wastewater disposal systems is not relevant to the project.</p>				
VII. 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?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the			X	

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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?			X	
<p>VII. a), b), c), d). <i>Less Than Significant.</i> Although the project may utilize chemicals in its processing of raw materials, it does not involve the use, storage or transport of identified hazardous substances. This finding has been confirmed by SCAQMD reviews of the project. Therefore, potential project impacts associated with hazards and hazardous materials are expected to be less than significant, and no mitigation is required.</p>				
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?				X
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?				X
<p>VII. e), f). <i>No Impact.</i> The project site is not located within an airport land use plan area or within the vicinity of an airstrip. Therefore, potential impacts relative to airport land uses are airstrips are not relevant to the project.</p>				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
<p>VII. g). <i>No Impact.</i> The project takes primary access from Phillips Boulevard and secondary access from Grand Avenue. No identified potential adverse impacts to adopted emergency response plans or emergency evacuation plans are expected to result from the project.</p>				
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				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
wildlands?				
<p>VII. h). <i>No Impact</i>. The project area is urbanized and is surrounded by urban land uses. The Pomona General Plan does not identify risk of wildland fires as a concern within the area of the project site. Therefore, there is no identified potential for impacts on the environment due to wildland fires.</p>				
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
<p>VIII. a). <i>Less Than Significant</i>. The project is conditioned to comply with National Pollution Discharge Elimination System (NPDES) standards to ensure that pollutants are not discharged into storm drains. Therefore, potential adverse impacts associated with water quality and discharge are less than significant levels, and no mitigation is required</p>				
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)?				X
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 substantial erosion or siltation on- or off-site?				X
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?				X
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?				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
VIII. b), c), d), e) <i>No Impact.</i> The project connects to existing drainage facilities and water supply lines in accordance with City Public Works standards. It is not expected to alter drainage patterns or contribute to runoff that would exceed the capacity of existing planned stormwater drainage systems. Therefore, there is no identified potential for the project to result in adverse impacts to water quality, groundwater supply or drainage patterns.				
f) 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?				X
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) 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?				X
VIII. c), d), e), f), g), h). <i>No Impact.</i> The project site is relatively flat with no natural drainage course on-site or adjacent to the site. The site is not within a 100-year flood hazard area or an area susceptible to flooding. Therefore, there is no identified potential for the project to cause adverse impacts relative to drainage or flooding.				
i) Inundation by seiche or mudflow?				X
VIII. i). <i>No Impact.</i> According to the Pomona General Plan Geotechnical Map, the project site is not within a seismically active area. Therefore, potential impacts related to seiche or mudflow are not relevant to the project.				
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
IX. a). <i>No Impact.</i> The project site is in an industrial area. No impacts relative to the division of an established community have been identified.				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?		X		
<p><i>IX. b). Less Than Significant with Mitigation Incorporated.</i> As discussed above, the project is currently in violation of its CUP due to its generation of excessive dust, expansion of operations and area over and above that permitted in its CUP, and failure to install a metal building over the grinding operations. Mitigation measures AQ-1 and AQ-2 require that RWP implement a SCAQMD and City approved operating plan, which is expected to reduce project impacts relative to aesthetics and air quality to less than significant levels. Implementation of these mitigation measures will reduce project current CUP violations to acceptable levels. Any expansion of the RWP operations or area beyond that permitted by the approved CUP shall be subject to a separate CEQA review, and review of the City Planning Commission.</p>				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p><i>IX. c). No Impact.</i> As discussed in item IV. f), there are no habitat conservation plans affecting the project site. There also is no community conservation plan in place affecting the project site. Therefore, there is no identified potential for the project to conflict with applicable conservation plans.</p>				
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
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?				X
<p><i>X. a), b). No Impact.</i> No mineral resources have been identified in the project site according to local plans. Therefore, potential impacts on the environment due to a loss of availability of a known regionally or locally important mineral resources are not relevant to the project.</p>				
XI. NOISE. Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan			X	

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
or noise ordinance, or applicable standards of other agencies?				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
<p><i>XI. a), b), c), d). Less Than Significant.</i> Noise from the RWP operation is primarily due to truck loading and unloading and grinding operations. Excessive noise from these activities was not noted by City Code Enforcement or in complaints from neighboring properties. Therefore, noise impacts associated with the project are expected to be less than significant, and no mitigation is required.</p>				
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?				X
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?				X
<p><i>XI. e), f). No Impact.</i> The project is not located within an airport land use plan area or in the vicinity of a private airstrip. Therefore, the potential for significant adverse impacts on the environment relative to an airport land use plan or airstrip are not relevant to the project.</p>				
XII. 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)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

XII. a),b),c). No Impact. As mentioned above, RWP already occupies the site and has expanded onto adjacent properties, one which contains a single family home. This home is currently occupied by a renter family. RWP is proposing to remove the renter family and instead use the structure for miscellaneous office and storage. Because of potential adverse air quality impacts to the existing renter family, Mitigation Measure AQ-2 requires that RWP assist the existing residents with relocation in order to expedite their move from the project site. Said relocation assistance may include assistance in the form of one months rent, subject to review and approval of the City Community Development Director. Consequently, displacement of the one family is not considered significant. The RWP facility employs approximately 20 or less moderately skilled and unskilled workers. The project would not extend roads or infrastructure beyond that necessary to serve the project. Therefore, there are no identified project impacts associated with population or housing.

XIII. 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?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X

XIII. a), b),c), d), e).No Impact. The project is an on-going operation and does not require new or physically altered governmental facilities, or the need for new or physically altered governmental facilities. Consequently it is not expected to could cause significant adverse impacts relative to the provision of public services.

XIV. RECREATION:

a) Would the project 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?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
<p>XIV. a), b). <i>No Impact.</i> The project is an industrial use on an existing industrial site. It will not generate new population, and will not result in increased use of existing parks or recreational centers. The project does not include recreational facilities. Therefore, the project is not expected to have an impact on recreational services or facilities.</p>				
<p>XV. TRANSPORTATION/ TRAFFIC. Would the project:</p>				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
<p>XV. a),b). <i>Less Than Significant.</i> Traffic generated from the project is largely due to employee commuting, retail activity and truck operations. These traffic levels are not expected to expand with approval of the modified CUP, which addresses primarily dust emission mitigation and expansion of storage and maintenance areas. Project traffic is not expected to significantly affect traffic patterns or levels of service in the vicinity of the project site. Consequently, impacts relative to traffic are expected to be less than significant and no mitigation is required.</p>				
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?				X
<p>XV. c). <i>No Impact.</i> The proposed project does not involve an airport or airstrip, and would not impact air traffic patterns. Therefore, the potential for impacts due to adverse effects on air traffic patterns is not relevant to the project.</p>				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
<p><i>XV. d),e),f). No Impact.</i> Primary vehicle access to the site is from Phillips Boulevard, with secondary access from Grand Avenue. The project would provide 40 parking spaces, substantially more than the 13 spaces required by the City Zoning Code. The project does not create design hazards, impact emergency access, provide inadequate parking, or conflict with adopted alternative transportation policies or plans. Therefore, the project will not result in substantial adverse impacts to traffic safety, emergency access, parking or alternative modes of transportation.</p>				
<p>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</p>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project as projected demand in addition to the provider's existing commitments?				X
d) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
e) Have sufficient water supplies available to serve the project from existing entitlements and resources, or new or expanded entitlements needed?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state and local statutes and regulations related to solid waste?				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
<p><i>XVI. a), b), c), d), e), f), g). No Impact.</i> The project connects to existing on site utilities. Conditions of approval require project compliance with regional water quality and solid waste disposal and recycling requirements. The project is not expected to increase demand for utilities or services, and no potential project impacts to utilities have been identified.</p>				
<p>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</p>				
<p>A. Does the project have the potential to substantially 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 an endangered threatened species, or eliminate important examples of the major periods of California history or prehistory?</p>				X
<p><i>XVII. A. No Impact.</i> As discussed in item IIV. above, there are no natural drainage courses on the project site, and no species listed as endangered or threatened under either the federal or California Endangered Species Act is likely to be present on or adjacent to the project site. As discussed under item V, above, no significant historical, archaeological or paleontological resources or human remains have been recorded in or around the project site. Therefore, the project is not expected to substantially degrade the quality of the environment relative to species habitat or populations, or cultural resources.</p>				
<p>B. Does the project have impacts that are individually limited, but cumulatively considerable? (Are the incremental effects of the project considerable when viewed in connection with those of past projects, those of other current projects, and those of probable future projects)</p>				X
<p><i>XVII. B. No Impact.</i> As discussed under items III, air quality impacts associated with project are localized, primarily affecting adjacent properties. The project will not result in significant cumulative impacts relative to air quality and traffic.</p>				
<p>C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>		X		

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
<p><i>XVII. C. Less Than Significant With Mitigation.</i> Dust from the project could adversely affect neighboring residents and employees; however, upon implementation of mitigation measures AQ-1 and AQ-2, these impacts are expected to be reduced to acceptable levels.</p>				

MITIGATION MONITORING PROGRAM:

The following environmental mitigation measures shall be incorporated into the project development as conditions of approval. The project applicant shall secure a signed verification for the mitigation measures that indicates that the mitigation measures have been complied with and implemented, and fulfill the City environmental and other requirements (Public Resources Code Section 21081.6.) Final clearance shall require all applicable verifications as included in the following table. The City of Pomona Planning Department has primary responsibility for monitoring and reporting the implementation of the mitigation measures. The mitigation measures are identified by impact category and numbered for ease of reference.

<p align="center">RECYCLED WOOD PRODUCTS MODIFICATION OF CUP 99-023 MITIGATION MONITORING PROGRAM</p>				
MITIGATION MEASURE	TIMING	VERIFICATION OF COMPLIANCE		
		DEPARTMENT:	SIGNATURE:	DATE:
AQ-1. Approval of CUP 99-023 Modified shall be contingent on the applicant improving and operating the RWP facility pursuant to a SCAQMD and City approved operating plan.	On-going	Planning Division		
AQ-2. RWP shall assist the existing residents with relocation. Said relocation assistance may include assistance in the form of one month rent, subject to review and approval of the City Community Development Director	Within 30 days of Planning Commission approval of CUP	Planning Division		

SOURCES CITED IN EVALUATION OF ENVIRONMENTAL IMPACTS:

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. The documents outlined below are hereby incorporated by reference, and the pertinent material is summarized throughout this Initial Study where that information is relevant to the analysis of impacts of the proposed project. All documents incorporated by reference are available for review at the City of Pomona Planning Department, 505 South Garey Avenue, Pomona, California 91766. The office hours are Monday through Friday between 8:00 a.m. and 6:00 p.m.

1. City of Pomona Comprehensive General Plan (March 1976 and as amended).
2. Zoning Code of the City of Pomona (current)
3. CEQA Implementing Procedures, City of Pomona (current)

LIST BELOW THE PERSON OR PERSONS WHO PREPARED OR PARTICIPATED IN THE PREPARATION OF THE INITIAL STUDY:

1. Environmental Consultant: Joann Lombardo, Comprehensive Planning Services
2. Senior Planner: Richard Belmudez, City of Pomona

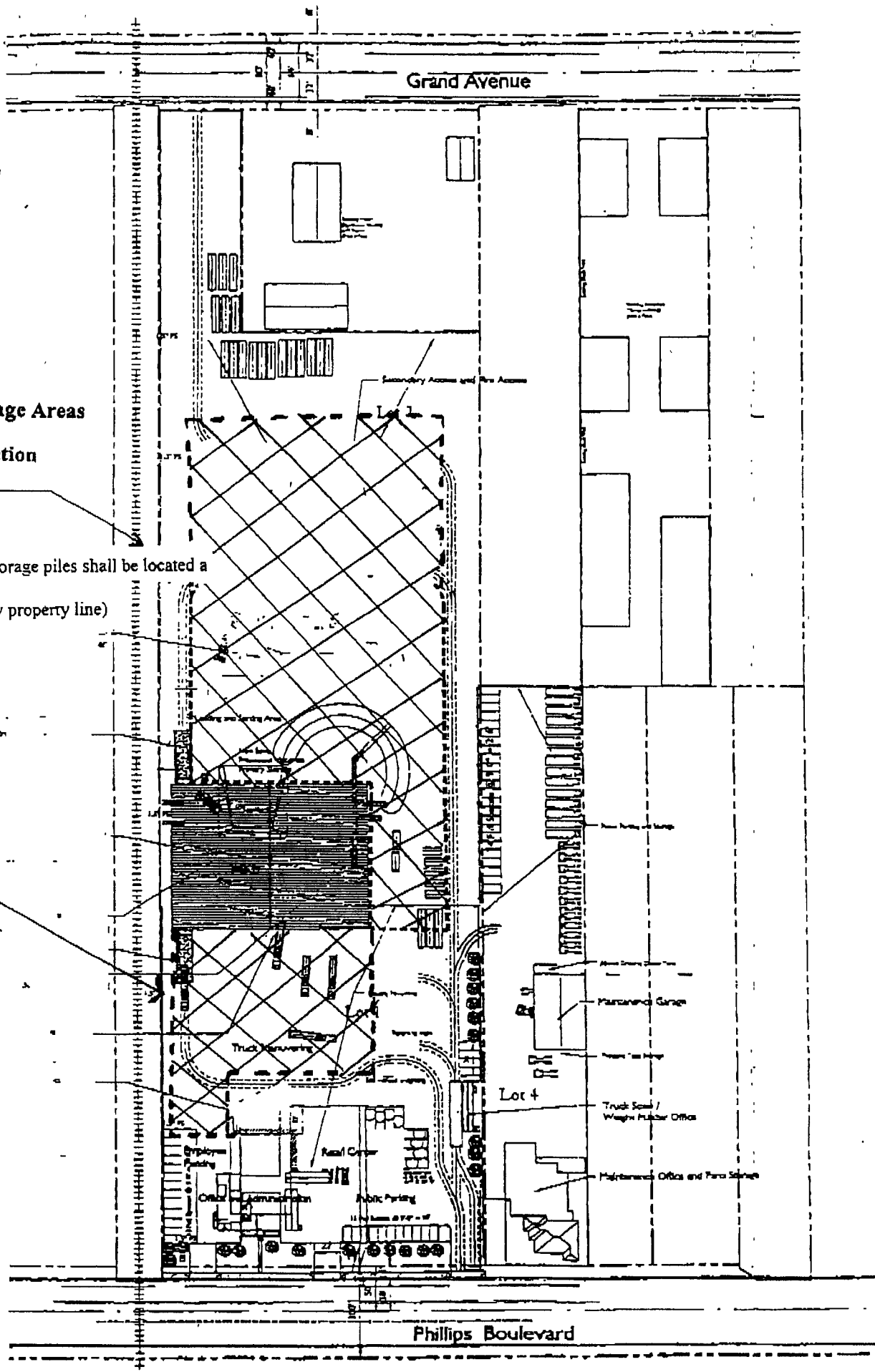
EXHIBIT “ B ”

MEMORANDUM OF SETTLEMENT TERMS

The terms of the Settlement Agreement referenced in Condition 10 of this Resolution No. 2004-120 are summarized as follows:

1. RWP shall surrender all rights to CUP No. 99-023.
2. RWP shall, on an expedited basis, construct all buildings and improvements required by CUP 03-028. Phases of such construction must be completed according to the following timeline:
 - A. Implementation of Interim Dust Mitigation Measures within forty-five (45) days.
 - B. Submission of complete plans for buildings and improvements within seventy five (75) days.
 - C. Submission of corrected plans within fourteen (14) days of plan check completion.
 - D. Pay for grading and building permit fees and obtain required grading and building permits for the buildings and improvements within twenty (20) calendar days of plan approval.
 - E. Submit invoices to City evidencing purchase of equipment required for operation consistent with CUP 03-028 within twenty (20) calendar days of plan approval.
 - F. Commence construction within sixty (60) calendar days of obtaining grading and building permits.
 - G. Complete all foundations and necessary inspections within seventy-five (75) days of obtaining permits.
 - H. Complete all construction and request issuance of a Certificate of Occupancy within one hundred eighty (180) days of obtaining permits.

3. During the period of constructing buildings and improvements required by CUP 03-028, RWP shall adhere to an interim operating plan providing for mitigation measures to be implemented during construction
4. RWP waives all rights to pre-revocation and revocation hearings concerning CUP 03-028, and consents to immediate Superior Court proceedings to revoke CUP 03-028 if the Settlement Agreement is breached or CUP conditions not adhered-to.



**Interim Product Storage Areas
During Construction**



(Note: All interim product storage piles shall be located a minimum of 20-feet from any property line)

EXHIBIT SP-1

