

P.O. Box 682, Walnut, CA 91788-0682
21201 La Puente Road
Walnut, CA 91789-2018
Telephone (909) 595-7543
FAX (909) 595-6095
www.walnut.org



Mayor, Mary Su
Mayor Pro Tem, Nancy Tragarz
Council Member, Eric Ching
Council Member, Robert Pacheco
Council Member, Andrew Rodriguez

CITY OF WALNUT

December 26, 2017

Via E-mail Only

Gary Nellesen, Director, Facilities Planning and Management
Mt. San Antonio College
1100 North Grand Avenue
Walnut, CA 91789

RE: Mt. SAC Physical Education Project (PEP)

Dear Mr. Nellesen,

I am writing in response to your December 21, 2017 email regarding commencement of earth export activities from the PEP site on December 27, 2017. I am compelled to again express my disappointment in Mt. SAC's flagrant disregard of the City's Stop Work Notices and land use, grading and hauling regulations. As you know, a truck hauling plan is a component of a grading plan requiring City of Walnut approval. And, as you know, Mt. SAC does not have an approved grading plan or haul route.

The City's permitting process is aimed to protect the public health, safety, and welfare. As to earthwork activities, City regulations ensure proper provisions for the control of erosion and measures for perimeter protection/soil stabilization to protect against unpermitted run-off and degradation of water quality as well as dust control and related concerns. Hauling regulations ensure safe routes with appropriate conditions and mitigation measure to minimize conflicts between haulers and the motoring public and regulating weight limits to protect the integrity of City streets. In that vein, I note that that your December 21, 2017 email indicates that "hauling activities will take place Monday through Saturday between the hours of 7 AM and 7 PM... ." This proposal conflicts with the City's hauling regulations contained in Section 6-7.4 (copy attached) which, among other requirements, restricts hauling operations to "the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays."

As I stated in my November 22, 2017 letter to you, the City's Stop Work Orders are in full force and effect and Mt. SAC must immediately cease and desist all unpermitted earthwork and proposed hauling operations until the necessary permits have been obtained. While Mt. SAC has acknowledged the City's regulatory authority over grading and hauling activities, it appears that acknowledgment is mere lip service and the college intends to continue its unpermitted earthwork and grading operations on the PEP site in violation of the Walnut Municipal Code.

Mr. Gary Nellesen
December 26, 2017
Page 2 of 2

In an effort to seek compliance, the matter has been referred to the City Attorney's office. And, in anticipation of hauling operations mobilizing without an approved haul route, the sheriff's traffic bureau will be prepared to cite any hauler entering City streets to or from the unpermitted grading operations at the PEP site.

If you have any questions, please feel free to contact the Planning Division at (909) 595-7543.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Weiner". The signature is written in a cursive style with a horizontal line extending to the left.

Tom Weiner
Community Development Director

cc: Rob Wishner, City Manager
Barbara Leibold, City Attorney
Alfred Reyes, Captain Sheriff's Department
Dave Gilbertson, City Engineer

Walnut City Code							
Up	Previous	Next	Main		Search	Print	No Frames
Title II BUILDINGS AND BUILDING REGULATIONS							
Chapter 6 BUILDINGS							
Article II. County Building Code							

6-7.4. Hauling of earth materials.

(a) Any person, firm, association or corporation (hereinafter “permittee”) moving or causing to be moved more than five thousand cubic yards of earth material per project from or to the site of a grading operation on any public roadway within the City of Walnut shall be subject to the following requirements:

(1) Haul Route. The permittee shall file a completed “haul route questionnaire” in the form approved by the city engineer. The city engineer shall approve any proposed staging area and the route to be used in transportation of the earth materials on public roadways. Deviation from the designated staging area and haul route shall constitute a violation of the condition of the permit issued under this chapter. When the city engineer approves a route, he or she shall do so in writing on the permit document, and shall immediately notify the traffic division of the Walnut police department that such haul route has been specified and approved.

(2) Access Roads. Access road to the grading site shall be only at points designated on the approved grading plans. At a minimum, the first fifty feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed five percent. There must be a three hundred-foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the five-percent grade or three hundred-foot sight distance requirements cannot be obtained due to site constraints, then a flagger shall be posted at the access road and shall remain for the entire duration of earth-moving/material export/transportation operations. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.

(3) Signs. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the city engineer and shall be posted by the permittee on the public roadway in the vicinity of the access intersection consistent with the current State of California Department of Transportation “Manual of Traffic Control – Warning Signs, Lights and Devices for Use in Performance of Work Upon Highways.” The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current State of California Department of Transportation “Traffic Manual.” The advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.

(4) Inspection. Every driver of a vehicle, combination of vehicles, mobile equipment or load subject to this chapter shall stop and submit to an inspection of the size, weight, equipment and safety of such vehicle, combination of vehicles, mobile equipment or load at any location where any officer of the Walnut police department is conducting tests and inspections of such vehicles, combination of vehicles, mobile equipment or loads and when signs are displayed requiring the stop.

(5) Time of Hauling Operations. Except as provided hereinbelow, hauling on city roadways shall be permitted between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays. No hauling vehicles may be parked on city roadways adjacent to the job site with motors running prior to 8:00 a.m. The city engineer shall, however, shorten the permitted hours of operations such that the permitted hours shall not include those times when children are likely to be present at the beginning and end of the school day if the haul route passes a school zone or for such other previously unforeseen effect on the health, safety, or welfare of the surrounding community. The city engineer may extend the hours of hauling operations upon

application by the permittee and upon a finding by the city engineer that such hauling operations are not detrimental to the health, safety, or welfare of residents or the general public.

(6) Notification. The permittee shall notify the city engineer in writing at least twenty-four hours before hauling is to commence.

(7) Dust Control. Either water or dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth materials to or from the project site on city roadways. The permittee shall be responsible for maintaining city roadways used for transporting materials in a condition free of dust, earth, or debris. The permittee will be responsible for obtaining all clearances and permits, if any, directly from the South Coast Air Quality Management District (SCAQMD).

(8) Debris on City Roadways. California Vehicle Code Section 23112(b) forbids the placing, dumping or depositing of dirt and rocks on public streets or any portion of the public right-of-way. All vehicles engaged in hauling earth materials under the provisions of this chapter shall refrain from depositing dirt or debris on city roadways by any means, including, but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The permittee conducting any earth-moving operation under this chapter shall be responsible for the complete removal of such materials if spilled, dumped or deposited on a city roadway within twenty-four hours of noted spill, dumping or deposition. If the permittee fails to remove such spillage, dumping or deposited material within the noted time frame, and it is necessary for the city to complete the removal, the permittee shall be liable to pay the city the full cost of such removal work. The city engineer may require a cash deposit up to five thousand dollars to insure the clean-up of public streets.

(9) Load Limits. The city engineer may further specify load limits where, in his or her opinion, the standard load capacity of vehicles used in such hauling would cause damage to streets on the designated route.

(10) Financial Responsibility for Damage to Streets. Any grading or hauling contractor or project site owner/permittee moving earth materials on city roadways shall be financially responsible for any damage to the public streets caused by the hauling vehicles, and shall pay to the City of Walnut the cost, as determined by the city engineer, of repairing such damage, or shall repair the damage in question to the satisfaction of the city engineer.

(11) Bonds for Grading to Include Street Repairs. Any bonding required pursuant to this chapter shall be in an amount sufficient to cover the cost of repair of any damage to the city roadways and any public facilities therein and the cost of removal of any earth materials or other debris deposited therein reasonably expected to result from permittee's operations. The conditions of the bond shall guarantee payment to the city for all costs and expense in repairing the damaged streets or other public facilities and the removal of any deposits of earth materials or other debris resulting from the permitted operations. In lieu of a bond, the permittee may deposit cash with the city upon the same terms and conditions and in an amount equal to that which would be required in the bond.

(12) Other Conditions. Any permit subject to the provisions of this section may specify other necessary conditions or restrictions where the use of city roadways would disrupt the normal traffic activities or cause a public inconvenience.

(b) Hauling in Connection with Grading Activity Subject to Sections 6-5.6(b) and 6.5-7. In addition to the requirements set forth in subsection (a) of this Section 6-8, a permittee moving or causing to be moved earth material on any public roadway in connection with a grading plan referred to the planning commission in accordance with Section 6-5.6(b) and 6.5-7 shall be subject to the following requirements:

(1) Planning Commission Approval. The planning commission shall review the proposed haul route and may impose additional conditions or restrictions or may waive provisions of this chapter so long as such

modifications are in the interests of the city and are not detrimental to the health, safety, or welfare of residents or the general public.

(2) Notification of Planning Commission Meeting to Adjacent Property Owners. Property owners within a minimum of three hundred feet of the access road(s) to the grading site and as additionally deemed appropriate by the city engineer shall be notified at least ten days in advance of the day, time and place of the planning commission meeting as provided in subsection (b)(1) of this section.

(c) Export of Processed Material. All export material shall be discharged into an approved and licensed disposal site. No permittee shall process, including, but not limited to, crush, sift, or segregate, excavated earth materials on site for export and commercial sale without first obtaining a permit pursuant to city rules and regulations. (Ord. No. 16-07, § 19)

View the [mobile version](#).