



## **CITY OF MENIFEE**

---

SUBJECT: Mister Car Wash Appeals

MEETING DATE: May 1, 2024

TO: Mayor and City Council

PREPARED BY: Brandon Cleary, Associate Planner

REVIEWED BY: Cheryl Kitzerow, Community Development Director

APPROVED BY: Armando G. Villa, City Manager

---

### **RECOMMENDED ACTION**

1. Adopt a resolution upholding the Planning Commission approval of Major Plot Plan No. PLN22-0289 and Major Conditional Use Permit No. PLN22-0288 for the Mister Car Wash and Day Care development located in the existing Shoppes at the Lakes Commercial Center and deny Appeal No. PLN24-0068 and Appeal No. PLN24-0069.

### **DISCUSSION**

On February 28, 2024, the Planning Commission held a duly noticed public hearing and voted unanimously (5-0) to approve Major Plot Plan (PP) No. PLN22-0289 and Major Conditional Use Permit (CUP) No. PLN22-0288 known as Mister Car Wash and Day Care ("Project"), and determined the Project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 "In-Fill Development Projects." On March 7, 2024, the City received an appeal application from Jesse Marquez of Menifee Neighbors Care and on March 8, 2024, the City received a second appeal application from John Minock. Both applications propose to appeal the Planning Commission decision.

Major CUP No. PLN22-0288 and Major PP No. PLN22-0289 proposes the construction of a new 5,434 square-foot drive-thru car wash ("Mister Car Wash") with associated vacuum stalls and an 11,992 square-foot Day Care with a 9,795 square-foot play area within the existing Shoppes at the Lakes Commercial Center on the southeast corner of Newport Road and Menifee Road.

## Location

The Project site is located in the existing Shoppes at the Lakes Commercial Center within Planning Area (PA) 1 of the Menifee East Specific Plan No. 247 (SP-247) on the southeast corner of Newport Road and Menifee Road (APN's: 364-390-009, 364-390-012, 364-390-010, and 364-390-011).



## Appeal – Meniffee Neighbors Care

Jesse Marquez of Menifee Neighbors Care filed an appeal (Appeal No. PLN24-0068) of the Planning Commission's February 28, 2024, approval of Major PP No. PLN22-0289 and Major CUP No. PLN22-0288, claiming there are deficiencies in the review of the Project and the environmental analysis, specifically under the following areas:

1. Public Noticing
2. Class 32 CEQA Exemption
3. Air Quality
4. Noise
5. Traffic
6. Runoff

## Appeal – John Minock

John Minock filed an appeal (Appeal No. PLN24-0069) of the Planning Commission's February 28, 2024, approval of Major PP No. PLN22-0289 and Major CUP No. PLN22-0288, claiming there are deficiencies in the review of the Project and the environmental analysis, specifically under the following areas:

1. Noise
2. Air Quality
3. Traffic

In response to the Menifee Neighbors Care and John Minock appeal letters, staff and the Project Applicant have prepared the following (Appeals issues in **bold** and responses in *italics*).

1. Public Noticing

- a. **The Planning Commission Public Notice did not comply with California Government Codes [sic] and CEQA requirements to post notice in at least three public places, provide notice to all entities who have requested notice, provide notice to blind, aged and disabled communities and sensitive receptors.**
- b. **The Planning Commission did not use the City's and City Departments' eLists to notify public notice subscribers, did not include information in the Menifee Matters publication, did not provide copies of the public notice at the Menifee City Hall Information Counter and did not send the public notice to other local Menifee news, blog and media sources, such as Menifee 24/7 and the more local newspaper, Valley News.**

*The City of Menifee followed the public noticing requirements consistent with Menifee Municipal Code Section 9.30.080, including publication of a public notice in the Press Enterprise, entities who have requested notice, all residents within 300 feet of the Project site boundary and on-site signs to be posted per street frontage. The City of Menifee utilized Signs By Tomorrow to place two signs with the appropriate public hearing notice on the eastern and southern project frontage, one facing Rockport Road and one facing Laguna Vista Drive.*

2. Class 32 CEQA Exemption

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

*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, which includes Mister Carwash and a childcare center, is consistent with the applicable General Plan, Specific Plan and Zoning Designations for the Project site along with any applicable development standards. The Project includes 2 parcels totaling 2.46 acres 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. A traffic memorandum, prepared by Urban Crossroads on September 8, 2023, was prepared noting a traffic study is not required per CEQA thresholds. Existing residential is located across the street from the project and 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 project water quality and drainage memo to allow a tie into the existing commercial center's approved Water Quality Management Plan. Additionally, the site will be served by all required utilities, including power, water, and sewer.*

*In response to the Appeals, the Applicant had an Air Quality Analysis prepared by LSA on April 2, 2024, and a Noise Impact Analysis prepared by LSA on April 1, 2024, to evaluate any potential impact on the childcare facility as a sensitive receptor from operational impacts from the car wash use. Both analyses concluded that no impacts would occur from the construction and operation of the car wash on the childcare facility.*

*Therefore, the proposed Project is categorically exempt from CEQA pursuant to Section 15332 "In-Fill Development Projects" as supported by the technical studies mentioned above.*

### 3. Air Quality

- a. There were no air pollution emission assessments or sensitive receptor assessments to evaluate the proposed Project's operational impacts.**

*As noted above, in response to the Appeals, the applicant had an Air Quality Analysis Memo prepared by LSA on April 2, 2024, analyzing the potential impacts associated with the construction and operation of the proposed Project. The Air Quality Analysis includes an evaluation of possible impacts to nearby sensitive receptors, including the residential uses south of the Project site across Rockport Road and east of the Project site across Laguna Vista Drive and the proposed childcare facility.*

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

*With respect to the childcare facility, the Air Quality Analysis concludes that the proposed car wash would not 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.*

### 4. Noise

- a. There was no preparation of a noise acoustic assessment, vibration assessment and sensitive receptors assessment evaluate the proposed Projects operational impact. Noise will be generated by the operation of the car wash along with vehicle traffic from entering, exiting and using the car**

**wash. The car wash is adjacent to a sensitive receptor childcare center which require lower sound levels, typically 5db less than standard ambient noise levels.**

*In response to the Appeals, the Applicant had a Noise Impact Analysis prepared by LSA on April 1, 2024, 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.*

*The Noise Impact Analysis finds that noise levels generated by the car wash operations would not cause noise levels to exceed 65 dBA Leq at the playground area of the proposed day care located to the west of the proposed car wash, nor to the residences to the east and south of the Project.*

*While the noise study confirms that the car wash noise impacts will not significantly impact the day care use, the Project Applicant is willing to construct an eight-foot-wall at the car wash exit to further reduce noise.*

5. Traffic

- a. **The Project provided insufficient traffic and public safety assessments, emergency response assessments, or sensitive receptor assessments to evaluate the Project's operational impact.**

*A traffic memorandum prepared by Urban Crossroads on September 8, 2023, for the Project 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.*

6. Runoff

- a. **A ground contamination assessment was not prepared for the Project to address the Project's operational impact including contaminated runoff from vehicle fluids.**

*A water quality and drainage memorandum was prepared by Kimley-Horn on September 22, 2023, for the Project which determined that since the Project will be utilizing the existing approved water quality management plan for the existing shopping center, the car wash and day care will not produce more runoff than assumed in the original water quality management plan. Runoff will utilize the existing storm drain system to pump into a bio-retention basin, which will treat the runoff prior to existing the property. Additionally, the car wash uses on-site infrastructure to recycle water used during operations. Nuisance water will be conveyed and treated by the existing storm drain system and bio-retention basin.*

*Therefore, the Project is not anticipated to generate ground contamination from construction or operations.*

**Public Notice**

Public notices were distributed on April 21, 2024, for the May 1, 2024, City Council hearing. A public notice was published in *The Press Enterprise* and notices were mailed to property owners and non-owner residents within 300 feet of the Project site. The proper public notice was posted on-site, and in addition, all relevant agencies and those requesting notification were notified of the public hearing.

**STRATEGIC PLAN OBJECTIVE**

Thriving Economy

**FISCAL IMPACT**

There is no fiscal impact associated with the recommended action.

**ATTACHMENTS**

1. Planning Commission Staff Report and Project Exhibits
2. Resolution
3. Menifee Neighbors Care Appeal Letter
4. John Minock Appeal Letter
5. Applicant Prepared Responses to Appeals
6. Noise Study Prepared by LSA, April 1, 2024
7. Air Quality Memo Prepared by LSA, April 2, 2024
8. Traffic Memo Prepared by Urban Crossroads, September 8, 2023
9. Water Quality and Drainage Memo Prepared by Kimley Horn, September 22, 2023
10. Public Hearing Notice