

**RESOLUTION NUMBER 6603**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DENYING APPEAL NO. 24-05265, AFFIRMING THE PLANNING COMMISSION'S DECISION SET FORTH IN PLANNING COMMISSION RESOLUTION NO. 24-15, CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2024010850), ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING CONDITIONAL USE PERMIT NO.'S 22-05002 AND 22-05003 AND VARIANCE NO. 24-05022, SUBJECT TO CONDITIONS OF APPROVAL, FOR THE ETHANAC TRAVEL CENTER PROJECT LOCATED ON THE NORTHWEST CORNER OF ETHANAC ROAD AND TRUMBLE ROAD IN THE COMMERCIAL COMMUNITY ZONE.***

***WHEREAS***, the applicant, Alan Robertson with Ethanac Travel Center, LLC, proposes to construct a travel center consisting of a 2,228 square foot drive-thru restaurant, an 11,752 square foot convenience store, fueling facilities for trucks and passenger vehicles, an 8,452 square foot truck shop, and a freeway-oriented sign on 14.4 acres located on the northwest corner of Ethanac Road and Trumble Road in the Commercial Community (CC) Zone (the "Project"); and

***WHEREAS***, the applicant submitted the following entitlement applications for the Project: Conditional Use Permit ("CUP") 22-05002, CUP 22-05003, and Variance ("VR") 24-05022; and

***WHEREAS***, an Environmental Impact Report ("EIR") (State Clearinghouse ["SCH"] No. 2024010850) was prepared for the Project and was publicly reviewed for a forty-five (45) day period in accordance with the California Environmental Quality Act ("CEQA"). The original 45-day public review period from July 5, 2024, through August 19, 2024, was extended for an additional 30 days to September 20, 2024, to ensure adequate time was allowed for the technical appendices to the Draft EIR to be publicly reviewed; and

***WHEREAS***, public comment letters were received on the Draft EIR during the 45-day review period, including but not limited to comments from the City of Menifee ("Menifee"). Responses to the comments were prepared for inclusion in the Final EIR, which is attached hereto as Attachment "A" and incorporated herein by this reference as though set forth in full and were circulated to commentors prior to the Planning Commission hearing date. Changes to the Draft EIR were made as set forth in Section 3.0 of the Final EIR, which changes did not constitute addition of "significant new information" to the EIR such as would require recirculation pursuant to State CEQA Guidelines Section 15088.5. As stated in Section 2.1 of the Final EIR, "No evidence of new significant impacts, as defined by State CEQA Guidelines Section 15088.5, have been received by the City after circulation of the Draft EIR which would require recirculation," and "none of the clarifications or amplifications set forth herein change the significance conclusions presented in the Draft EIR or substantially alters the analysis presented for public review. Thus, the clarifications provided in the Responses to Comments and Errata do not constitute significant new information that might trigger recirculation of the Draft EIR"; and

**WHEREAS**, on October 16, 2024, the Planning Commission conducted a duly noticed public hearing on the Project, and following such hearing, adopted Planning Commission Resolution No. 24-15, certifying the EIR, adopting the Mitigation Monitoring and Reporting Program (“MMRP”), adopting the Findings of Fact and Statement of Overriding Considerations (“SOC”), and approving CUP No.’s 22-05002 and 22-05003 and VR No. 24-05022 subject to conditions of approval for the Project (“Planning Commission Decision”); and

**WHEREAS**, on October 25, 2024, Menifee submitted a letter to the City appealing the Planning Commission Decision to the City Council, which is designated by the City as Appeal No. 24-05265 (“Appeal”). The specified basis of the Appeal relates to the CEQA concerns raised by Menifee in the comments that Menifee had submitted on the Draft EIR during the 45-day public review period referenced above, as well as a comment letter that Menifee had submitted to the City’s Planning Commission on October 16, 2024, in advance of the aforementioned Planning Commission hearing; and

**WHEREAS**, the California Environmental Quality Act (CEQA) Guidelines Section 15090 provides, “[w]hen an EIR is certified by a non-elected decision-making body within a local lead agency, that certification may be appealed to the local lead agency's elected decision-making body, if one exists; and

**WHEREAS**, on February 11, 2025, the City Council conducted a duly noticed public hearing to consider the Appeal, and heard and considered public testimony and materials in the staff report and accompanying documents, and the whole record before it, including but not limited to the draft and Final EIR (including the public comments received on the Draft EIR and the responses thereto which were included in the Final EIR), MMRP, Findings of Facts and SOC, the Menifee comment letter dated October 16, 2024, and a letter drafted by the applicant’s environmental consultant and reviewed by the City’s environmental consultant analyzing and responding to the Appeal (the “Environmental Consultant Response Letter”), which is attached hereto as Attachment “C” and incorporated herein by this reference; and

**WHEREAS**, having done so, the City Council finds that the EIR, MMRP, Findings of Fact, and SOC, as certified and adopted by the Planning Commission in the Planning Commission Decision, satisfy all the applicable requirements of CEQA and the State CEQA Guidelines, and the EIR is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

**WHEREAS**, the City Council further finds that the EIR sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the Project’s environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects by CEQA and the State CEQA Guidelines; and

**WHEREAS**, the City Council further finds that the EIR was prepared in accordance with Sections 21000 through 21177 of the California Public Resources Code and Sections 15000 through 15387 of the California Code of Regulations (“State CEQA Guidelines”); and

**WHEREAS**, all of the findings and conclusions set forth in this Resolution are based upon the oral and written evidence presented to the City Council as a whole and not based solely on the information provided in this Resolution; and

**WHEREAS**, before taking action, the City Council has heard, been presented with, and reviewed all of the information and data which constitutes the administrative record. This includes, but is not limited to, the Final EIR, MMRP, and the Findings of Fact and SOC, which are collectively attached hereto as Attachment “A” and incorporated by reference as if set forth in full; and

**WHEREAS**, no comments made in the public hearing conducted by the City Council nor any additional information submitted to the City Council have produced substantial new information requiring recirculation or other environmental review under State CEQA Guidelines Section 15088.5; and

**WHEREAS**, all other legal prerequisites to adopting this Resolution have occurred.

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

**Section 1.** The above recitals are all true and correct and incorporated herein by reference.

**Section 2.** The City Council further finds as follows:

A. The Planning Commission found, as part of the Planning Commission Decision, that the inclusion of feasible mitigation measures as part of the approval of the Project will reduce most, but not all, of the environmental effects of the Project to less than significant levels, but that certain impacts of the Project associated with Air Quality and Greenhouse Gases (“GHG”) are significant and unavoidable, and made the findings required by CEQA Guidelines Section 15091 with respect to all such impacts. The specific impacts and findings are outlined in the Findings of Fact and SOC, which were attached to Planning Commission Resolution No. 24-15 and incorporated therein by reference as if set forth in full. As part of the Planning Commission Decision, the Planning Commission found, in accordance with Public Resources Code Section 21081 and State CEQA Guidelines Section 15093, that specific overriding economic, legal, social, technological, or other benefits of the Project, as outlined in the Findings of Fact and SOC, outweigh the Project’s significant and unavoidable adverse effects on the environment and are considered “acceptable,” and accordingly, the Planning Commission adopted the Findings of Fact and SOC. Among other things, the Planning Commission found the Project will (i) provide a travel center/fueling station adjacent to and visible from the regional highway system, (ii) generate additional revenues to the City in the form of increased sales and property tax revenues, (iii) be consistent with the City’s General Plan land use and zoning designations for the Project site and compatible with surrounding land uses, (iv) locate a travel center in an area serviced by adequate existing infrastructure, including roadways and utilities, (v) provide one-stop travel-related amenities and services to professional drivers and motorists traveling on the I-215 Freeway and within the local area, (vi) support revitalization of the area and provide economic

benefits to the City through the development of an undeveloped/underutilized site with a commercial use consistent with the General Plan and zoning and supported by market conditions, and (vii) Provide a mixture of on-site uses that reduces vehicle miles traveled through internal capture and serves existing truck trips and motorists on the I-215 Freeway. The Planning Commission's findings in this regard were supported by substantial evidence in the record and complied with CEQA. The City Council hereby makes, reiterates and adopts the Planning Commission's findings as its own, incorporates them herein by reference as though set forth in full, and re-adopts the Findings of Fact and SOC.

B. The Planning Commission Decision complies with CEQA Guidelines Section 15092, in that as discussed above, the City has, prior to deciding to approve the Project, (1) eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under State CEQA Guidelines Section 15091, and (2) determined that the remaining significant effects on the environment found to be unavoidable under State CEQA Guidelines Section 15091 (i.e., certain impacts associated with Air Quality and GHG) are acceptable due to overriding concerns as described in CEQA Guidelines Section 15093.

C. Prior to approving the Project, the Planning Commission certified that: (1) the Final EIR has been completed in compliance with CEQA; (2) the Final EIR was presented to it as the decisionmaking body of the City as lead agency for the Project and that it reviewed and considered the information contained in the Final EIR prior to approving the Project; and (3) the Final EIR reflects the independent judgment and analysis of the City as lead agency. The Planning Commission's certification of the EIR complied with CEQA Guidelines Section 15090. The City Council hereby makes and reiterates the certification of the Final EIR as its own. Specifically, the City Council certifies that: (1) the Final EIR has been completed in compliance with CEQA; (2) the Final EIR has been presented to the City Council as decisionmaking body of the City as lead agency and that the decisionmaking body has reviewed and considered the information contained in the Final EIR prior to approving the Project; and (3) the Final EIR reflects the independent judgment and analysis of the City as lead agency.

D. The Planning Commission's adoption of the MMRP for the Project complied with applicable provisions of the State CEQA Guidelines, including but not limited to Sections 15091 and 15097 thereof. The mitigation measures have been made enforceable conditions of approval on the Project. The City Council hereby re-adopts the MMRP, which is incorporated herein by reference as though set forth in full.

E. As stated in the Planning Commission Decision (including in the Findings of Fact and SOC), the documents and other materials that as a whole make up the Record of Proceedings for the City's actions related to the Project are located at 135 North D Street, Perris, CA 92570, and the City's Planning Division is the custodian of the Record of Proceedings for the Project.

F. The Appeal holds no merit, for the reasons described in the Responses to Comments in the Final EIR and the Environmental Consultant Response Letter, without limitation. The asserted issues raised in the Appeal have been sufficiently addressed in the Final

EIR and no further analysis, review, changes or other actions are necessary for the Planning Commission Decision, or this decision, to comply with CEQA.

G. The Planning Commission's approval of CUP No's. 22-05002 and 22-05003 and VR No. 24-05022 complied with all applicable provisions of the Perris Municipal Code, including containing all findings required pursuant to Section 19.54.040(c)-(d). The City Council hereby makes, reiterates and adopts the Planning Commission's findings as its own, and incorporates them herein by reference as though set forth in full.

**Section 4.** The City Council hereby denies the Appeal and affirms the Planning Commission Decision, which is incorporated herein by this reference as though set forth in full, and, based on the findings and actions described and set forth in Section 3 above (without limitation), approves CUP No's. 22-05002 and 22-05003 and VR No. 24-05022 for the Project, subject to the conditions of approval attached hereto as Attachment "D" and incorporated herein by this reference. The City Council directs Planning staff to immediately file a notice of determination in accordance with applicable provisions of CEQA.

**Section 5.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction or because of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

**Section 6.** This Resolution shall take effect immediately upon its adoption and constitutes a final administrative decision. The Mayor shall sign this Resolution, and the City Clerk shall certify the adoption of this Resolution.

***ADOPTED, SIGNED, and APPROVED*** this 11<sup>th</sup> day of February 2025.

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Mayor, Michael M. Vargas

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) §  
CITY OF PERRIS            )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 6603 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held on the 11<sup>th</sup> day of February 2025, by the following called vote:

AYES: CORONA, RABB, VALLEJO, NAVA, VARGAS

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

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City Clerk, Nancy Salazar

- Attachments:
- A. Draft EIR, Final EIR (including Responses to Comments), Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program  
*Due to the size of the files this attachment is available online at:*  
[https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206\\_1313\\_479](https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206_1313_479)
  - B. Menifee Appeal Letter  
*Due to the size of the files this attachment is available online at:*  
[https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206\\_1313\\_479](https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206_1313_479)
  - C. Applicant’s Response Letter  
*Due to the size of the files this attachment is available online at:*  
[https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206\\_1313\\_479](https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206_1313_479)
  - D. Project Conditions of Approval (Planning, Engineering, Public Works, Community Services, and Building & Safety)  
*Due to the size of the files this attachment is available online at:*  
[https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206\\_1313\\_479](https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-418#docan1206_1313_479)