

City of Menifee

**Appeal Comments and Responses**

Shoppes at the Lakes - Mister Car Wash and Day Care

**(Major Conditional Use Permit (CUP) PLN22-0288; Major Plot Plan (PP) PLN22-0289)**

**Appeal Comments  
(Menifee Neighbors Care and John Minock)**

**Response**

1. The Planning Commission Public Notice did not comply with noticing requirements in connection with the Planning Commission public hearing.

*1. In accordance with applicable law and noticing provisions under the City of Menifee Municipal Code ("CMMC") the public hearing notice for the proposed Project was published in The Press Enterprise on February 18, 2024 for the February 28, 2024 Planning Commission hearing. All relevant public agencies, including all interested parties, were notified of the public hearing as were all property owners within a 300-foot radius of the project site. On-site posting was also provided.*

2. The Project does not qualify for a Class 32 Exemption from CEQA because it is being constructed adjacent to a childcare center, Kindercare.

*2. The Project is exempt from CEQA per Section 15332 "In-Fill Development Projects". This exemption is for projects characterized as in-fill development meeting the following conditions: a) the Project is consistent with the applicable general plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; b) the proposed development occurs within city limits on a project site of*

*no more than 5 acres substantially surrounded by urban uses; c) the Project site has no value as habitat for endangered, rare or threatened species; d) approval of the Project would not result in any significant effects related to traffic, noise, air quality, or water quality; and e) the site can be adequately served by all required utilities and public services. The proposed Project is consistent with the applicable General Plan, Specific Plan and Zoning Designations for the project site along with any applicable development standards. The Project is located within the City of Menifee boundaries and is surrounded on the north and west by an existing commercial center and to the east and south by existing residential developments. The Project will not result in any impacts to traffic, noise, air quality or water quality as a traffic memorandum was prepared noting a traffic study is not required, existing residential is screened from the car wash by landscaping and a perimeter block wall around the adjacent residential sites, no hazardous materials are proposed on site affecting air quality, and the Project has prepared a water quality plan to tie into the existing commercial center's approved Water Quality Management Plan from when it was approved by the City of Menifee in 2015. Additionally, the site will be served by all required utilities, including power, water, and sewer.*

*With respect to Appellants' assertion that the Class 32 Exemption does not apply based on any potential incompatibility between the car wash and child care facility, the Air Quality Analysis prepared by LSA on April 1, 2024 and Noise Impact Analysis (currently being updated in response to comments/concerns) both*

	<p><i>evaluate any potential impact on the child care facility as a sensitive receptor from operational impacts from the car wash use and conclude that no impacts will occur.</i></p> <p><i>Therefore, the proposed Project is categorically exempt from CEQA under Section 15332 "In-Fill Development Projects."</i></p>
<p>3. The Appeals contain an assertion that insufficient analysis was performed evaluating the <u>noise</u> generated by the project's operational impact.</p>	<p>3. <i>A Noise Impact Analysis was prepared by LSA and is in the process of being updated that evaluates anticipated noise generated by the operation of the proposed Project. This Noise Impact Analysis satisfies the City's requirements for a project-specific noise impact analysis by examining the impacts of the proposed uses on the project site and identifying whether any noise reduction measures to reduce project noise impacts would be necessary. The Noise Impact Analysis specifically analyzes, among other aspects of the Project, the noise generated by the car wash tunnel and vacuum equipment with respect to surrounding uses and the proposed day care use.</i></p> <p><i>The Noise Impact Analysis, utilizing a 3-D noise model, SoundPLAN, to incorporate the specific site topography, existing property line walls, existing and proposed buildings, and stationary noise sources, finds that noise levels generated by the car wash operations would <u>not</u> cause noise levels to exceed 65 dBA Leq at the playground area of the proposed day care located to the west of the proposed care wash.</i></p> <p><i>While not necessary, given the absence of a significant noise impact, in an abundance of caution and to address</i></p>

	<p><i>concerns raised as part of the preparation of a final Noise Impact Analysis, the Project will incorporate a voluntary noise reduction feature in the form of sound wall at the exit area of the car wash tunnel.</i></p>
<p>4. The Appeals contain an assertion that insufficient <u>air quality</u> assessments or sensitive receptor assessments were performed to evaluate the project's operational impacts.</p>	<p>4. <i>An Air Quality Analysis was prepared by LSA on April 1, 2024 that evaluates the potential impacts associated with construction and operation of the proposed Project. The Air Quality Analysis includes an assessment of criteria pollutant emissions, an assessment of carbon monoxide (CO) hot-spots.</i></p> <p><i>The Air Quality Analysis evaluated, in addition to construction impacts, the anticipated emissions associated with long-term operation of the project, including the proposed car wash use. The analysis evaluates indirect emissions of criteria pollutants with regional impacts that would be emitted by project generated vehicle trips as well as localized air quality impacts (i.e., higher CO concentrations or “hot spots”) near intersections or roadway segments in the project vicinity that could potentially occur due to project-generated vehicle trips.</i></p> <p><i>As shown in Table E of the Air Quality Analysis, the proposed project would <u>not</u> exceed the significance criteria for daily VOCs, NOX, CO, SOX, PM10, or PM2.5 emissions. Therefore, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the</i></p>

*project region is in nonattainment under an applicable NAAQS or CAAQS.*

*The Air Quality Analysis includes an evaluation of possible impacts to nearby sensitive receptors, including the residential uses 75 feet south of the project site across Rockport Road and 110 feet east of the project site across Laguna Vista Drive and the proposed child care facility.*

*With respect to the closest residences, the Air Quality Analysis determined that localized operational emissions would not exceed the LSTs at nearby residences. Therefore, the proposed operational activity would not result in a locally significant air quality impact.*

*With respect to the child care facility, the Air Quality Analysis concludes that the proposed car wash would not be expected to result in localized concentrations that would expose the day care to substantial pollutant concentrations. Therefore, the project would not expose sensitive receptors to substantial levels of pollutant concentrations.*

*Based on Air Quality Analysis, construction and operation of the proposed project would not result in the generation of criteria air pollutants that would exceed SCAQMD thresholds of significance. Compliance with SCAQMD Rule 403: Fugitive Dust would further reduce construction dust impacts. In addition, the proposed project is not expected to produce significant emissions that would affect nearby sensitive receptors. The project would also be consistent with the 2022 AQMP and would*

	<i>also not result in objectionable odors affecting a substantial number of people.</i>
5. The Appeals contain an assertion insufficient <u>ground contamination</u> assessments or sensitive receptor assessments were performed to evaluate the project's operational impact.	5. <i>The Project is proposed to be constructed within an existing shopping center, the Shoppes at the Lakes Commercial Center originally approved under PP No. 2014-092 on June 29, 2015 by the City and including multiple phases of construction. No applicable requirement for a separate ground contamination assessment is required for the reallocation of uses as proposed by the Project within the existing shopping center.</i>
6. The Appeals contain an assertion that insufficient <u>traffic and public safety assessments, emergency response assessments, or sensitive receptor assessments</u> were performed to evaluate the project's operational impact.	6. <i>The Project has been evaluated under a traffic memorandum which was prepared and assessed the Project. The traffic memorandum found that a traffic study is not required based on anticipated traffic for the Project being under applicable thresholds. Based on the initial traffic memorandum and proposed uses and scale of the Project, the Project will not result in any impacts related to traffic.</i>