

July 2, 2004

Mr. Steve Munro
Compliance Project Manager
California Energy Commission, 01-AFC-25(C)
1516 Ninth Street, MS 2000
Sacramento, CA 95814

**RE: Malburg Generating Station
Request for Approval to Utilize Off-Site Location (Chef Solution parcel) for Fabrication,
Storage, and Parking**

Dear Mr. Munro:

Attached is an Insignificant Project Change (IPC) document which serves as Malburg Generating Station Project's (MGS) request for CEC to authorize use of an off site location (Chef's Solution parcel at 5001 Soto and 2750 E. 50th Street) for equipment fabrication, storage, and contractor employee parking.

The City of Vernon is currently negotiating a contract for purchase of the Chef Solutions parcel and would like to designate MGS to use the property during construction.

MGS will implement all pertinent points of the SWPPP and will employ BMP's for all fabrication activities at the off site location. MGS acknowledges that this work is covered under all appropriate Conditions of Certification adopted by the CEC in its decision.

The attached IPC has been prepared, and is submitted in compliance the Commission's Decision with respect to Post Certification Changes (page 42-43), and with Condition of Certifications SOIL & WATER-1, TRANS-4, and TRANS-5.

If you have any questions or require additional information, please call me at (323) 826-3613.

Sincerely,

Christina A. Herward
on behalf of

Gloria Orosco
MGS Project Compliance Manager

cc: Samuel W. Grossman, City of Vernon
Bruce Malkenhorst, Jr., City of Vernon
Manuel Garcia, City of Vernon
Butch Walls, CEC On-site Delegate for Malburg Generating Station
David Shibley, WRMS
Greg Young, WRMS
WRMS, MGS file - site



2715 East 50th Street, Vernon, CA 90058
cityofvernon.org
323. 583. 8811

STATE OF CALIFORNIA

State Energy Resources
Conservation and Development Commission

In the Matter of:)
)
City of Vernon Application For)
Certification for the Malburg)
Generating Station)
_____)

Docket No. 01-AFC-25

PETITION FOR POST-CERTIFICATION INSIGNIFICANT PROJECT CHANGE

July 2, 2004

Gloria J. Orosco
Malburg Generating Station Project
City of Vernon
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Tel.: (323) 826-3613
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Email: gorosco@ci.vernon.ca.us

STATE OF CALIFORNIA

State Energy Resources
Conservation and Development Commission

In the Matter of:)	Docket No. 01-AFC-25
)	
City of Vernon Application For)	PETITION FOR POST
Certification for the Malburg)	CERTIFICATION INSIGNIFANT
Generating Station)	PROJECT CHANGE
_____)	

I. INTRODUCTION

Pursuant to Title 20, Section 1769 of the California Code of Regulations, City of Vernon submits this petition for an insignificant project change of its 134 MW combined-cycle power plant project, Malburg Generating Station Facility (“Project” or “MGS Project”). This insignificant project change is requested to accommodate a requirement for modification of off site parking strategy, and relocation of some equipment storage, and fabrication space.

II. DISCUSSION OF MODIFICATION

A. PROPOSED MODIFICATION

City of Vernon seeks modification to the Project’s SWPPP submittal (SOIL & WATER 1, latest revision), the Parking and Staging Plan (TRANS-4), and the Traffic Management Plan Narrative (TRANS-5), as described on pages 200 and 244 respectively of the California Energy Commission’s (“Commission”) Decision. The City of Vernon requests that the following off site area described on drawings CS-03 and TFP-6, and associated with Project construction activities be designated and approved for multi-

purpose use as parking, fabrication, and storage areas. In all cases, all appropriate BMP's will be implemented for the work that takes place.

Off Site Area Known As "Chef Solutions" Property:

This parcel is located directly across East 50th Street from the existing Station A and Malburg Generating Station property and extends from Soto Street to Seville Avenue. The parcel includes two addresses; 5001 Soto Street, and 2750 East 50th Street. The parcel is currently being purchased by the City of Vernon (COV), and is proposed for temporary use by the MGS Project. Please see the area marked on the attached aerial photo (Attachment 1).

This site has an approximate overall dimension of 300' x 860' which includes assorted buildings, and covered and uncovered paved areas. Project is contemplating use of the covered and uncovered paved areas that encompass an area approximately 100,000 square feet for parking, storage, and equipment assembly and staging. (See Location 1 on Drawing CS-03, Rev. 1 included as Attachment 2) Project also plans to use an existing 23,000 square feet warehouse space for equipment storage (See Location 2 on Drawing CS-03, Rev. 1 included as Attachment 2), and an existing concrete "out building" of approximately 2000 square feet for welding and prefabrication, (See Location 3 on Drawing CS-03, Rev. 1 included as Attachment 2).

To enhance personnel safety during ingress and egress from the site, Project will stripe for approximately 144 parking stalls per City of Vernon Parking Regulation Sec. 26.4.2-8, and the Chef Solution parcel will become the primary parking area for construction contractor employees. The contemplated number of parking stalls will accommodate construction contractor parking

requirements under most phases of construction, and will permit most contractor employees to access the Project without having to cross Soto Street, which is a major traffic thoroughway in the City of Vernon. Additional parking stalls may be added later depending on space requirements for equipment storage.

Project will continue to maintain its contract with Owens-Brockway for use of the originally approved parking area on the southeast corner of Soto and East 50th to provide additional contractor parking during periods of peak construction activity. When use of the Soto and East 50th parking lot is required, Project will employ crossing guards as is done currently to aid in the safe crossing of Soto Street.

East 50th Street between Soto Street and Seville has been posted as closed to public traffic since the closure of Chef Solutions, and is used only by MGS Project personnel, City of Vernon personnel, and City of Vernon approved contractors and consultants as the access to the Project and the “Chef Solutions” property. The City of Vernon through passage of Resolution 8477 has formally notified the public that it will be keeping East 50th Street closed to public traffic for the duration of the MGS Project construction, currently contemplated through December of 2005, (Please see Attachment 6). Neither property owners, nor will the public be affected by this action by the City. Additionally, City may at its sole discretions use portions of East 50th Street for other purposes not directly related to Project.

With the closing of East 50th Street, the Project site and Chef Solutions parcel are essentially contiguous. Therefore, MGS will not be submitting a specific major equipment hauling plan to convey equipment from the Chef

Solutions parcel to the MGS site. However, acknowledgement of the use of the Chef Solutions parcel will be added to the approved Traffic Management Plan for MGS in the Traffic Control Plan Narrative Section. The modified portion of the plan is included as Attachment 4.

Fire Protection: To accommodate fire protection requirements, the outdoor equipment storage locations will be served by a fire hydrant located on the property at the corner of Seville Avenue and East 50th Street, and two additional fire hydrants located along East 50th Street. (Please see drawing TFP-06, Rev. 0 included as Attachment 3). Fire protection for the warehouse area and concrete “out-building” will be provided through installation of portable fire extinguishers as directed by the City of Vernon Fire Department. MGS Project team will review and amend the entire Chef Solutions fire protection plan with City of Vernon Fire Department prior to site occupation.

No changes to any Condition of Certification are required as a result of this modification.

B. NECESSITY FOR MODIFICATION

The MGS Project site is a very small urban location that presents many logistical challenges in construction of the facility. On January 7, 2004, an MGS request for authorization to use several off-site locations for storage, staging, and fabrication activities received final approval from the Commission. The Commission approved locations including the following:

Site	Authorized use(s)
Warehouse at 2910 East 59 th Street	Prefabrication and Equipment Storage
55 th Street Recycle Yard	Temporary Soil Storage
Paved lot at Leonis Blvd. and Soto Street	Prefabrication and Equipment Storage

Commission's approval of these locations for the specified use(s) relieved the extreme congestion at the site.

In the first quarter of 2004, Chef Solutions closed operations at its Vernon facility located at 5001 Soto Street. The City of Vernon has elected to purchase this property and make it available for use by the Project. Use of this parcel will provide two major benefits to the Project:

1. Efficiency of bulk parts procurement
2. Enhanced Contractor Employee Safety for ingress and egress from the site.

Efficiency Issues: Migrating the equipment stored at the East 50th Street warehouse to the warehouse on the Chef Solutions parcel, directly across East 50th Street from the MGS Project site, improves and quickens access to that equipment.

The MGS Project intends on maintaining the 2910 East 50th Street warehouse storage location until it is necessary to bring the major equipment to the site. MGS believes it would increase the risk of damage to major equipment such as combustion turbines, steam turbines, and main generators by moving them twice (e.g. to Chef Solutions and then to the site). Therefore the hauling plan for major equipment previously approved by the Commission will remain in effect for the remaining major equipment at the 2910 East 50th Street warehouse.

Safety Issues: Use of the Chef Solutions parcel will allow the Construction Contractor employees to park in the Chef Solution lot thus eliminating the need to traverse Soto Street on foot. This change in parking is a significant safety enhancement for the project as Soto is a major traffic thoroughfare in the area, even though Project mitigated the safety issue to a large extent by employing crossing guards to aid in safe crossing of Soto.

Based on the above statements, a minor modification to the Commission's Decision is necessary to more accurately reflect City of Vernon's construction plans.

C. WHY ISSUE WAS NOT RAISED EARLIER

With this Project, the City of Vernon and its contractor continuously evaluate ways to improve construction efficiencies and personnel safety. Consistent with this practice, City of Vernon is taking advantage of the recent closure (Spring 2004) of operations by Chef Solutions at its Vernon facility to enhance Project efficiency and safety.

D. NO NEW INFORMATION

The need for the modification is not based on the surfacing of new information that changes or undermines the assumptions, rationale, findings or other basis of the final decision. The Project remains essentially as originally designed. This additional location designated as equipment fabrication, storage, and contractor parking will not alter or undermine any of the conclusions made about the soundness of the Project and its design.

E. IMPACTS OF THE MODIFICATION ON THE ENVIRONMENT

No negative impacts are associated with use of the Chef Solutions parcel. The designation of dual use equipment fabrication/storage areas, and the additional designation of contractor employee parking areas is not related to the Project's potential environmental impacts, and does not alter the conclusions of the environmental analysis nor the effectiveness of the mitigation measures adopted to reduce all impacts to levels of insignificance.

F. IMPACT OF THE MODIFICATION ON THE PROJECT'S COMPLIANCE WITH APPLICABLE LAWS, ORDINANCES, REGULATIONS AND STANDARDS ("LORS")

The modification will not impact the Project's compliance with LORS.

G. IMPACT OF MODIFICATION ON PUBLIC

The modifications proposed will have no negative impact on the public. As explained in Section "E" above, performing storage, prefabrication, and employee parking at the subject location is not related to the Project's potential environmental impacts, and does not alter the conclusions of the environmental analysis of the Project or the effectiveness of the mitigation measures adopted to reduce all impacts to levels of insignificance.

Furthermore, the public's need for efficient, reliable power during peak times will not be compromised.

H. LIST OF PROPERTY OWNERS POTENTIALLY AFFECTED BY THE MODIFICATION

Since the City of Vernon is contracting to purchase the site prior to any occupation by the Project, no property owners will be affected negatively by this project modification.

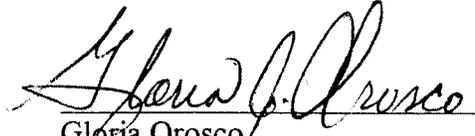
I. POTENTIAL EFFECT ON NEARBY PROPERTY OWNERS, PUBLIC AND PARTIES IN THE PROCEEDING

Potential effects on nearby property owners, the public or any of the parties that participated in the licensing proceeding will be insignificant. The proposed modification to the parking and equipment storage strategies and will enhance project efficiency and safety while lessening the number of required trips across Soto Street.

III. CONCLUSION

Section 1769 of the Commission's regulations permits approval of a post-certification insignificant project change and condition of certification change if Commission Staff determines that the change does not (1) affect a condition of certification, (2) cause a significant effect on the environment, and (3) cause the Project to be out of compliance with any applicable laws, ordinances, regulations, or standards. As described above, the proposed modification does not do any of these things. This modification would require a minor change to the approved SWPPP and TMP (including Parking Plan) submitted by the Project to the Commission, as described on page one of this Petition. Therefore, the City of Vernon requests that this Petition for an Insignificant Project Change be approved by the Commission Staff.

Respectfully,

A handwritten signature in black ink, appearing to read "Gloria Orosco". The signature is written in a cursive style with a horizontal line underneath the name.

Gloria Orosco
City of Vernon
Project Compliance Manager for MGS

TABLE OF CONTENTS

	Page
I. INTRODUCTION.....	1
II. DISCUSSION OF MODIFICATION.....	1
A. PROPOSED MODIFICATION.....	1
B. NECESSITY FOR MODIFICATION.....	4
C. WHY ISSUE WAS NOT RAISED EARLIER.....	6
D. NO NEW INFORMATION.....	6
E. IMPACTS OF THE MODIFICATION ON THE ENVIRONMENT.....	7
F. IMPACT OF THE MODIFICATION ON THE PROJECT'S COMPLIANCE WITH APPLICABLE LAWS, ORDINANCES, REGULATIONS AND STANDARDS ("LORS").....	7
G. IMPACT OF MODIFICATION ON PUBLIC.....	7
H. LIST OF PROPERTY OWNERS POTENTIALLY AFFECTED BY THE MODIFICATION.....	8
I. POTENTIAL EFFECT ON NEARBY PROPERTY OWNERS, PUBLIC AND PARTIES IN THE PROCEEDING.....	8
III. CONCLUSION.....	8

ATTACHMENTS:

1. AERIAL PHOTO OF MGS SITE AND SURROUNDING AREA
2. DRAWING CS-03, Rev 1 GENERAL SITE USE PLAN FOR CHEF SOLUTION PARCEL
3. DRAWING TFP-6, Rev 0 FIRE PROTECTION PLAN FOR CHEF SOLUTION PARCEL
4. PROPOSED AMMENDMENTS TO THE TRAFFIC MANAGEMENT PLAN
NARRATIVE (3 Pages)
5. PROPOSED AMMENDMENTS TO THE STORM WATER POLLUTION PREVENTION
PLAN SECTION 2.2.4
6. CITY OF VERNON RESOLUTION 8477

www.GlobeExplorer.com

MGS SITE

SEVILLE AVENUE

3070 ST

E. 50th STREET

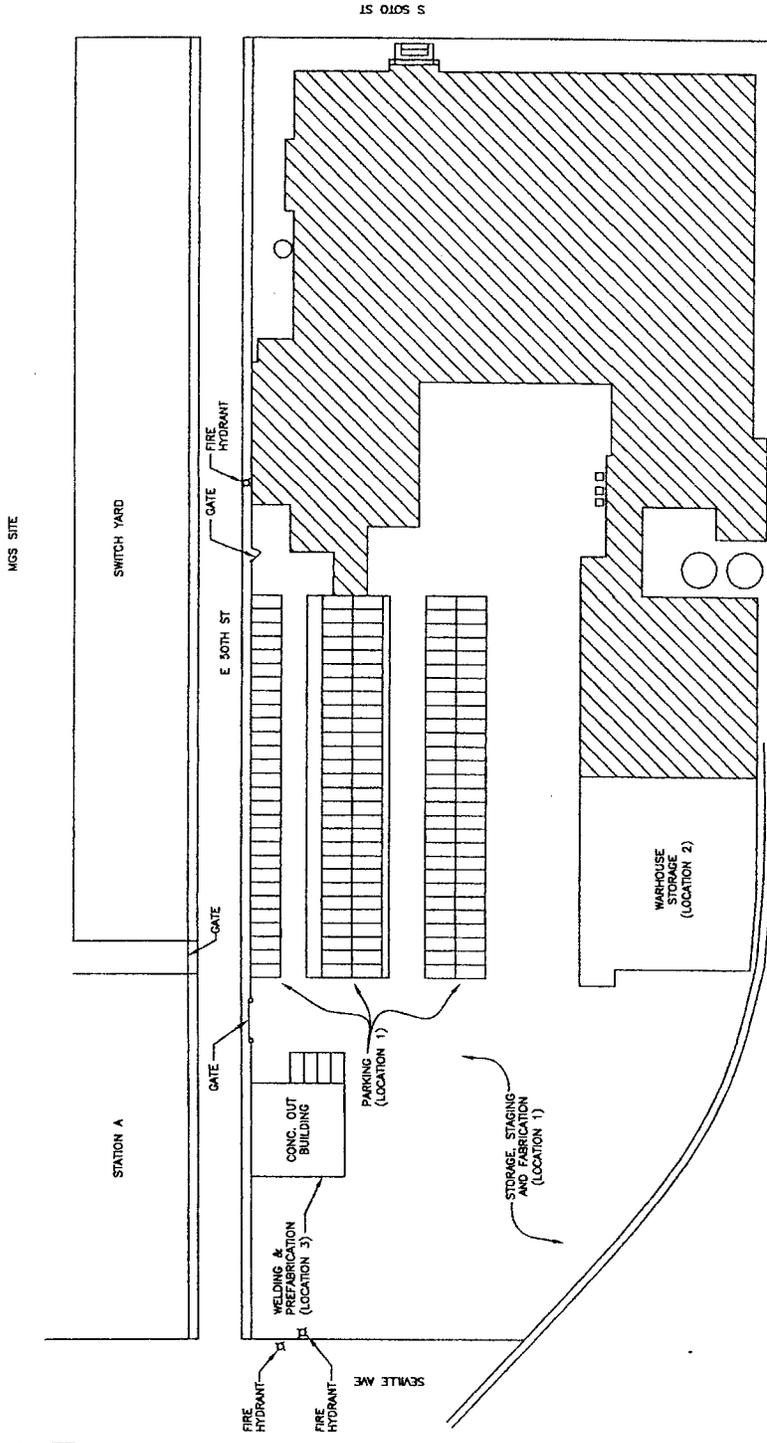
CHEF SOLUTIONS

GENERAL NOTES:

1. SMOKING ZONES SHALL COMPLY TO CALIFORNIA FIRE CODE ARTICLE 8704.8 AND 8704.9 AS WELL AS ALL ACCESS ROADS ZONES AS NOTED ON THE DRAWING.
2. SMOKING AREAS TO BE DETERMINED BY THE FIRE DEPARTMENT. FIRE EXTINGUISHERS SHALL BE LOCATED IN DESIGNATED SMOKING AREAS AND DIRECTED BY CIVIL FIRE DEPARTMENT (NOTE: SMOKING IS NOT PERMITTED WITHIN EXISTING BUILDINGS. COMBUSTIBLE MATERIAL SHALL NOT BE STORED, USED, OR LOCATED WITHIN DESIGNATED SMOKING ZONES)
3. PORTABLE FIRE EXTINGUISHERS TO BE PLACED WITHIN HOT WORK ZONES AS NECESSARY.
4. ACCESS ROADS SHALL BE NOMINALLY 20 FEET WIDE EXCEPT FOR AREAS NOTED

LEGEND:

- (FE) FIRE EXTINGUISHER
- (Symbol) FIRE HYDRANT
- (Hatched Area) SMOKING PERMITTED



REV	DATE	DRN	OSGN	CHK	APPD	REFERENCE DRAWINGS
5						
4						
3						
2						
1						

DSGN	TFP-1	6/30/04
DRN	BDW	
CHK		
SCALE: 1"=40'		

CITY OF VERNON	JOB NUMBER
MALIBU GENERATING STATION	DRAWING NO.
TEMPORARY FIRE PROTECTION/PHASE 1	TFP-6

Specific Traffic Management Issues with hauling equipment from Chef Solutions parcel storage and fabrication yard at East 50th Street to MGS site.

Project performs various prefabrication activities and stores a variety of equipment at the Chef Solutions parcel. With the closure of East 50th Street between Seville Avenue to Soto Street, the Chef Solution and MGS site parcels are essentially contiguous. The public will not come in contact with equipment moved from the Chef Solution parcel to the site and hence no specific Traffic Management or hauling plan is required. Project will as a matter of normal business exercise reasonable safety precautions that are necessary during the transport of any equipment on site.

PARKING MANAGEMENT PLAN FOR MALBURG GENERATING STATION

Revision 6/30/2004

General:

UMM/T will begin construction of the Malburg Generating Station (MGS) on a site adjacent to the existing Station A Power Plant. UMM/T submits the following written description that is to be used in conjunction with:

1. Aerial photo showing contractor parking lot at Soto and East 50th Street.
2. City of Vernon Resolution No. 8208 – License Agreement for Construction Contractor Parking at 50th and Soto Streets.
3. Drawing CS-03 showing contractor parking plan at Chef Solutions parcel.

Construction Parking Lots

On June 3, 2003, the City of Vernon (COV) and Owens-Brockway Glass Container, Inc. entered into a contract where COV would lease a 50,400 square feet (1.16 acre) property located at the southwest corner of East 50th Street and Soto Street in the City of Vernon for use as construction contractor parking. There are approximately 160 parking spaces available at this location

City of Vernon is contracting to purchase the Chef Solutions parcel located along East 50th Street between Soto Street and Seville Avenue. Please refer to Drawing CS-03 for parking plan that will accommodate approximately 144 parking stalls in conformance with City of Vernon Parking Regulation Sec. 26.4.2-8

Once acquired by the City, and approved for use by the Commission, the Chef Solution parking area will be the primary parking location for construction contractor employees. During periods of peak construction activity, contractor employees will also use the parking lot at Soto and East 50th Street. City of Vernon will continue to implement the Safety Mitigation described below when the Soto and East 50th Street parking lot is used.

Malburg Generating Station Project Site

The MGS project will be built on a City of Vernon owned site that is bordered by Soto Street on the east, East 50th Street on the south, and by Seville Avenue on the west. The MGS project will share the site with the City of Vernon's existing Station A power plant.

Safety Issue:

Accessing the MGS project site from the originally approved contractor employee parking lot requires crossing Soto Street and East 50th Street. Soto Street is a major thoroughfare through the City of Vernon and there are no permanent traffic controls nor is there a crosswalk on Soto Street at East 50th Street. Permanent Stop Signs control traffic from East 50th Street crossing Soto Street. Traffic signals exist at the next

MALBURG GENERATING STATION
TRAFFIC MANAGEMENT PLAN
Revision 6/30/2004

intersection to the north (Leonis Blvd.) and to the south (Fruitland Avenue) that could be used by contractor employees. However, some employees may be tempted to cross Soto Street at the East 50th Street intersection due to the perceived convenience.

Mitigation of Safety Issue:

The following actions are being implemented by the City of Vernon and Contractor to provide contractors a safe and convenient access from the employee parking lot to the MGS project site.

1. City of Vernon will paint crosswalks on the south and west sides of the Soto Street and East 50th Street intersection, and Contractor will provide signage as required.
2. City of Vernon will provide crossing guard services during shift changes and during the lunch period Monday through Friday. Actual services would be provided during the following hours: 0500-0600, 1130-1230, and 1630-1730. These times may be modified as required to accommodate slight changes in working hours.

Excerpt from SWPPP...

2.2.4 Location of Control Practices Used During Construction

Best management practices (BMPs) such as fiber rolls, silt fences, gravel bags, and/or sand bags will be implemented around the construction site as shown on Figure 3a. Sand bags or gravel bags stacked at least two high will be placed along the northern property boundary of the site from the end of the retaining wall to Soto Street to prevent run-on to the site. Fiber rolls will be stored by the southern driveway off of East 50th Street and will be put in place across the driveway during storm events. Up to a three-inch high asphalt berm will be placed across the eastern driveway immediately north of the existing control building and across the driveway to the parking area immediately west of the control building. The new west access driveway to the construction site will be stabilized with gravel and a tire wash facility will be installed inline with the stabilized driveway.

The on-site fabrication, lay down and storage areas will be located at the southeast corner of Soto Street and East 50th Street continuing west of the property across and including Seville Avenue (Figure 3b). The east access driveway to the laydown yard on the east side of Seville Avenue will be stabilized using gravel. Additionally, off-site areas including a vacant parking lot at Leonis Blvd. and Soto Street, and a warehouse and associated parking area at 2910 East 50th Street, and a warehouse and associated pavement and parking areas at the Chef Solution parcel along East 50th Street and directly across from the MGS site will be designated for fabrication and material storage. These sites are currently impervious and sediment is not an issue. However, BMPs will also be implemented at the construction fabrication and material storage areas, (both on and off-site), vehicle maintenance area and storage area, and soil storage and waste storage areas. The three catch basins located at the intersection of Seville Avenue and East 50th Street, and at the intersection of Soto Street and East 50th Street currently have DrainPac inserts to remove trash. Two of the catch basins located on Seville Avenue at East 50th Street and on Soto Street at East 50th Street will require additional inlet protection to minimize discharge of sediment and construction materials. Catch basin inlet protection can consist of a fiber roll placed in front of the catch basin or fiber cloth draped over the opening and held in place with sand bags on the top of the curb and in the gutter in front of the catch basin. All BMPs will be in place during the wet season and will be available for implementation during the dry season if necessary.

MGS will implement all pertinent points of the SWPPP and will employ BMP's for all fabrication activities at the off site locations. MGS acknowledges that this work is covered under all appropriate Conditions of Certification adopted by the CEC in its decision.

RESOLUTION NO. 8477

1
2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 VERNON EXTENDING THE CLOSURE OF PORTIONS OF SEVILLE
5 AVENUE AND 50TH STREET AND AUTHORIZING THE CLOSURE
6 OF PORTIONS OF 50TH STREET FROM SEVILLE AVENUE TO
7 SOTO STREET PURSUANT TO VERNON CITY CODE SECTION
8 22.100 IN CONNECTION WITH THE CONSTRUCTION OF THE
9 MALBURG GENERATING STATION

10 WHEREAS, the City of Vernon ("City") is proceeding at this
11 time to develop a 134 MW Combined Cycle Power Plant officially named
12 the Malburg Generating Station (the "Malburg Project") for the purpose
13 of installing additional generating capacity that will yield an
14 efficient, cost-effective, and reliable source of electric generation
15 to the City of Vernon's inhabitants; and

16 WHEREAS, on May 7, 2003, the City Council of the City of
17 Vernon adopted Resolution No. 8195 approving the closure of portions of
18 Seville Avenue and 50th Street from May 15, 2003 through October 2004
19 for the completion of the Malburg Project; and

20 WHEREAS, City staff have determined that, in order to
21 complete the construction and commissioning of the Malburg Project, (i)
22 the City needs to extend the closure of Seville Avenue from Leonis
23 Boulevard to south of 50th Street through December 2005; and (ii) City
24 needs to close 50th Street from Seville Avenue to Soto Street to through
25 traffic from July 7, 2004 through December 2005 to provide access and
26 work area for the contractor and enable the transportation of equipment
27 and materials to and from the construction site; and

28 WHEREAS, the proposed closure will affect only portions of
Seville Avenue and 50th Street that border the main power plant and site
of the new Malburg Project as described in the plan that is attached

1 hereto and incorporated by reference as Exhibit A.

2 WHEREAS, Marelich Mechanical Co., the contractor for the
3 Malburg Project, will maintain the closure and detour signage to ensure
4 safety, subject to inspection by City staff; and

5 WHEREAS, Staff have estimated the duration of the street
6 closure to be from July 7, 2004 through December 2005 for 50th Street
7 from Seville Avenue to Soto Street and extend the duration of the
8 street closure for portions of Seville Avenue and 50th Street from
9 October 2004 to December 2005; and

10 WHEREAS, Section 22.100 of the Vernon City Code requires
11 authorization from the City Council for temporary street closures of
12 more than forty-eight (48) hours; and

13 WHEREAS, by letter dated June 22, 2004, Bruce V.
14 Malkenhorst, City Administrator/City Clerk, has recommended that
15 authorization be granted for the closure of portions of Seville Avenue
16 and 50th Street and 50th Street from Seville to Soto Street for the
17 completion of the Malburg Project; and

18 WHEREAS, the City Council of the City of Vernon desires to
19 allow the closures and waive any applicable fees in order to permit
20 the construction and commissioning of the Malburg Project to proceed
21 and be completed as quickly as possible.

22 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
23 CITY OF VERNON AS FOLLOWS:

24 SECTION 1: The City Council of the City of Vernon hereby
25 finds and determines that the recitals contained hereinabove are true
26 and correct.

27 SECTION 2: The City Council of the City of Vernon hereby
28 authorizes the Director of Community Services and Water, after

1 STATE OF CALIFORNIA)
2) SS
3 COUNTY OF LOS ANGELES)

4 I, BRUCE V. MALKENHORST, City Clerk of the City of Vernon, do
5 hereby certify that the foregoing Resolution, being Resolution No.
6 8477, was duly adopted by the City Council of the City of Vernon at an
7 adjourned regular meeting of the City Council duly held on Wednesday,
8 June 30, 2004, and thereafter was duly signed by the Mayor of the City
9 of Vernon.

10
11 **S/ BRUCE V. MALKENHORST**

12 BRUCE V. MALKENHORST, City Clerk

13 (SEAL)
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EXHIBIT A

LEONIS BLVD

EXISTING
CLOSURE
(EXTENDED)

MGS PROJECT SITE

NEW
CLOSURE

GATE

GATE

50TH ST

MAINTAIN 10' CLEARANCE
FROM Q_L OF RR TRACK

SEVILLE AVE

SOTO ST

***STREET CLOSURE SIGN:
"CLOSED TO THROUGH TRAFFIC
LOCAL TRAFFIC ONLY"

FRUITLAND AVE



NOT TO SCALE

PROPOSED STREET CLOSURE
DURING MGS CONSTRUCTION