

October 16, 2024

**City of Perris
Planning Commission**

Attn. Lupita Garcia, Associate Planner
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135 N. D Street
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RE: City of Perris Ethanac Travel Center Project – Comments on Agenda Item 6.B
Ethanac Travel Center Project (CUPs 22-05002, 22-05003 & Variance 24-05002)

Dear Commissioners and Ms. Garcia:

Again, the City of Menifee ("Menifee") thanks the City of Perris ("Perris") for the opportunity to provide comments on the proposed Ethanac Travel Center Project (the "Project"). At present, the Final Environmental Impact Report ("Final EIR") and associated Statement of Overriding Considerations ("SOC") and Mitigation Monitoring and Reporting Program ("MMRP") remain flawed and inadequate,¹ and compliance is required before Perris commits to approval of the Project. Accordingly, we respectfully request that the Commission decline to take the requested action listed in Agenda Item 6.B. Instead, we ask that the Commission direct its staff to revisit the Final EIR and address the outstanding issues to ensure the underlying review is truly adequate. Ultimately, it is Perris's responsibility—not the Applicant's—to ensure adequate CEQA review. (See *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1452–1454, disapproved on other grounds in *Western States Petroleum Assn. v. Super. Ct.* (1995) 9 Cal.4th 559, 570 & fn. 2; with CEQA Guidelines, § 15352.)

By way of brief background, the Project proposes a truck stop/travel center that primarily caters to semi-trucks passing by on the nearby I-215 Interchange. As part of that primary purpose, the Project seeks to construct and operate a semi-truck servicing, maintenance, and repair facility; a diesel fueling station; a gas fueling station; and, a parking facility that allocates 116 of its spaces for semi-truck use with the potential for overnight parking. While the convenience store and drive-through restaurant are relatively small structures in terms of square footage, the Project's main impacts will stem from the significant increases in near-constant semi-truck travel to and from the Project site.²

1. The Final EIR Still Fails to Meaningfully Respond to Significant Issues Raised in Prior Comments, Resulting in Similar Flaws in the SOC and MMRP.

¹ California Environmental Quality Act (Pub. Resources Code, §§ 21000–21189.70.10, "CEQA") and CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000–15387, "CEQA Guidelines").

² The Project also includes various roadway improvements and a bioretention basin as design features, and not mitigation measures, which is a separate issue further detailed below.

The Final EIR, SOC, and MMRP included with Agenda Item 6.B ask for the Commission's stamp of approval on a flawed analysis. Menifee highlighted many of these issues in prior comments, including its most recent comment on the Draft EIR dated September 20, 2024. (See Attachment 1, at Atts. A-F [attaching prior comments].) Although Menifee outlined these issues in detail, Perris failed to address or meaningfully respond to Menifee's comments. This conduct disregards CEQA's purpose as an informational statute, but also harms the certifying body, which must take final responsibility for inadequate environmental review. (See generally Pub. Resources Code, § 21091, subd. (d); CEQA Guidelines, § 15088; with *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 879–884, as modified on denial of reh'g (Mar. 20, 2020) [as here, finding conclusory responses unsupported by sufficient detail and reasoned analysis where response did not separately address the potential mitigation in the form of clustering of wells and infrastructure].) In service of brevity, Menifee's relevant prior comments are restated in summary form below:

- *The Final EIR, SOC, and MMRP still fail to meaningfully address buried mitigation measures improperly incorporated into the analysis as Project design features, contrary to Lotus and related CEQA authority.* As noted in prior comments, the Project avoided this analysis of impacts by incorporating a bioretention basin into the Project's proposed landscaping and infrastructure design. The courts have rejected such attempts where, as here, the true purpose of the purported design feature is clearly mitigation and not project design. (See *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 655–656 [Caltrans' "special construction techniques" violated CEQA by avoiding an impacts analysis and a mitigation analysis where both were required, *i.e.*, a mitigation measure cannot be crammed into project design to avoid an analysis of both impacts and mitigation].) As our prior comment letter explained, the threshold inquiry evaluates whether the feature sounds in mitigation. Here, the primary purpose of a bioretention basin is to capture and treat contaminated runoff, which clearly sounds in mitigation and is why it is included in the Project. This is also true in the context of the Project impacts, which will obviously result in increased contaminated runoff from the truck stop, servicing, fueling stations, and constant onsite traffic. To the extent that the Final EIR refers to this issue as "standard" "infrastructure" without any reference to supporting facts or data assessing impacts, the types of contaminants and leaching characteristics, or any other meaningful detail or reasoned explanation that would take this issue outside of the coverage of *Lotus*.

Thus, the Final EIR remains flawed because it fails to meaningfully address the *Lotus* issue and the response does not provide sufficient detail or explanation to the contrary. As a result, the environmental impacts and mitigation analyses may fail to consider other BMPs that may be better mitigation measures than exclusive reliance on a bioretention basin. (See *Lotus, supra*, 223 Cal.App.4th at pp. 655–656 [citing, *e.g.*, Pub. Resources Code, §§ 21100, subd. (b), 21081; CEQA Guidelines, §§ 15126, 15091; *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011; *Village Laguna of Laguna Beach, Inc. v. Bd. of Supers.* (1982) 134 Cal.App.3d 1022].)

- *The Final EIR, SOC, and MMRP still reflect a flawed analysis that disregards most of the categories of potentially significant impacts, related mitigation, and obvious areas of concern.* Such categories include Aesthetics, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Population and Housing, Public Services, and Wildfire, among

others. (See Final EIR, at pp. 2.0-40–2.0-41.)

As a preliminary matter, the Final EIR does not appear to address, in any fashion, Hazards and Hazardous Materials, Hydrology and Water Quality, and Wildfire. A complete failure to respond is, of course, insufficient. The Final EIR's general response to comment also does not address the pervasive issue of entirely conclusory analyses. For example, one stated reason for a finding of no significant effects provides that the Project's scope and characteristics make it impossible to produce "effects of this type" and that those were the conclusions of the Initial Study. (See DEIR, at p. 5.0-2.) As to the conclusory statement regarding "effects of this type," it is unsupported by substantial evidence or further detail as to what characteristics and scope make the circumstances impossible. It is also unclear how the Initial Study bolsters this conclusion.

As to Aesthetics, the Final EIR states that the analysis of light and glare impacts "are also evaluated, as daytime glare would be mainly caused by the windshields of passing cars or from the reflective architectural materials, like glass or metal." (Final EIR, at p. 2.0-41.) The Final EIR's response states the quoted item above but does not extend its analysis to include the windshields and reflective glare of the legions of semi-trucks it will draw to the Project site. The response with respect to the nighttime lighting is similarly deficient, disregarding the nighttime impacts from the increased semi-truck traffic.

The responses to issues raised with respect to Biological Resources and Public Services are similarly conclusory. As to Biological Resources, the Final EIR refers to mitigation measures without sufficient specificity or reasoned explanation as to why a finding of no impacts is appropriate based on improperly deferred mitigation. As to Public Services, the response appears to vaguely reference monetary contributions without addressing issues raised by Menifee as to the nature of the fair share methodology and other issues regarding disproportionate obligations and outstanding commitments. Thus, the Final EIR remains inadequate for its conclusory analyses of numerous potential impact categories, otherwise unsupported by substantial evidence or meaningful responses to comment. (See *Lotus, supra*, 223 Cal.App.4th at pp. 650–651, 657 [EIR deficient].)

- *The Final EIR, SOC, and MMRP still reflect flaws that do not fully consider impacts to existing truck queuing at various intersections, related safety impacts, and the need for additional fair share contributions and action on Perris's outstanding intersection realignment.* In terms of additional cumulative impacts missing from the Final EIR, the analysis still does not meaningfully address or evaluate the impacts on already-stressed truck queuing, including left-turn pocket queues, and intersection delay in violation of General Plan requirements and others associated with the designations at the I-215 and Ethanac Interchange, across Ethanac Road, and at the intersections between Ethanac, Barnett, and Case Roads. Perris should request a further study of the potential cumulative transportation and related safety impacts caused by this Project in conjunction with other approved or pending warehouses and logistics centers in its vicinity; particularly with respect to the anticipated, significant increase in semi-truck traffic. Some have expressed concerns regarding the substandard existing conditions of interchange turning radii for truck movements, which is another safety impact to consider.

Perris must also deeply consider the safety concerns caused by impacts to public services and the urgent need for Perris's action on the outstanding intersection realignment and fire services, as further detailed below. Perris defined the area as a dangerous intersection and Ethanac is a designated truck route and future SR 74, per a recent joint study among the surrounding cities. Despite this declaration and the looming potential for significant increases in truck traffic coming through and navigating around that dangerous intersection, Perris still has not started the proposed realignment project or identified an appropriate source of funding.

As to the former, Perris must prioritize the funding/timing for that realignment and consider increasing its fair share contributions while Menifee continues to subsidize its lacking fire services in the interim. Beyond the existing deficit, the Project as proposed will far exceed Perris's \$1 million assessment for a Menifee project located three (3) miles away from this interchange. Using Perris's methodology, with for the Project's proximity and increased direct impact on the interchange, Perris should be ensuring all projects along Ethanac provide for substantial improvements, additional TUMF, and DIF fees to pay for their pro rata share utilizing Perris's same methodology. Perris can no longer continue to defer its long outstanding maintenance obligations in the Ethanac corridor.

- The Final EIR, SOC, and MMRP still reflect flaws in the analysis of Air Quality and Greenhouse Gas impacts that, at the very least, require recirculation. (Final EIR, at pp. 2.0-42–2.0-43.) At the very least, the significant new information included in the Final EIR requires recirculation for further agency and public review. Specifically, the responses to comments refer to the new data included in the above-referenced analyses. This new data was significant, as it required a rerun of the models for both the Mass Emissions Rate and the Health Risk Assessment (HRA). These changes in data and the associated modeling results are significant and should be provided to the public for further review and comment. (See Final EIR, at pp. 2.0-42–2.0-43; with Pub. Resources Code, § 21092.1.) In terms of idling time, to the extent that the prior HRA is referenced, we assume that this information has not been altered with the Final EIR's revisions to the HRA (see Final EIR, at p. 2.0-43).

We also have additional concerns that GHG emissions should include those from idling semi-trucks and PM10 from brakes and tires.

- The Final EIR, SOC, and MMRP still do not address inconsistencies with the text and designations in the controlling General Plan, which appear to designate the Project site as residential (see GP, at pp. 3, 5–6, 32–33 & Tbl. LU-13) and control over the zoning map, which is the only reference that appears to support a designation of "Community Commercial." The Final EIR does not address with sufficient detail or reasoned explanation where in the General Plan text there is support for the claimed "Community Commercial" designation, which otherwise appears to support a residential designation. (See GP, at pp. 3, 5–6, 32–33 & Tbl. LU-13.) In response to this comment, it appears that Perris only refers to the Perris zoning map available online and copied into the Final EIR as Figure LU-2. (Final EIR, at pp. 2.0-43–2.0-44.) As noted in our prior comment on the Draft EIR, the Project cannot be approved without a clear statement resolving this apparent inconsistency with the actual text and designations of the controlling General Plan document—not the GIS Map made available online that may include errors unsupported by General Plan Amendment. The Final EIR's response to this comment fails to do this and, thus, remains insufficient, as well as the apparently

inconsistent Final EIR, SOC, MMRP, and all other Project approvals unless and until this inconsistency is resolved. (See GP, at pp. 3, 5–6, 32–33 & Tbl. LU-13; with Final EIR, at pp. 2.0-43–2.0-44.)

2. Perris's Uncorrected Public Notice May Have Prevented Meaningful Public Comment through the Extended Comment Period.

Again, and in addition to the substantive deficiencies identified above, the Final EIR still does not address the potential prejudice caused by a failure to issue revised notices that reflected the extended comment period, from August 19, 2024, to September 20, 2024. While we appreciate that Perris did extend the comment period from August 19, 2024, to September 20, 2024, it should have made that clear via proper notice reissued to all relevant members of the public with an equal right to participate in the environmental review process.

Conclusion

The Final EIR still fails to address or resolve the significant outstanding issues largely reiterated herein. As a result, the reliant SOC and MMRP remain deficient. And while not exclusively addressed through environmental review under CEQA, Perris has relatedly failed to consider the greater impacts of its actions on public safety, which has become a common theme for most of its development projects along the shared boundary with Menifee. For the last twenty years or so, Menifee has consistently acted as the first responder to fire engine calls in southern Perris—Menifee sends engines to Perris at a ratio of 40:10 and serves many of Perris's residential neighborhoods and commercial retail developments. Currently, Menifee's contract with the County/CalFire is approximately \$20 million per year, while Perris is only at \$12 million. Menifee's ongoing subsidy cannot continue, and Perris must begin to properly account for its own emergency service needs. In this last year, alone, Menifee ran over 400 service calls in Perris—that is nearly one call a day that Menifee's fire engines leave its own jurisdiction to respond to an emergency in Perris.

Perris's reliance on Menifee is not sustainable and ultimately puts its own citizens at risk. Based on this history, continued lack of support or meaningful contribution, and complete lack of any sense of reciprocity, we request that Perris consider proposing a temporary moratorium on development along this shared southern boundary, as appropriate. This moratorium may allow for the two cities to reach an agreement that provides for fair and equal contribution to fire protection services by both cities—ideally well in advance of California's increasingly dangerous wildfire season.

Menifee expressly reserves and does not waive or intend to waive its right to submit supplemental information and evidence regarding the Final EIR or any other items listed in Agenda Item 6.B at and up to the close of the public hearing on the Project. (See, e.g., *Galante Vineyards v. Monterey Peninsula Water Mgmt.* (1997) 60 Cal.App.4th 1109, 1119–1120 [applicant has right to present comments "prior to the close of the public hearing on the project."]; *Coal. for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197 [same principle].)



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We appreciate the opportunity to review the Project and hope that the Commission will ultimately decide to direct staff to supplement the present environmental review and return a revised draft to the Commission once it is truly adequate.

Sincerely,

Cheryl Kitzerow

Cheryl Kitzerow, AICP
Community Development Director, City of Menifee

Att. 1, Ltr. from Menifee to Perris re Inadequacies in DEIR w/ Atts. A–G (Sept. 20, 2024)

Cc: Armando Villa, City Manager, City of Menifee
Bryan Jones, Assistant City Manager, City of Menifee
Doug Darnell, AICP, Principal Planner, City of Menifee
Nicolas Fidler, Director of Public Works & Engineering, City of Menifee
Orlando Hernandez, Deputy Community Development Director, City of Menifee
Stephanie L. Talavera, Rutan, City Attorney's Office
Clara Miramontes, City Manager, City of Perris
Kenneth Phung, Director of Development Services, City of Perris
Patricia Brenes, Planning Manager, City of Perris

Attachment "1"

September 20, 2024

LEAD AGENCY: CITY OF PERRIS

Lupita Garcia
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City of Perris Planning Department
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RE: City of Perris Ethanac Travel Center Project – Comment
Draft Environmental Impact Report (“DEIR”), SCH No. 2024010850
Public Comment Period from July 5, 2024, through September 20, 2024

Dear Ms. Garcia:

Thank you for the opportunity to comment on the proposed Ethanac Travel Center Project (the “Project”). As you know, the DEIR evaluates the Project’s proposal for a big-rig “truck stop” or “travel center.” The Project includes a 13,980 square-foot convenience store and drive-through restaurant, a semi-truck service station, a diesel fueling station, a gas fueling station, parking facilities with 116 spaces reserved for semi-truck use, and a 65-foot, illuminated freeway sign. The Project additionally proposes various roadway improvements and a bioretention basin as part of its landscaping.

As explained in further detail below, the DEIR disregards requirements of the California Environmental Quality Act (Pub. Resources Code, §§ 21000–21189.70.10, “CEQA”) and CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000–15387, “CEQA Guidelines”) and is, thus, legally deficient.

1. The DEIR Improperly Buries a Mitigation Measure, the Bioretention Basin, in the Project Description as “Landscaping and Fencing.”

An accurate, internally consistent project description “is the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 193, 199.) CEQA further requires that an EIR include a detailed statement of “[a]ll significant effects on the environment” and “[m]itigation measures proposed to minimize” those significant effects. (Pub. Resources Code, § 21100, subd. (b); see also CEQA Guidelines, § 15126.) Ultimately, “[d]etermining whether a project may have a significant effect plays a critical role in the CEQA process” and “calls for careful judgment[.]” (See CEQA Guidelines, § 15064.)

Here, the DEIR is problematic in several ways, including that it improperly buries a mitigation measure, the bioretention basin, in the Project Description as part of the Project’s “Landscaping and Fencing.” (See DEIR, at p. 3.0-8.) As a result, the DEIR has incorporated the “proposed mitigation measures into its description of the project and then conclude[d] that any potential impacts from the project will be less than significant.” (See *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 655–656 [Caltrans’ “special construction techniques” violated CEQA by avoiding an impacts analysis *and* a mitigation

analysis where both were required].)

In *Lotus*, the State of California Department of Transportation ("Caltrans") sought to make "minor road adjustments, including realignments, curve corrections, and shoulder widening," as well as culvert improvements and repaving a portion of U.S. Route 101. (See *Lotus, supra*, 223 Cal.App.4th at p. 649.) Importantly, that portion of the roadway was surrounded by protected redwoods, some over 300 feet tall. (See *id.* at p. 648.) Caltrans' EIR concluded that its project would result in no significant environmental effects under CEQA; however, this conclusion heavily relied on a litany of "stated special construction techniques" incorporated into the project description, as opposed to being included as mitigation measures. (See *id.* at pp. 650–651.) Ultimately, the court rejected Caltrans' "compounding" of impacts and mitigation through these "stated special construction techniques." This conduct was found to "disregard" CEQA's requirements to *first* evaluate impacts and *second* evaluate feasible methods for potential mitigation. (See *id.* at pp. 655–656 [citing, e.g., Pub. Resources Code, §§ 21100, subd. (b), 21081; CEQA Guidelines, §§ 15126, 15091; *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011; *Village Laguna of Laguna Beach, Inc. v. Bd. of Supers.* (1982) 134 Cal.App.3d 1022].)

Here, as in *Lotus*, the Project's proposed bioretention basin is clearly an "avoidance, minimization and/or mitigation measure" and cannot be considered "part of the project." (See *Lotus, supra*, 223 Cal.App.4th at p. 656.) While bioretention basins are, technically, *landscaped* depressions, their primary purpose is not landscaping or fencing—their primary purposes is to mitigate, collect, and treat stormwater runoff and flooding. (See Att. G, Bioretention FAQs & BMPs.) In other words, a bioretention basin is designed for the specific purpose of reducing or eliminating the Project's potential environmental effects with respect to stormwater runoff, flooding, and the likely associated contaminants and pollutants from the fueling, servicing, and parking facilities.

Thus, the DEIR must disaggregate the Project's impacts and evaluate them. After that, the DEIR may include and consider a range of feasible mitigation measures as appropriate under CEQA. (See Pub. Resources Code, §§ 21100, subd. (b), 21081; CEQA Guidelines, §§ 15126, 15091; *Lotus, supra*, 223 Cal.App.4th at p. 656.)

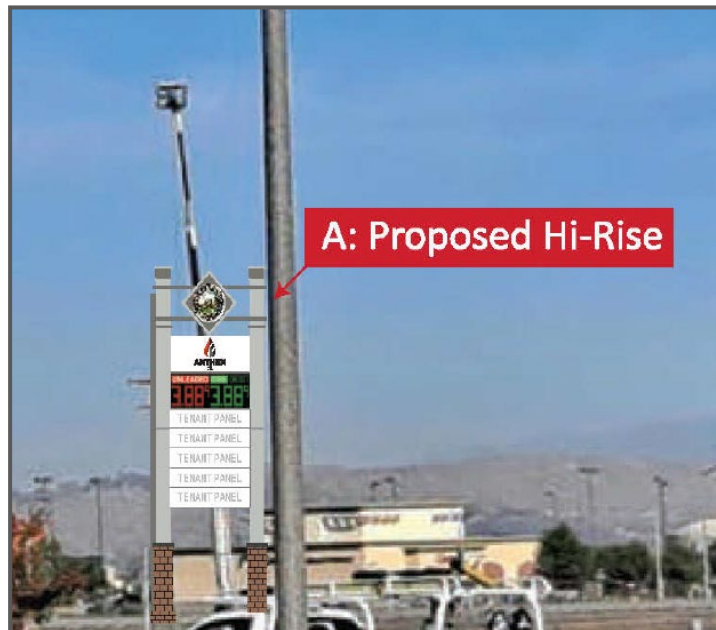
2. The Effects Found Not Significant (Section 8.0) Disregard Project Impacts and Potential Mitigation as to Aesthetics, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Population and Housing, Public Services, and Wildfire, Among Others.

As noted above, "[d]etermining whether a project may have a significant effect plays a critical role in the CEQA process" and calls for Perris to exercise careful judgment "*based to the extent possible on scientific and factual data.*" (CEQA Guidelines, § 15064, subs. (a), (b) [emphasis added].) Moreover, in evaluating the significance of an environmental effect, Perris must consider direct and reasonably foreseeable indirect physical changes in the environment caused by the Project. (CEQA Guidelines, § 15064, subd. (c).) Where a physical change results from the economic or social changes stemming from a project, that may be considered a significant impact. (CEQA Guidelines, § 15064, subd. (e).) Similarly, a physical change that causes adverse economic or social effects on people, such as public service capacity issues, "would be regarded as a significant effect." (CEQA Guidelines, § 15064, subd. (e).)

The DEIR does not provide any meaningful analysis of most of the potential impact categories under CEQA. The stated reason for this is that the Project's scope and characteristics make it impossible to produce "effects of this type" and those were the conclusions of the Initial Study. (See DEIR, at p. 5.0-2.) As to the conclusory statement regarding "effects of this type," this statement is not supported by substantial evidence. Ultimately, simply stating that there will be no significant impacts is legally insufficient under CEQA. (See *Lotus, supra*, 223 Cal.App.4th at pp. 650–651, 657 [EIR deficient].)

As to aesthetics, it appears that the impacts analysis remains deficient. While it appears fencing is proposed at the perimeter of the semi-truck parking area, visual impacts have not yet been clarified in the DEIR Project Description, the Project site plan, or the Initial Study. There is simply a lack of information and substantial evidence on the design, type of material and height of fencing, or any visual representations such as simulations or cross-sections that could demonstrate the effectiveness of the proposed fencing to screen the semi-truck area, if at all.

Additionally, Perris's responses fail to provide sufficient detail on lighting and glare that may adversely affect day or nighttime views. (See DEIR, at p. 8.0-2.) The explanation appears to be that nighttime lighting will be designed to glare exclusively in a downward direction. For this portion of the analysis, it remains unclear how an illuminated, hi-rise pylon sign that would be about 65-feet tall and 22-feet wide, as imaged below, could similarly be "projected downward."



(DEIR, at Fig. 3-10c [portion of Fig. 3-10c].) Moreover, the purported mitigation measure for aesthetics are very limited and do not appear binding, concrete, or enforceable. Specifically, the sole aesthetic impacts mitigation measure applies only (a) to nighttime lighting that is (b) temporary and/or construction lighting, and (c) installed for security purposes. (See DEIR, at p. 8.0-2 [AES-1].) It is unclear if and how

this mitigates anything related to daytime glare or nighttime glare from non-construction lighting or permanent lighting, not to mention the unseemly neon sign. (DEIR, at p. 8.0-2.)

Similar conclusory statements appear throughout the other listed sections in Section 8.0. (DEIR, at p. 5.0-2; DEIR, at p. 8.0-8 [biological resources].) For example, with respect to *impacts on public services and fire protection in particular*, the DEIR has not demonstrated consistency with the General Plan designation, which provides metrics tied to service capacity. For example, the General Plan also details, for planning purposes, projected water and electricity consumption rates based on the General Plan designation. The General Plan designation is important in part because it uses drastically different metrics for residential designations (e.g., 100 gallons of water per day, per person for mobile homes), as opposed to industrial or institutional designations (2,000-3,000 gallons of water per day, per gross acre). (GP, at pp. 41, 43 [for electricity].) Thus, Perris should demonstrate consistency with respect to these aspects of the General Plan; particularly for fire services, along with the potential for Perris's additional fair share contributions to support such public services and fire protection. (DEIR, at p. 8.0-23.)

To the extent that Perris relies on its Initial Study, that likewise provides no detailed discussion or substantial evidence. This is consistent with the purpose of an initial study as a "*preliminary analysis prepared by the lead agency [...] to determine whether an EIR or negative declaration must be prepared.*" (See CEQA Guidelines, §§ 15063 [emphasis added], 15365; Pub. Resources Code, §§ 21080.1, 21080.3.) As to aesthetics, for example, the Initial Study provided no description or plans as to how semi-trucks would be adequately screened from public view. Additionally, Perris's purported reliance on its own General Plan and Municipal Code does not ensure that the Project will not substantially degrade the existing visual character or quality of public views.

Ultimately, Perris cannot decline to evaluate aesthetic impacts where, as here, comments have identified issues and impacts to a scenic vista, contrary to the existing conclusory statements that "structures proposed as part of the Project would be similar to the scale and heights of buildings within the immediate area." (DEIR, at p. 8.0-1.) Menifee's earlier comment letters dated March 7, 2022, and February 26, 2024, noted these issues related to aesthetics; particularly the visual impact of a large commercial parking area filled with semi-trucks on the existing visual character of Menifee's gateway locations.

3. The Cumulative and Environmental Impact Analyses are Deficient.

As a preliminary matter, the DEIR lists a total of 58 projects for cumulative analysis. (See DEIR, at pp. 4.0-2–4.0-4 & Fig. 4-1; CEQA Guidelines, §§ 15355, 15130.) Despite this expansive list, the "project references" and "descriptions" do little to clarify the selection criteria or, more importantly, the application. Ultimately, the DEIR's cumulative analysis fails for a lack of "facts and analysis," a problem pervasive in the DEIR. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197 [internal citations, quotations omitted].) Accordingly, we request that Perris revise the DEIR to include more than "just the bare conclusions of the agency" with "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Ibid.*)

With respect to air quality and GHGs, including any cumulatively considerable impacts, Menifee

incorporates the above-referenced concerns and the items listed below:

- The DEIR fails to model mass emission rates from transport refrigeration units (TRU) for the nearby listed projects, including the Ethanac Logistics Center Project, idling trucks within the Ethanac Logistics Center Project site, and those trucks traveling along local roadways to then be serviced and/or refueled at the Ethanac Travel Center Project;
- A lack of substantial evidence supporting the assumed number of trucks and trailers, including those equipped with TRUs, that would serve the Project site given its proximity to Ethanac Logistics Center Project and the likelihood that such trucks will be serviced and/or refueled at the nearby Ethanac Travel Center Project;
- A lack of substantial evidence supporting the assumed idling durations used to estimate the Project's cancer risk impacts, particularly with respect to the cumulative impact effect with the Ethanac Logistics Center Project and other projects in close proximity; and,
- A lack of substantial evidence supporting the use of inappropriate breathing rates, among other unsupported thresholds for GHG emissions, to estimate the Project's health risk impacts.

To the extent that Perris seeks to incorporate Menifee's nearby projects, Menifee requests:

- That Perris make efforts to coordinate in advance to ensure that the recommendations in the transportation analyses do not conflict with the traffic recommendations for those Menifee projects;
- That Perris make efforts to comply with Menifee's level of service guidelines;
- That Perris contribute its fair share contributions to Menifee where appropriate and recommended; and,
- That Perris coordinate with Caltrans and other agencies to dedicate and secure rights-of-way and encroachment permits as necessary. For further detail on the above coordination measures, please see Attachment H.

4. The Project Description (Section 3.0) Ignores Discrepancies with the General Plan.

Where, as here, a proposed project is accompanied by an inaccurate or incomplete description, it undermines CEQA by drawing "a red herring across the path of public input." (*County of Inyo, supra*, 71 Cal.App.3d at pp. 193, 199.) A court will reject such an EIR because "[o]nly through an accurate view" of the Project "may affected outsiders and public decisionmakers balance the proposal's benefit against its environmental cost... ." (*Id.* at p. 198; see also *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376; CEQA Guidelines, § 15126 [all project phases].)

Here, the Project Description appears inconsistent with the text of the General Plan,¹ which primarily designates the Project site for residential uses. (See GP, at pp. 3, 5–6, 32–33 & Tbl. LU-13, e.g.) The DEIR, however, describes the General Plan designation as "Community Commercial." (DEIR, at p. 3.0-1.) The DEIR does not indicate a specific reference in the General Plan that supports this designation and, based on its text, this consistency should be clarified by Perris or the applicant for the Project.

5. Perris Extended the Public Comment Period Without Corrected Notices, Potentially Preventing Meaningful Public Comment After August 19, 2024.

Again, we appreciate that Perris extended the comment period from August 19, 2024, to September 20, 2024. We also appreciate that Perris extended the comment period *and* posted the missing Technical Appendices A–E. Please note, however, that we worry a failure to issue amended or corrected notices regarding the extended comment period may have had the effect of preventing informed, meaningful public comment during the extended timeframe and contrary to CEQA's aims and requirements. (See Atts. A–C [extending comment period]; with Att. D [SCH notice still shows limited comment period].)

As the DEIR acknowledges (DEIR, at p. 2.0-1) *and* we detailed in our initial correspondence regarding the missing Technical Appendices A–E, an EIR is an informational document. (See Att. A.) As such, an EIR is to "be organized and written in a manner that will be meaningful and useful to decision makers and to the public." (Pub. Resources Code, § 21003, subd. (b).) Thus, a lead agency such as Perris must make its *complete* environmental review document available for certain periods of time and in a manner that is not misleading. This requirement for noticing and posting allows for review and comment by other agencies, interested persons, and interested organizations. (See Pub. Resources Code, § 21003.1, subd. (b).) Noncompliance with CEQA's information disclosure provisions *in a manner that has precluded relevant information from being presented to the public* may constitute a prejudicial abuse of discretion. (See Pub. Resources Code, § 21005, subd. (a).) This is particularly true where, as here, the defects may have had the potential to be misleading and thereby "preclude[] informed decision making and public participation..." (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1220 [internal citation omitted].)

While we appreciate that Perris re-posted the complete DEIR with the correctly labeled Technical Appendices A–E, a member of the public may still be misled by the notices that show the last day for public comment on August 19, 2024. (See Att. D.) Thus, Menifee respectfully requests that Perris, in addition to its proper re-posting of the DEIR with the appropriate Technical Appendices A–E, ***please also re-notice*** the complete DEIR for an additional comment period as appropriate.

¹ The DEIR incorporates the full text of the General Plan. The General Plan as referenced in the DEIR divides Perris into ten (10) Planning Land Use Areas. (GP, at pp. 2–3, 5–6.) For existing uses, the Project was located in Planning Land Use Area 9 and, per the General Plan, two *existing* specific plans (Riverglen and Green Valley) governed (and appear to still govern) the "majority" of that area. (GP, at pp. 3, 5–6, 32–33; with Atts. E, F.) Importantly, the vast majority of both contemplate primarily residential development, as opposed to commercial or industrial like the Project, here. (GP, at pp. 6, 33.) In fact, the Riverglen Specific Plan has *no* commercial or industrial uses and the Green Valley Specific Plan has very little. (GP, at p. 33 & Tbl. LU-13.)

Conclusion

The DEIR is legally inadequate for the reasons detailed above and cannot be certified in its current state. Menifee expressly reserves and does not waive or intend to waive its right to submit supplemental information and evidence regarding the DEIR up to the close of the public hearing on the Project. (See, e.g., *Galante Vineyards v. Monterey Peninsula Water Mgmt.* (1997) 60 Cal.App.4th 1109, 1119–1120 [applicant has right to present comments “prior to the close of the public hearing on the project.”]; *Coal. for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197 [same principle].)

Again, we appreciate the opportunity to comment.

Sincerely,



Cheryl Kitzerow, AICP
Community Development Director, City of Menifee

- Att. A**, Ltr. from Menifee to Perris re Missing / Improper DEIR Tech. Appendices (Aug. 5, 2024)
- Att. B**, Ltr. from Perris to Menifee re Extended Cmt. Period to Sept. 20, 2024 (Aug. 6, 2024)
- Att. C**, E-mail from Perris to Menifee re Extended Cmt. Period to Sept. 20, 2024 (Aug. 6, 2024)
- Att. D**, SCH Notice re Cmt. Period Ends Aug. 19, 2024 (last accessed Sept. 19, 2024)
- Att. E**, Ltr. from Menifee to Perris re Cmt. Ethanac Travel Ctr w Att (Feb. 2024)
- Att. F**, Ltr. from Menifee to Perris re Cmt. Ethanac Travel Ctr (Mar. 2022)
- Att. G**, Bioretention FAQs & BMPs

Cc: Armando Villa, City Manager, City of Menifee
Bryan Jones, Assistant City Manager, City of Menifee
Doug Darnell, AICP, Principal Planner City of Menifee
Nick Fidler, Public Works and Engineering Director, City of Menifee
Orlando Hernandez, Deputy Community Development Director, City of Menifee
Stephanie Talavera, Rutan, City Attorney’s Office
Clara Miramontes, City Manager, City of Perris
Kenneth Phung, Director of Development Services, City of Perris
Patricia Brenes, Planning Manager, City of Perris

Attachment "A"

August 5, 2024

LEAD AGENCY: CITY OF PERRIS

Lupita Garcia
Project Planner
City of Perris Planning Department
135 N. D Street
Perris, CA 92570
E-mail: lgarcia@cityofperris.org

RE: City of Perris Project – Preliminary Comment on Inadequate Notice & Posting
[Draft Environmental Impact Report \(“DEIR”\), SCH No. 2024010850](#)
45-Day Public Comment Period from July 5, 2024, through August 19, 2024

Dear Ms. Garcia:

Thank you for the opportunity to review the above DEIR for the proposed Ethanac Travel Center Project (the “Project”). This preliminary comment letter seeks to highlight defects in the DEIR’s notice and posting that may prevent public participation and informed decision making in violation of the California Environmental Quality Act (Pub. Resources Code, §§ 21000–21189.70.10, “CEQA”) and CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000–15387, “CEQA Guidelines”). As further detailed below, we hope that the City of Perris will promptly re-notice and re-post the complete DEIR, extending the public comment period accordingly.

The Project’s DEIR is currently being circulated for public review and comment for a 45-day period that began on July 5, 2024, and will end on August 19, 2024. As of the date of this letter (August 5, 2024), the City of Perris may still salvage some of that remaining noticed period by re-noticing and re-posting the complete DEIR in a way that is not misleading. (See DEIR at p. v [listing Appendices A–E, which are otherwise not made available at the City of Perris’s website].)

As the City of Perris is aware, documents prepared pursuant to CEQA are to “be organized and written in a manner that will be meaningful and useful to decision makers and to the public.” (Pub. Resources Code, § 21003, subd. (b).) Among other detailed noticing and posting requirements, CEQA mandates that the City of Perris “shall post all environmental review documents described in subdivision (a), on its internet website, if any.” (Pub. Resources Code, §§ 21082.1, subd. (d), 21092.2, subd. (d).) A draft EIR, as the DEIR here, is included in those documents and notices that must be posted on the lead agency’s website. (See Pub. Resources Code, §§ 21082.1, subds. (a) [“A draft environmental impact report,”], (d), 21092.2, subds. (a), (d) [noticing].) Effectively, the City of Perris’s website serves as the primary public forum for noticing and posting under CEQA.

Here, the DEIR is incomplete and misleading as noticed and posted on the City of Perris’s website because it does not include Appendices A–E (see Pub. Resources Code, §§ 21082.1, subds. (a), (d),

21092.2, subs. (a), (d); with DEIR at p. v).¹ Specifically, the City of Perris’s website fails to include the following DEIR Appendices A–E: Posting the DEIR without the updated Appendices A–E and with the dated Appendices A–J may prevent public participation and informed decision making where, for example, a member of the public would like to review Appendix B to the DEIR, which should include the Notice of Preparation Comment Letters. (Compare DEIR at p. v; with City of Perris Website, Planning, Env’tl. Docs. for Public Rev., CUP22-05002 Ethanac Travel Center, fn. 1, *supra*.) However, the document referred to as Appendix B on the City of Perris’s website is not the “Notice of Preparation Comment Letters,” it is the “Biological Technical Report” prepared for the Initial Study. This is particularly problematic for DEIR Appendices C–E, which should reflect revisions based, in part, on the “Notice of Preparation Comment Letters.” (See, e.g., DEIR at pp. 2.0-3–2.0-5 & tbl. 2-1 [referring to comments provided in an Appendix B]; with *id.* at pp. 5.1-1, 5.1-26, 5.1-27, 5.1-28, 5.1-30, 5.1-31, 5.1-34 [referring to updates made to Appendix C].)

Please note that the City of Menifee identifies these preliminary, procedural deficiencies in the City of Perris’s noticing and posting so that they may be remedied, and informed public participation properly engaged for the full requisite comment period.² Again, we appreciate your consideration and look forward to providing further public comment on the complete DEIR.

Sincerely,



Cheryl Kitzerow, AICP
Community Development Director

Cc: Armando Villa, City Manager, City of Menifee
Bryan Jones, Assistant City Manager, City of Menifee
Doug Darnell, AICP, Principal Planner City of Menifee
Nick Fidler, Public Works and Engineering Director, City of Menifee
Orlando Hernandez, Deputy Community Development Director, City of Menifee
Clara Miramontes, City Manager, City of Perris
Kenneth Phung, Director of Development Services, City of Perris
Patricia Brenes, Planning Manager, City of Perris

¹ City of Perris, Planning, Environmental Documents for Public Review, CUP22-05002 Ethanac Travel Center, available at https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206_1313_479 (last accessed July 31, 2024, 9:03 a.m. PST).

² The City of Menifee expressly reserves its right to submit supplemental information and evidence regarding the DEIR up to the public hearing on the Project. (See, e.g., *Galante Vineyards v. Monterey Peninsula Water Mgmt.* (1997) 60 Cal.App.4th 1109, 1119–20 [applicant has right to present comments “prior to the close of the public hearing on the project.”]; *Coal for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197 [same principle].)

Attachment "B"



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

135 N. "D" Street, Perris, CA 92570-2200
TEL: (951) 943-5003 FAX: (951) 943-8379

August 6, 2024

Mr. Doug Darnell-Principal Planner
City of Menifee
29844 Haun Road
Menifee, CA 92586

Re: Comment letter dated August 5, 2024, regarding CUP22-05002- Ethanac Travel Center.

Dear Mr. Darnell:

Thank you for your letter. The public review period for application CUP22-05002, which was from July 5 to August 19, 2024, has been extended to September 20, 2024. Appendices A-E are available on the city's website.

If you have any questions, you may contact me at (951) 943-5003, ext. 236.

Sincerely,

Lupita Garcia
Associate Planner

cc: Kenneth Phung, Development Services Director
Patricia Brenes, Planning Manager

Attachment "C"

From: Lupita Garcia <lgarcia@cityofperris.org>
Sent: Tuesday, August 6, 2024 6:14 PM
To: Doug Darnell <ddarnell@cityofmenifee.us>
Cc: Clara Miramontes <cmiramontes@cityofperris.org>; Kenneth Phung <kphung@cityofperris.org>; Patricia Brenes <pbrenes@CityofPerris.org>; Armando G. Villa <avilla@cityofmenifee.us>; Bryan Jones <bjones@cityofmenifee.us>; Nicolas Fidler <nfidler@cityofmenifee.us>; Cheryl Kitzerow <ckitzerow@cityofmenifee.us>; Orlando Hernandez <ohernandez@cityofmenifee.us>
Subject: RE: City of Menifee Preliminary Comments on the DEIR for the Ethanac Travel Center Project

Some people who received this message don't often get email from lgarcia@cityofperris.org. [Learn why this is important](#)

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Doug,

I hope this email finds you well. Thank you for your letter; the public review period from July 5, 2024, to August 19, 2024, has been extended to September 20, 2024. Appendices A-E are available on the city website.

Thank you,



Lupita Garcia

Associate Planner
Development Services Dept

Phone: (951) 943-5003 ext. 236

Email: lgarcia@cityofperris.org

Web: www.cityofperris.org

Available: Tues-Fri 7:00am - 6:00pm



Below are helpful links:

Link for City Zoning Map: <https://www.cityofperris.org/departments/development-services/zoning>

Link for City applications: <https://www.cityofperris.org/our-city/city-hall/city-forms/-folder-155>

Link for City cannabis applications: <https://www.cityofperris.org/our-city/city-hall/city-forms/-folder-147>

Link for City fee schedule: <https://www.cityofperris.org/home/showpublisheddocument/2537/637217201195900000>

Link for City Development Impact Fees:

<https://www.cityofperris.org/home/showpublisheddocument/13652/637775940661530000>

Link for City Municipal Code: https://library.municode.com/ca/perris/codes/code_of_ordinances

Link for City Specific Plans: <https://www.cityofperris.org/departments/development-services/specific-plans>

Link for City General Plan, Special Studies, and Policy Documents:

<https://www.cityofperris.org/departments/development-services/general-plan>

Link for CEQA Documents in Public Review: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review>

From: Doug Darnell <ddarnell@cityofmenifee.us>

Sent: Monday, August 5, 2024 4:23 PM

To: Lupita Garcia <lgarcia@cityofperris.org>

Cc: Clara Miramontes <CMiramontes@cityofperris.org>; Kenneth Phung <Kphung@cityofperris.org>; Patricia Brenes <pbrenes@CityofPerris.org>; Armando G. Villa <avilla@cityofmenifee.us>; Bryan Jones <bjones@cityofmenifee.us>; Nicolas Fidler <nfidler@cityofmenifee.us>; Cheryl Kitzerow <ckitzerow@cityofmenifee.us>; Orlando Hernandez <ohernandez@cityofmenifee.us>

Subject: City of Menifee Preliminary Comments on the DEIR for the Ethanac Travel Center Project

Hello Lupita,

Please see Menifee's attached Preliminary Comments on the DEIR for Perris's Ethanac Travel Center Project. Thank you for your consideration.

Please let me know if you have any questions.

Thanks,

Doug Darnell, AICP | Principal Planner

Community Development Department

City of Menifee | 29844 Haun Road | Menifee, CA 92586

Direct: (951) 723-3744 | City Hall: (951) 672-6777 | Fax: (951) 679-3843

ddarnell@cityofmenifee.us | cityofmenifee.us



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**Please note that email correspondence with the City of Menifee, along with attachments, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt. The City of Menifee shall not be responsible for any claims, losses or damages resulting from the use of digital data that may be contained in this email.*

Attachment "D"



NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (SCH #2024010850)

To: State Clearinghouse, Property Owners, Responsible and Trustee Agencies/ Interested Organizations and Individuals.

From: City of Perris, Department of Development Services

Subject: Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) related to Planning Cases Conditional Use Permit (CUP) 22-05002, Conditional Use Permit (CUP) 22-05003, and Variance (VR) 24-05022 - Proposed Ethanac Travel Center Project by Ethanac Travel Center LLC

Comment Period: July 5, 2024, and end August 19, 2024.

Notice of Availability of a Draft Environmental Impact Report:

The City of Perris is the Lead Agency under the California Environmental Quality Act (CEQA) and has prepared the Draft Environmental Impact Report (EIR) for the Ethanac Travel Center Project (Herein after “proposed Project “or “Project”) identified below. The Lead Agency has prepared this NOA, in Compliance with Title 14, Section 15087 of the California Code of Regulations, for the Draft EIR to provide the widest exposure and opportunity for input from public agencies, stakeholders, organizations, and individuals on the environmental analysis addressing the potential effects of the Proposed Project. The Draft EIR evaluates the potentially significant environmental impacts that may result from the Project.

Project Location:

The project site is located in the southeast portion of the City of Perris, at the northwest corner of Trumble Road and Ethanac Road, in the Commercial Community (CC) Zone. The project site consists of two parcels (APNs 329-250-011 and 329-250-012) totaling approximately 14.4 acres. Refer to **Figure 1, Project Location**.

Project Applicant: Ethanac Travel Center LLC

Project Description:

The Ethanac Travel Center Project involves the proposed construction and operation of a travel center facility at the project site for regional and local highway traveling users. Implementation of the Project would require consideration of the following entitlements: 1) Conditional Use Permit for a travel center consisting of a 2,228 square foot drive-thru restaurant, an 11,752 square foot convenience store, and fueling facilities for trucks and passenger vehicles; 2) Conditional Use Permit for an 8,452 square foot truck shop; and 3) Variance to allow a freeway-oriented sign. Associated facilities and improvements of the Project include on-site landscaping, signage, parking, infrastructure/utilities improvements, and off-site roadway/right-of-way improvements. Refer to **Figure 2, Preliminary Site Plan**

The Draft EIR addresses the short – and long-term effects of the Project on the environment, including the impacts of any off-site improvements. It also evaluates the potential for the Project to cause direct and indirect growth-inducing impacts, as well as cumulative impacts. Alternatives to the proposed Project were evaluated that may reduce impacts that were determined to be significant in the EIR. The environmental topic areas addressed in the EIR include Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

The Project site is not included in a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous Sites).

Public Review and Comment Period:

This NOA the Draft EIR (SCH #2024010850) will be available for public review and comment for a period of 45 days, beginning July 5, 2024, and ending August 19, 2024. Public agencies, interested organizations, and individuals have the opportunity to comment on the proposed Project.

This NOA and Draft EIR are available for public review on the City of Perris website:

https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206_1313_479

Copies of the Draft EIR are also available for review at:

- Perris City Hall - 135 South D Street, Perris, CA 92570
 - Monday to Friday, 8 am to 5 pm

- Cesar E. Chavez Library – 163 E. San Jacinto Road, Perris CA 92570
 - Monday, Thursday, Friday, Saturday 10 am - 6 pm
 - Tuesday, Wednesday - 12 pm - 8 pm
 - Sunday 1 pm - 5 pm

Any response must be submitted to the City of Perris, Planning Department at the earliest possible date but no later than the August 19, 2024, deadline. Comments must be submitted via email or in writing to:




City of Perris Planning Department
ATTN: Lupita Garcia
135 South D Street,
Perris CA 92570
Phone: (951) 943-5003
E-mail: lgarcia@cityofperris.com

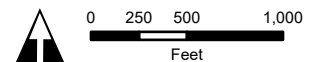


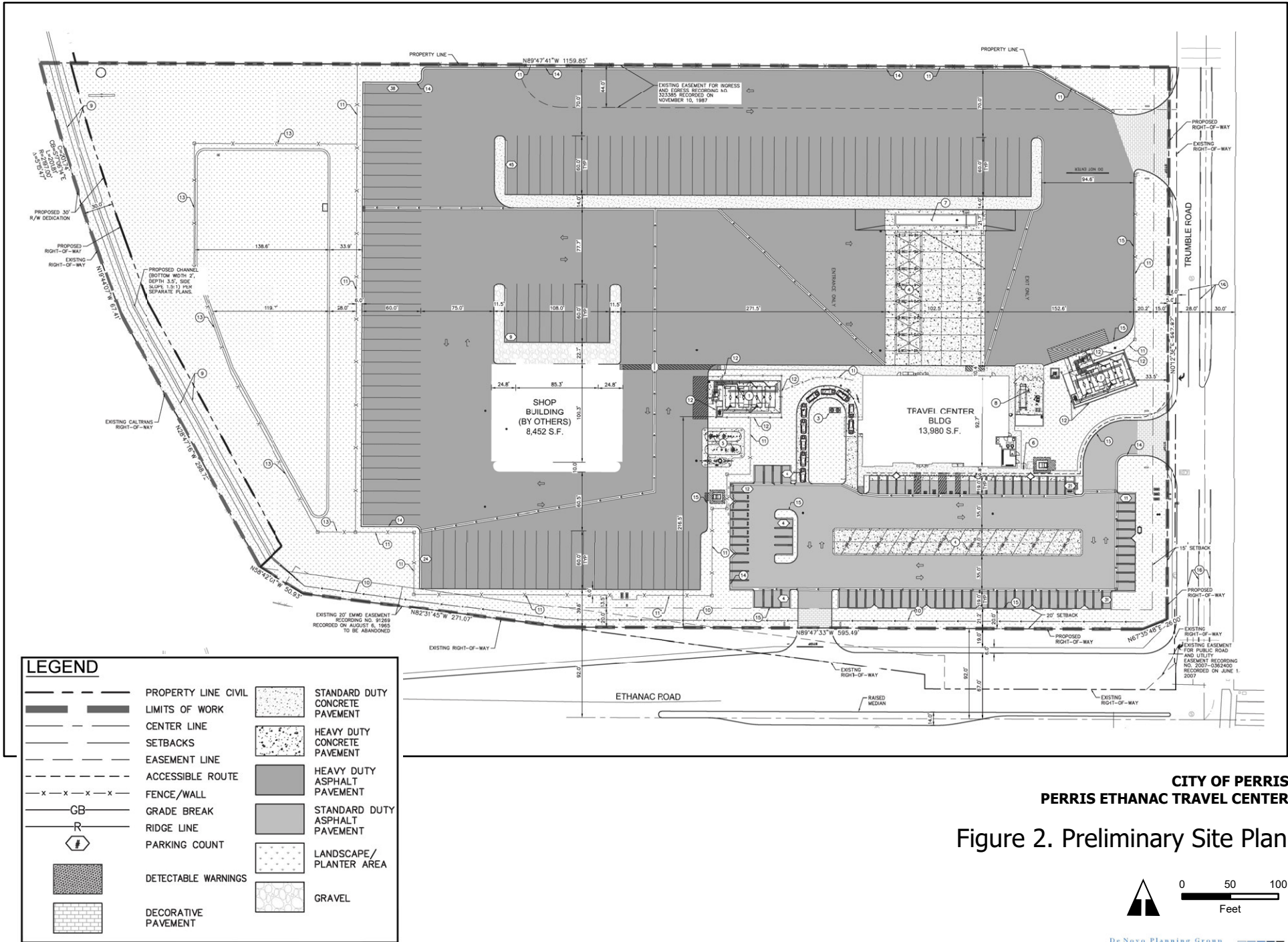
**CITY OF PERRIS
PERRIS ETHANAC TRAVEL CENTER**

Figure 1. Project Location

Legend

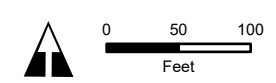
-  Project Boundary
-  Project Parcels
-  Incorporated Area





**CITY OF PERRIS
PERRIS ETHANAC TRAVEL CENTER**

Figure 2. Preliminary Site Plan



Source: Kimley Horn 12/15/2023. Map date: May 21, 2024.

Attachment "E"

February 26, 2024

Lupita Garcia
Associate Planner
City of Perris, Development Services Department
135 North "D" Street
Perris, CA 92570-2200

RE: City of Perris Project – Notice of Preparation (NOP) and Public Scoping Meeting Notice for the preparation of a Draft Environmental Impact Report (DEIR) for the Perris Ethanac Travel Center Project – Conditional Use Permit (CUP) 22-05002, and Variance 24-05022 for a freeway sign

Dear Ms. Garcia,

Thank you for the opportunity to review the above proposal for the Perris Ethanac Travel Center located on approximately 14.4-acres at the northwest corner of Ethanac and Trumble Roads located adjacent to the City of Menifee and the I-215 Freeway. Menifee is aware that the project involves a 13,980 square-foot travel center building with a drive-thru restaurant, an 8,452 square-foot shop building for minor truck services, two fueling facilities (20-foot tall canopy to the north with 7 diesel fueling lanes/positions and a 19-foot tall canopy to the south with 8 gas islands with 16 fueling positions), 203 parking spaces (116 are truck spaces), two above-ground storage tank farms and a freeway sign which requires approval of a variance. The City of Menifee has reviewed the project and offers the following preliminary comments.

- The Notice of Preparation (NOP) and Environmental Initial Study (IS) determines that an Environmental Impact Report (EIR) is required for the project based on potential to cause significant environmental impacts. However, all environmental topics except for "Greenhouse Gas Emissions" were determined to result in less than significant environmental impacts and will not be further analyzed in the Draft Environmental Impact Report (DEIR). The City of Menifee is concerned that the project may have the potential for other significant impacts – see below.
- In the City of Menifee's March 7, 2022 comment letter to the City of Perris, Menifee expressed concerns related to aesthetic impacts and lack of details in the plans to fully understand visual impacts of the project, which is in a highly visible location adjacent to the City of Menifee in gateway areas of both the City of Menifee and City of Perris. The aesthetics discussion of the IS indicates that the Project would include two aboveground storage tank farms with 14-foot decorative block wall and pilasters and an 8-foot-tall split face block wall surrounding the majority of the Project site; however, it remains unclear where the decorative block walls will be constructed, what they are actually screening, and makes no mention of whether trucks in the proposed truck parking areas will be screened. A site plan is provided but it does not clearly depict the decorative walls discussed or show their location and height and no building or wall elevations are provided. Further detail is needed on the aboveground storage tank farms, including, size of the tank farms, how many tanks are proposed, size of tanks/capacity, and what is being stored in the tanks (diesel, gasoline, propane, or other?). The aesthetic analysis lacks

these details along with site photos, line of site analysis and visual simulations from various vantage points of public views.

In addition, a 65-foot pole sign/freeway sign proposed at the northwest corner of the site, requires a variance. A 65-foot-high sign for this use seems excessive and the discussion makes no mention of Perris's height standard, how much the standard will be exceeded, or any specifics on unique site conditions/constraints, such as a substantially lower grade than that of the adjacent freeway, or how much it may be lower. If the sign is at a lower grade than that of the freeway, is the requested increase in height above the standard, equivalent to the difference in grade? Finally, the aesthetics discussion makes no mention of the size of the sign face and no images are provided to illustrate the design of the sign, which is important particularly given its size and adjacency to the freeway. There is concern that the sign is described as a pole sign, which conjures images of a bare pole support with a can sign on top. For any freeway sign requiring a variance to be as tall as the proposed sign, such sign needs to be a high-quality pylon sign designed to be architecturally integrated and consistent with the building architecture of the proposed project. Given the lack of aesthetic analysis to support a less than significant determination, impacts related to aesthetics may be significant, and the DEIR needs to further analyze and mitigate any significant impacts related to aesthetics.

- The City of Menifee's Engineering Department has reviewed the traffic impacts analysis for any potential impacts to Menifee streets and has identified deficiencies which need to be addressed to appropriately analyze traffic impacts of the project to Menifee streets and identify improvements necessary to address and minimize those impacts. Please refer to attached February 23, 2024 City of Menifee Public Works/Engineering Department comments relating to the traffic analysis.
- Finally, please provide all future environmental notices/documents to the City of Menifee Planning Department for review once they become available.

We appreciate your consideration of these comments and thank you again for the opportunity to provide comments. We respectfully look forward to discussing these items further prior to the approval of this project. If you have questions, please contact me at 951-723-3744 or by e-mail at ddarnell@cityofmenifee.us

Sincerely,

Doug Darnell

Doug Darnell, AICP
Principal Planner

Cc: Cheryl Kitzerow, AICP Community Development Director, City of Menifee
Nick Fidler, Public Works and Engineering Director, City of Menifee
Orlando Hernandez, Deputy Community Development Director, City of Menifee
Alberto Paiva, Deputy Public Works Director/City Engineer, City of Menifee

Attachment: February 23, 2024 City of Menifee Public Works/Engineering Department Comments



CITY OF MENIFEE

MEMORANDUM

PUBLIC WORKS/ENGINEERING DEPARTMENT

DATE: February 23, 2024

TO: Doug Darnell, AICP, Principal Planner

FROM: Haile Ford, PE, Senior Engineer

CC: Steven Strapac, PE, PLS, QSD, Assistant City Engineer

RE: City of Perris' Ethanac Travel Center – CUP 22-05002 – PC2 Engineering Comments

The PC2 comments noted herein are for review of the following:

- Ethanac Travel Center Project Initial Study, prepared by De Novo Planning Group, dated January 2024 – Section 4.10: Hydrology and Water Quality, and Section 4.17: Transportation

Public Works / Engineering has reviewed the referenced documents and has the following comments:

Section 4.10: Hydrology and Water Quality:

1. Based on the information presented in this section, all drainage drains to the northwest and west, away from the City of Meniffee. Therefore, Engineering has no further comments on this submittal.

Section 4.17: Transportation (Transportation Analysis dated October 2022):

1. Of the seven locations that were analyzed, the intersection of Ethanac Road and Sherman Road was not analyzed. This location was requested to be analyzed in the City's comments dated March 7, 2022. Please explain why this location was not analyzed.
2. One of the recommended improvements is to add a second eastbound through lane at the intersection of Ethanac Road and Trumble Road. Regarding this intersection, please note the following comments:
 - a. Adding a second eastbound through lane at this intersection would encroach into the City of Meniffee's jurisdiction. Please coordinate in advance with the City of Meniffee regarding this recommended improvement.
 - b. Provide an exhibit that shows the proposed widening and improvements at this intersection.

- c. The south driveway on Trumble Road may be too close to this intersection.
 - d. The curb and gutter on Trumble Road north of Ethanac Road should line up with the frontage improvements on Trumble Road south of Ethanac Road.
3. In the Drive-Through Queuing Analysis section, please clarify if this analysis was performed for the project only or if it also considered the “Cumulative Plus Project” condition.

General Comments:

1. The following projects in the City of Menifee’s jurisdiction are also in the immediate vicinity of this project:
 - The Core 5 industrial warehouse project (City of Menifee Planning Case No. PLN23-0171).
 - The Trumble / Watson industrial warehouse project (City of Menifee Planning Case No. DEV2022-019).

Coordinate in advance with the City of Menifee regarding these projects, to ensure that the recommendations in the Transportation Analysis do not conflict with the traffic recommendations for these City of Menifee projects.

As you coordinate with the City of Menifee, keep in mind the following City of Menifee Level of Service (LOS) Guidelines:

- The traffic study / analysis area, at a minimum, shall generally include streets on which the proposed project will add 50 or more peak-hour trips, up to a 5-mile radius from the project location. The limits of this area may be extended if the project has a regional impact on the regional transportation system.
- Additional intersections of concern, which may include but not be limited to project driveways, may also require analysis.
- For projects located in the vicinity of schools, traffic counts may be required during the school season as determined by the Community Development Department or Public Works / Engineering Department.
 - A Roadway Segment Analysis shall be required for roadway segments where 500 or more daily trips are added along the City of Menifee’s Circulation Element roadway network, up to a 5-mile radius from the project location.

- Additional intersections and roadway segments may be required to be analyzed at the discretion of the City of Menifee's Traffic Engineer.
- The City of Menifee has identified LOS D as the standard for acceptable operating conditions for intersections, except at constrained intersections and roadway segments in close proximity to I-215, where LOS E is acceptable during peak hours.
- The traffic study / analysis shall address whether or not the required LOS will be achieved after the proposed project is constructed. Intersections or roadway segments not meeting the required LOS may be conditioned for improvements toward meeting the LOS standard. Specifically, a project would not meet the LOS standard if: (1) The pre-project condition at an intersection or roadway segment is at or better than the minimum acceptable LOS, and the addition of project trips results in an unacceptable LOS. (2) The pre-project condition is at LOS E or F, and the project adds 50 or more peak-hour trips to the intersection or roadway segment. This type of impact would be considered a "cumulative" project impact, in which the project would be required to contribute a fair-share payment toward reducing the impact.
- Fair-share contributions may be recommended to improve LOS conditions under the "Existing Plus Project" scenario if the existing condition is at an unacceptable LOS. All fair-share contributions shall be calculated using the following equation:

$$d = \frac{c}{(b - a)}$$

Where:

a = Existing Traffic Volume

b = Opening Year Cumulative With Project Volume

c = Proposed Project Trips

d = Fair Share Percentage

2. The applicant / developer and the City of Perris should coordinate with Caltrans for the necessary right-of-way required for future interchange widening and improvements.
3. The applicant / developer should provide appropriate right-of-way dedication for the ultimate improvements along Ethanac Road. It should be noted that Ethanac Road is designated as a 6 to 8-Lane Divided Expressway in the Circulation Element of the City of Menifee's General Plan.
4. Check the Caltrans Highway Design Manual for appropriate distances. In the City's previous review, the proposed driveway facing Ethanac Road appeared to be too close to the I-215 northbound on-ramp.

5. In the City's previous review, it was the City's belief that the proposed driveway facing Ethanac Road might align with Encanto Road. It was also the City's belief that the City of Perris had plans to close Encanto Road at this location, due to the proximity of the interchange.
6. Provide an exhibit that shows proposed improvements on the south side of Ethanac Road.
7. Clarify whether there will be a curbed median on Ethanac Road from I-215 to Trumble Road. As noted in General Comment No. 3 above, Ethanac Road is designed as a 6 to 8-Lane Divided Expressway in the Circulation Element of the City of Menifee's General Plan.

The applicant / developer is advised to prepare a response letter in the next submittal, responding back to each comment in this Memo. Any questions can be directed to Haile Ford at (951) 723-1774 (office), (213) 215-6772 (cell), or by email at hford@cityofmenifee.us.

Attachment "F"

Community Development Department

March 7, 2022

Lupita Garcia
Project Manager
City of Perris
135 N. D Street
Perris, CA 92570-2200

RE: CUP22-05002 & 22-05003 – Conditional Use Permit for Pilot J Travel Center

Dear Ms. Garcia,

Thank you for the opportunity to review above proposed project, consisting of a conditional use permit application to construct a 13,980 square-foot Pilot J Travel Center and Wendy's drive thru restaurant with an 8,255 square-foot truck shop (Tires and Express Lube) and truck fueling facility with a gas station canopy on 14.4 acres located at the northwest corner of Ethanac and Trumble Roads. The City of Menifee has reviewed the project and offers the following comments:

- The plan provided to the City of Menifee consists of a storm drain plan. When available, please provide architectural site and landscape plans, and building elevations to the City of Menifee Planning Department for review. Menifee would like to better understand design details such as the landscape design of the bio-retention basin area, and major street frontages, and if the project will provide screening of truck parking areas including the details on the type and design such screening. Since the proposed development is in a highly visible location adjacent to the City of Menifee in gateway areas of both the City of Menifee and City of Perris, we request that Perris require a well-designed project with aesthetically pleasing building architecture and landscaping that minimizes aesthetic impacts to views from the I-215 Freeway and the Ethanac Corridor.
- The following engineering and traffic issues of concern should be addressed:
 - The City's Engineering Department/Traffic Engineer requests the opportunity to review the Traffic Impact Analysis (TIA) for the project and would like the opportunity to provide early input scoping of the TIA for the project.
 - The TIA should investigate the impacts to the I-215 interchange, Encanto Drive/Ethanac Road, Ethanac/Trumble Roads and Ethanac/Sherman Roads.
 - The developer and the City of Perris should coordinate with Caltrans for necessary right-of-way (ROW) required for future interchange widening and improvements.

- The applicant should provide appropriate ROW dedication for ultimate improvements along Ethanac Road. Please note that Ethanac Road is designated as a 6 to 8-Lane Divided Expressway in the Circulation Element of the City of Meniffee's General Plan.
 - Please check the Highway Design Manual for appropriate distances, as the proposed driveway facing Ethanac Road may be too close to the interchange northbound on-ramp. We believe this driveway may align with Encanto Road and it is the City's understanding that the City of Perris proposes to close Encanto Road at this location, due to the proximity to the interchange.
 - The Exhibit needs to show improvements on the south side of Ethanac Road and the improvements/widening of Ethanac/Trumble Intersection.
 - The south driveway on Trumble Road may be too close to the intersection of Ethanac Road and Trumble Road.
 - The curb and gutter on Trumble Road north of Ethanac Road should line up with the frontage improvements on Trumble Road south of Ethanac Road.
 - Please clarify whether there will be a curbed median on Ethanac from I-215 to Trumble Road. As noted above, Ethanac Road is designated as a 6 to 8-Lane Divided Expressway in the Circulation Element of the City of Meniffee's General Plan.
 - It is not clear where the drainage for this site discharges. The topography between Trumble Road and Sherman Road north of Ethanac is very flat, so this site may need underground storm drains along Trumble and/or Ethanac Roads.
- Finally, please provide all future environmental notices/documents to the City of Meniffee Planning Department for review.

We appreciate your consideration of these comments and thank you again for the opportunity to provide comments. If you have questions, please contact me at 951-723-3744 or by e-mail at ddarnell@cityofmeniffee.us

Sincerely,

Doug Darnell

Doug Darnell, AICP
Senior Planner

Cc: Kenneth Phung, City of Perris Director of Development Services
Cheryl Kitzerow, City of Meniffee Community Development Director
Nick Fidler, City of Meniffee Public Works Director
Orlando Hernandez, City of Meniffee Planning Manager
Daniel Padilla, City of Meniffee Deputy Public Works Director

Attachment "G"

Bioretention

Trash Best Management Practices (BMP)

Minimum Specifications



Figure A: CA State University-Sacramento Bioretention BMP

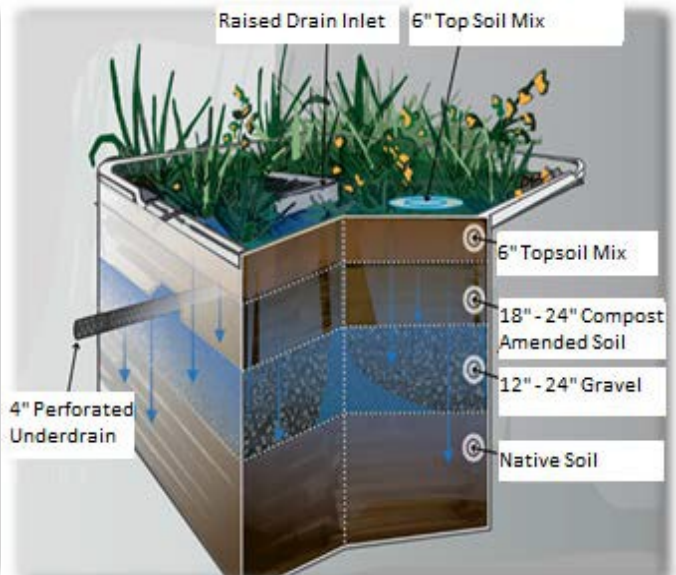


Figure B. American Common Bio-Swale Detail

Description

Bioretention BMPs, including bio-swales, remove pollutants from storm water runoff through physical filtration as storm water passes through media layers. The treatment area consists of: a ponding layer; vegetated, mulched, and engineered soil layer; and supporting bed layer of sand or gravel. Bioretention BMPs can be a variety of shapes and sizes. Storm water entering the treatment area evapotranspires or gradually passes through the mulch/soil/gravel layers where it then infiltrates into native soil or collects in an underdrain that conveys to a discharge point.

Performance and Design

The bioretention BMP must be designed to trap trash particles that are 5 mm or greater and prevent offsite migration, and the design must include:

1. A screen¹ that prohibits the discharge of particles 5 mm or greater at the BMP overflow or bypass outlet;
2. A treatment capacity equal to or greater than the volume collected during the region specific one-year, one-hour storm event from the applicable drainage area; or a capacity to carry at least the same flows of the corresponding storm drain; and
3. Stamped and signed design plans by a registered California licensed professional civil engineer (see Bus. & Prof. Code Section 6700, et seq.).

Maintenance

Regular maintenance is required to maintain adequate trash capture capacity and to ensure that trapped trash does not migrate offsite. The owner should establish a maintenance schedule based on site-specific factors, including the size of the bioretention BMP trench, storm frequency, and characterization of upstream trash and vegetation accumulation. Trash capture and maintenance may be improved by addition of various forms of pretreatment, such as upstream swales or forebays.

¹ Upon approval by the Regional Water Quality Control Board Executive Officer, an external design feature or up-gradient structure designed to bypass flows exceeding the region specific one-year, one-hour, storm event does not require a 5 mm screen.

Storm Water Capture and Use

Trash Best Management Practices (BMP) Minimum Specifications

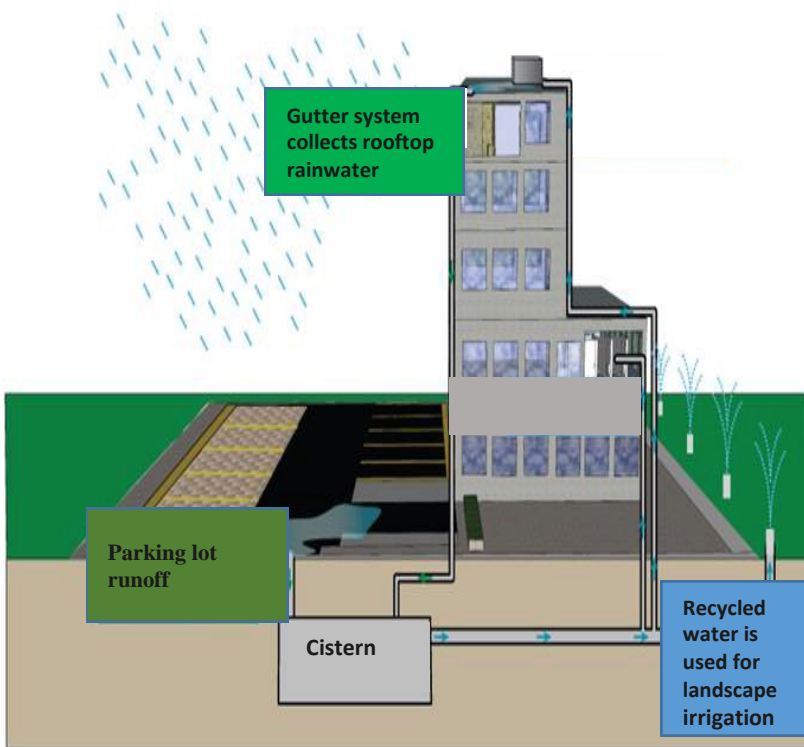


Figure A: Cistern used to capture storm water for onsite use
San Diego County LID Handbook Photo



Figure B: Large Scale Capture and Use Tank

Description

Storm Water Capture and Use BMPs capture and store runoff for use in a variety of applications including irrigation, toilet flushing, and other non-potable uses. There are numerous methods of capturing storm water for use including some of the other certified Multi-Benefit Treatment Systems.

Performance and Design

The Storm Water Capture and Use BMP design must include:

1. A screen¹ that prohibits the discharge of particles 5 mm or greater at the BMP overflow or bypass outlet;
2. A treatment capacity equal to or greater than the volume collected during the region specific one-year, one-hour storm event from the applicable drainage area; or a capacity to carry at least the same flows of the corresponding storm drain; and
3. Stamped and signed design plans by a registered California licensed professional civil engineer (see Bus. & Prof. Code Section 6700, et seq.).

Maintenance

Regular maintenance is required to maintain adequate trash capture capacity for the generated runoff of the anticipated storm. The owner should establish a maintenance schedule based on site-specific factors, including the size of the Storm Water Capture BMP, storm frequency, and characterization of upstream trash and vegetation accumulation.

¹ Upon approval by the Regional Water Quality Control Board Executive Officer, an external design feature or up-gradient structure designed to bypass flows exceeding the region specific one-year, one-hour, storm event does not require a 5 mm screen.

Detention Basin

Trash BMP Minimum Specifications

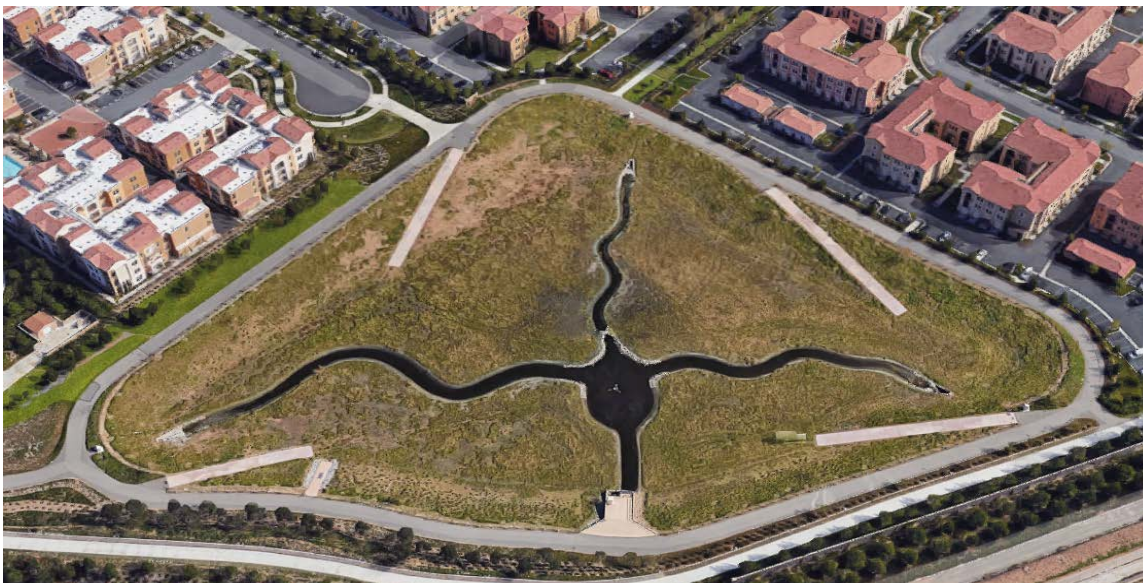


Figure A: Detention Basin BMP

Description

A detention basin BMP, or retarding basin, is a local topographic depression designed to reduce potential for flooding by reducing peak flow rates. These basins are also called "dry ponds," "holding ponds," or "dry detention basins," and are distinguishable from *retention basins* that are commonly known as "wet ponds" and designed to contain some water all-year-round. Detention basins may also be located underground in an array of pipe, chambers, concrete vaults, or other void structures.

Performance and Design

The detention basin BMP must be designed to trap trash that are 5 mm or greater and prevent offsite migration, and include:

1. A screen¹ that prohibits the discharge of particles 5 mm or greater at the BMP overflow or bypass outlet;
2. A capacity equal to or greater than the volume collected during the region specific one-year, one-hour storm event from the applicable drainage area; or the capacity to contain at least the same flows of the corresponding storm drain; and
3. Stamp and signed design plans by a registered California licensed professional civil engineer (see Bus. & Prof. Code Section 6700, et seq.).

Maintenance

Regular maintenance is required to maintain adequate trash capture capacity and ensure that trapped trash does not migrate offsite. The owner should establish a maintenance schedule based on site-specific factors, including the size of the detention basin BMP, storm frequency, and characterization of upstream trash and vegetation accumulation. Trash capture and maintenance may be improved by the addition of various forms of pretreatment, such as upstream swales or forebays.

¹ Upon approval by the Regional Water Quality Control Board Executive Officer, an external design feature or up-gradient structure designed to bypass flows exceeding the region specific one-year, one-hour, storm event does not require a 5 mm screen.

Infiltration Trench or Basin

Trash Best Management Practices (BMP) Minimum Specifications



Figure A: Urban Infiltration Trench BMP

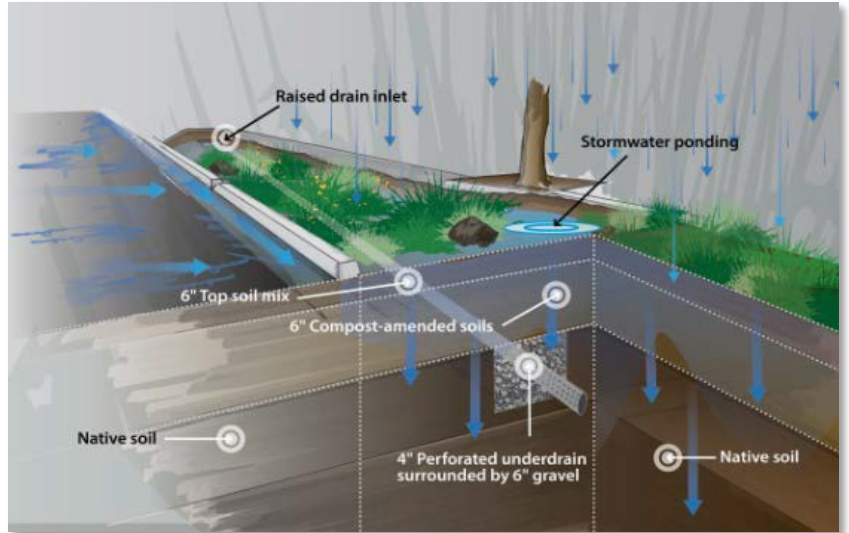


Figure B: CA State University-Sacramento Generic Urban Infiltration Trench BMP Detail

Description

An infiltration trench or basin BMP captures and infiltrates storm water runoff into native soils. Infiltration trench or basin BMPs come in a variety of shapes and sizes and the final appearance may vary substantially. Infiltration trenches may be backfilled with porous media such as gravel, sand, Cornell Soil, or various locally earthed rocks known not to generate pollutants of concern to the downstream waters. Subsurface designs may be comprised of perforated pipe, chambers, open bottom concrete galleries or other high voids structures. These trenches and basins store the design water quality volume for infiltration to underlying soils.

Performance and Design

The infiltration trench BMPs must be designed to trap trash particles that are 5 mm or greater and prevent offsite migration, and the design must include:

1. A screen¹ that prohibits the discharge of particles 5 mm or greater at the BMP overflow or bypass outlet;
2. A treatment capacity equal to or greater than the volume collected during the region specific one-year, one-hour storm event from the applicable drainage area, or a capacity to carry at least the same flows of the corresponding storm drain; and
3. Stamp and signed design plans by a registered California licensed professional civil engineer (see Bus. & Prof. Code Section 6700, et seq.).

Maintenance

Regular maintenance is required to maintain adequate trash capture capacity and to ensure that captured trash does not migrate offsite. The owner should establish a maintenance schedule based on site-specific factors, including the size of the infiltration trench BMP, storm frequency, and characterization of upstream trash and vegetation accumulation. Trash capture and maintenance may be improved by addition of various forms of pretreatment, such as upstream swales, forebays, or manufactured treatment systems.

¹ Upon approval by the Regional Water Quality Control Board Executive Officer, an external design feature or up-gradient structure designed to bypass flows exceeding the region specific one-year, one-hour, storm event does not require a 5 mm screen.

Media Filter

Trash Best Management Practices (BMP)

Minimum Specifications



Figure A: Media Filter BMP Image
County of San Diego LID Handbook BMP Image

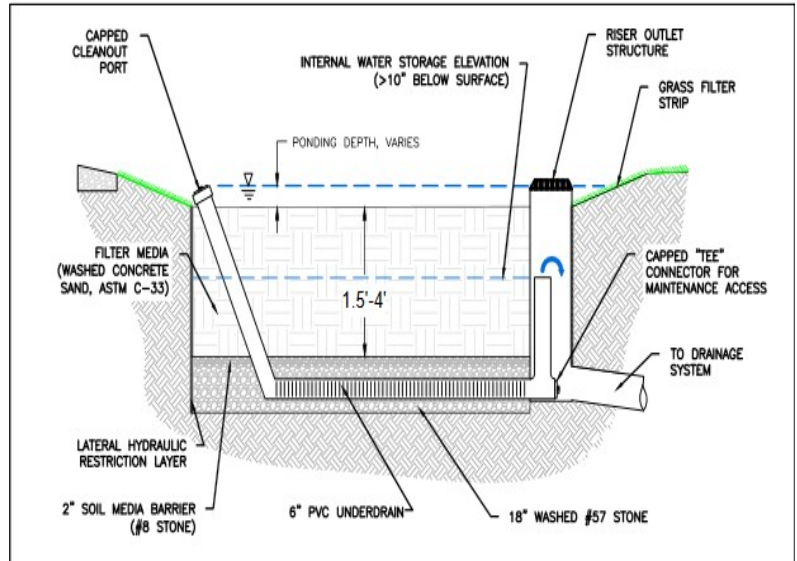


Figure B: Generic Media Filter BMP Detail
County of San Diego LID Handbook BMP Image

Description

A media filter BMP uses a bed of sand, peat, zeolite, anionic and/or cationic media, granite or other fine grained materials or fabrics to physically separate sediment and sediment-bound pollutants and/or electro-chemically remove dissolved constituents from storm water.

Performance and Design

The media filter BMP must be designed to trap trash particles 5 mm or greater and prevent offsite migration, and the design must include:

1. A screen¹ that prohibits the discharge of particles 5 mm or greater at the BMP overflow or bypass outlet;
2. A treatment capacity equal to or greater than the volume collected during a one-year, one-hour storm event from the applicable drainage area; or a capacity to carry at least the same flows as the corresponding storm drain; and
3. Stamped and signed design plans by a registered California licensed professional civil engineer (see Bus. & Prof. Code Section 6700, et seq.).

Maintenance

Regular maintenance is required to maintain adequate trash capture capacity and to ensure that captured trash does not migrate offsite. The owner should establish a maintenance schedule based on site-specific factors including the size of the media filter BMP, storm frequency, and characterization of upstream trash and vegetation accumulation. Trash capture and maintenance may be improved by addition of various forms of pretreatment, such as upstream swales or forebays.

¹ Upon approval by the Regional Water Quality Control Board Executive Officer, an external design feature or up-gradient structure designed to bypass flows exceeding the region specific one-year, one-hour, storm event does not require a 5 mm screen.