



## Kassab Travel Center Project

# Appendix M Response to Comments

# Kassab Travel Center Project

## Response to Comments

### INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

*Prepared for:*



City of Lake Elsinore  
130 South Main Street  
Lake Elsinore, CA 92530

**Prepared By:**



2400 East Katella Avenue, Suite 800  
Anaheim, CA 92806  
(714) 783-1863  
Contact: Christine Saunders

**September 2019**



## Kassab Travel Center Project Response to Comments

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## **1. INTRODUCTION**

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed Kassab Travel Center Project (Proposed Project) and made available for public comment for a 30-day public review period from February 8, 2019, through March 11, 2019. In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15074(b) (14 CCR 15074(b)), before approving the Proposed Project, the City of Lake Elsinore, as the lead agency under CEQA, will consider the MND with any comments received during this public review period. Specifically, Section 15074(b) of the CEQA Guidelines (14 CCR 15074(b)) states the following:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

Pursuant to CEQA Guidelines Section 15073.5 (a) and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption.

Pursuant to CEQA Guidelines Section 15073.5(b)(1), a new, avoidable significant effect was identified associated with vibration impacts, and MM NOI-3 was added to restrict the use of construction equipment within proximity to the property line, which would reduce the potential impact to less than significant.

Pursuant to CEQA Guidelines Section 15073.5(b)(2), proposed mitigation measure MM NOI -1 associated with construction noise would not reduce potential effects to less than significant, therefore, MM NOI – 1 was revised to state that no stationary equipment would be operated within 50 feet of the northwest and southwest property lines and that construction of the proposed sound wall detailed in MM NOI-2 be completed prior to the start of site preparation or grading activities for the Proposed Project, which would reduce the potential impact to less than significant.

For clarity of review, substantial revisions to the previously circulated Draft IS/MND are shown in underline for additional information and ~~strikeout~~ for information that has been deleted. With the above stated revisions to MM NOI-1 and addition of MM NOI – 3, potential impacts associated with the construction and operation of the Proposed Project remain less than significant with mitigation. Therefore, preparation of a draft Environmental Impact Report was not required pursuant to CEQA Guidelines Section 15073.5(d).

## **2. RESPONSES TO COMMENTS**

The agencies that provided substantive written comments on the environmental issues addressed within the IS/MND are listed in Table 1 - *Organizations, Persons, and Public Agencies that Commented on the IS/MND*. Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on a proposed IS/MND, the lead agency may do so voluntarily. A copy of each letter with annotated comment numbers on the right margin is followed by the response for each comment as indexed in the letter. Comment letters and specific comments are given letters and numbers for reference purposes.

**Table 1 - Organizations, Persons, and Public Agencies that Commented on the IS/MND**

<b>Comment Letter</b>	<b>Commenting Organization, Person, or Public Agency</b>	<b>Date</b>
A	Riverside Transit Agency	February 20, 2019
B	South Coast Air Quality Management District	March 5, 2019
C	Concerned Citizens of Lake Elsinore	March 11, 2019
D	Governor's Office of Planning and Research	March 13, 2019
E	California Department of Transportation (CalTrans)	March 28, 2019

## Comment Letter A

**From:** [Damaris Abraham](#)  
**To:** [Christine Saunders](#)  
**Subject:** FW: Response to Kassab Travel Center Project (Planning Application No. 2016-112, Municipal Code Amendment No. 2017-02)  
**Date:** Wednesday, February 20, 2019 2:38:53 PM  
**Attachments:** [scan\\_mauricioa\\_2019-02-20-14-18-17.pdf](#)

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FYI

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**From:** Mauricio Alvarez <malvarez@riversidetransit.com>  
**Sent:** Wednesday, February 20, 2019 2:30 PM  
**To:** Damaris Abraham <dabraham@lake-elsinore.org>  
**Cc:** Joe Forgiarini <jforgiarini@riversidetransit.com>  
**Subject:** Response to Kassab Travel Center Project (Planning Application No. 2016-112, Municipal Code Amendment No. 2017-02)

Good Afternoon Mr. Abraham,

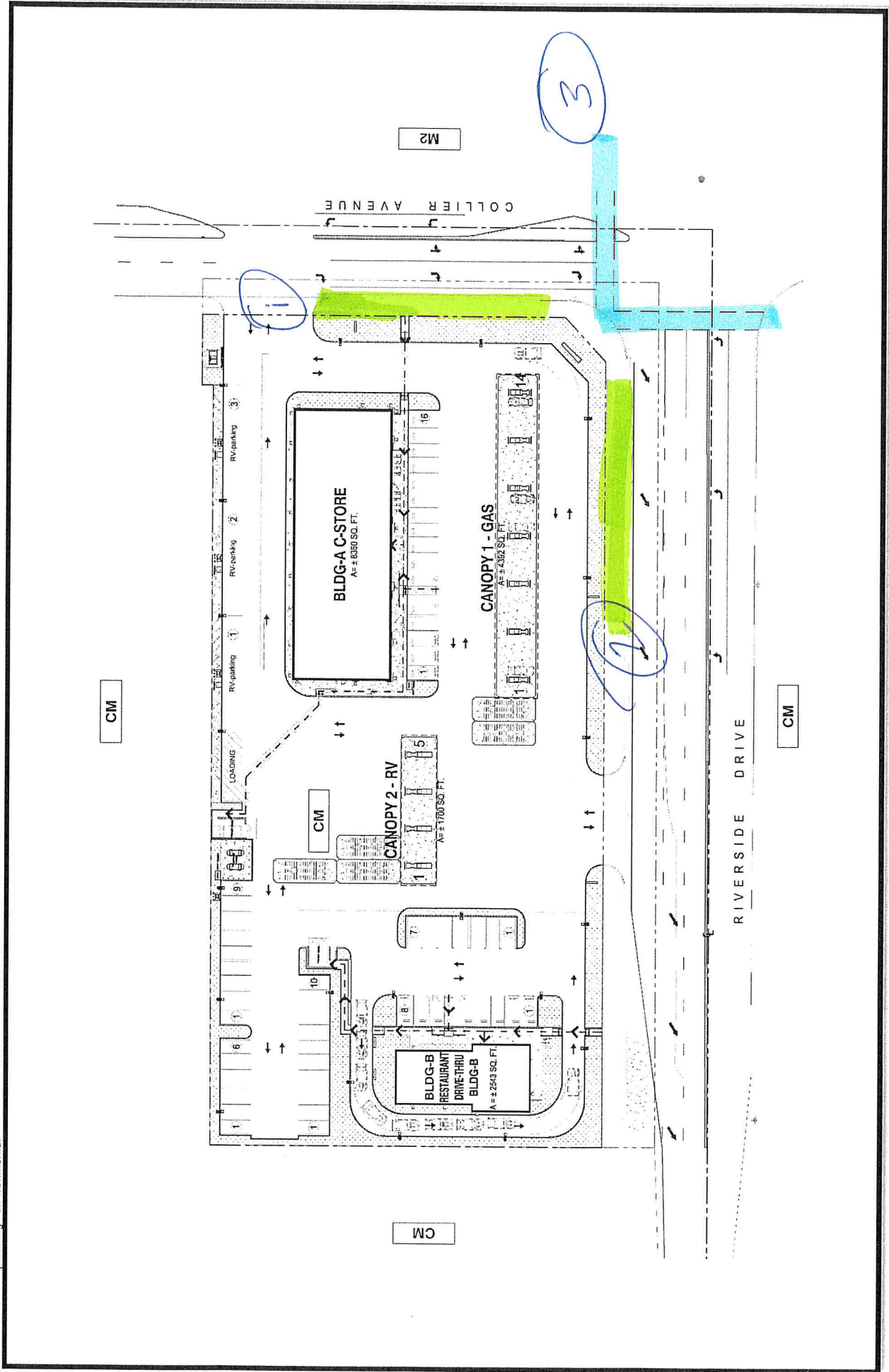
RTA has reviewed the plans you have sent and we have just three comments:

1. ADA compliant connected Sidewalk on Collier Ave before Riverside Dr (see attachment). **A-1**  
Can the City remove the back of the right turn lane to allow RTA to place a bus stop here farside of the development's driveway.
2. ADA compliant connected sidewalk on Riverside Ave after Collier Ave (see attachment). **A-2**  
RTA plans to locate a new bus stop here if the stop requested in item 1 is not possible.
3. A formalized/marked crosswalk at the intersection of Collier Ave and Riverside Dr (see attachment). **A-3**

Thanks for considering these comments.

**Mauricio Alvarez, MBA**

Planning Analyst  
Riverside Transit Agency  
p: 951.565.5260 | e: [malvarez@riversidetransit.com](mailto:malvarez@riversidetransit.com)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)  
1825 Third Street, Riverside, CA 92507



**Figure 3: Site Plan**  
Source: Karaki Western States Engineering

**Responses to Comment Letter A – Riverside Transit Authority (RTA)**

- A-1.** RTA identified the need for an ADA compliant connected sidewalk on Collier Avenue before Riverside Drive and requested reconfiguration of the right turn land on southbound Collier Avenue in order to place a bus stop on the far side of the development's driveway. The proposed development includes street improvements on both Collier Avenue and Riverside Drive along the frontage of the Project Site as stated in the Project Description Section II(B). Specifically, Collier Avenue would be improved to its Major roadway designation as shown in the City's Roadway Classification of the General Plan, including a widened sidewalk/landscape/parkway from six feet to ten feet and a new six-foot wide bike lane (Class II – striped, on-pavement).

The Applicant and the City have previously coordinated with RTA regarding bus stop location, which is identified on westbound Riverside Drive on the far side of the development's driveway. Figure 6: *Right-of-Way Improvements*, has been updated to clearly identify the proposed bus stop pad.

- A-2.** RTA identified the need for an ADA compliant connected sidewalk on Riverside Drive after Collier Avenue and requested to place a bus stop on the near side of the development's driveway if the placement requested in A-1 was not possible. The proposed development includes street improvements on both Collier Avenue and Riverside Drive along the frontage of the Project Site as stated in the Project Description Section II(B). Specifically, Riverside Drive would be improved to Caltrans standards in the Highway Capacity Manual for an Urban Arterial roadway to its ultimate right-of-way, which requires 96 feet from curb-to-curb. The Property Owner/Developer would dedicate between 21 feet and 36 feet (street tapers in toward the west) in order to allow their half-section of Riverside Drive to be consistent with the Urban Arterial (half) cross section (center median, three travel lanes, six-foot bike lane, and six-foot sidewalk – in one direction)..

The Applicant and the City have previously coordinated with RTA regarding bus stop location, which is identified on westbound Riverside Drive on the far side of the development's driveway. Figure 6: *Right-of-Way Improvements*, has been updated to clearly identify the proposed bus stop pad.

- A-3.** RTA requested a marked crosswalk at the intersection of Collier Avenue and Riverside Drive. Intersection improvements, as shown in Figure 6: *Right-of-Way Improvements*, would include a marked crosswalk at the intersection of Collier Avenue and Riverside Drive.





# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA E-MAIL AND USPS:

[dabraham@lake-elsinore.org](mailto:dabraham@lake-elsinore.org)

Damaris Abraham, Senior Planner

City of Lake Elsinore, Community Development Department

130 South Main Street

Lake Elsinore, CA 92530

March 5, 2019

## Comment Letter B

### **Mitigated Negative Declaration (MND) for the Proposed Kassab Travel Center Project**

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

#### **SCAQMD Staff's Summary of Project Description**

The Lead Agency proposes to construct an 8,360-square-foot convenience store, 6,092 square feet of gasoline dispensing area with 18 pumps, and a 2,543-square-foot restaurant on 2.84 acres (Proposed Project). The Proposed Project is located near the southwest corner of Riverside Drive and Collier Avenue in the City of Lake Elsinore, Riverside County, California. Construction of the Proposed Project is expected to begin late 2019 with grading activities and end by late 2020<sup>1</sup>.

#### **Permits and Compliance with SCAQMD Rules**

Since the Proposed Project includes the operation of a gasoline station with 18 pumps, a permit from SCAQMD will be required, and SCAQMD should be identified as a Responsible Agency for the Proposed Project in the Final MND. In addition to the discussion on SCAQMD Rule 461<sup>2</sup>, the Final MND should include discussions to demonstrate compliance with applicable SCAQMD Rules, including, but not limited to, Rule 201 – Permit to Construct<sup>3</sup>, Rule 203 – Permit to Operate<sup>4</sup>, and Rule 1401 – New Source Review of Toxic Air Contaminants<sup>5</sup>. Additionally, based on a review of the MND, SCAQMD staff found that the Proposed Project's operations-related toxic air contaminant impacts analysis was based on an assumption of "a throughput of 2 million gallons of gasoline per year"<sup>6</sup>. It is important to note that any assumptions used in the Air Quality and Health Risk Assessment (HRA) analyses in the Final MND will be used as the basis for permit conditions and limits. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology is being used by SCAQMD for determining operational health impacts for permitting applications and also for all CEQA projects where SCAQMD is the Lead Agency. Should there be any questions on permits, please contact the SCAQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit SCAQMD's webpage at: <http://www.aqmd.gov/home/permits>.

<sup>1</sup> MND. Page 8.

<sup>2</sup> MND. Page 63.

<sup>3</sup> South Coast Air Quality Management District. Rule 201 – Permit to Construct. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>.

<sup>4</sup> South Coast Air Quality Management District. Rule 203 – Permit to Operate. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>.

<sup>5</sup> South Coast Air Quality Management District. Rule 1401 – New Source Review of Toxic Air Contaminants. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

<sup>6</sup> MND. Page 61.

Air Quality and Health Risk Assessment Analyses

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's regional and localized construction and operational air quality impacts would be less than significant. However, it did not appear that the Air Quality Analysis included operational ROG emissions generated from storage tanks or from the fueling process during operation. This may have likely led to an under-estimation of the Proposed Project's operational air quality impacts. It is important to note that while CalEEMod<sup>7</sup> quantifies mobile source emissions (e.g., trip visits by patrons) associated with operating a gasoline service station, CalEEMod does not quantify the operational stationary source emissions from the storage tanks and fueling equipment. Therefore, it is recommended that the Lead Agency clarify if the Proposed Project's operational ROG emissions from storage tanks and the fueling process have been included in the Air Quality Analysis, or use best efforts to quantify and disclose operational emissions from the fueling process in the Final MND.

B-6

B-7

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and the public who are interested in the Proposed Project.

B-8

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov), should you have any questions.

B-9

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development &amp; Area Sources

LS

RVC190220-04

Control Number

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<sup>7</sup> CalEEMod incorporates up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

**Response to Comment Letter B – South Coast Air Quality Management District (SCAQMD)**

- B-1.** Comment stating the proposed service station would require a permit through SCAQMD is acknowledged and SCAQMD has been added to Section III(A)(10) as an “Other Public Agency Whose Approval is Required”. No further response is necessary.
- B-2.** Comment stating SCAQMD should be identified as a Responsible Agency for the Proposed Project in the Final MND is acknowledged.
- B-3.** Comment stating that in addition to the discussion on SCAQMD Rule 4612, the Final MND should include discussions to demonstrate compliance with applicable SCAQMD Rules, including, but not limited to, Rule 201 – Permit to Construct, Rule 203 – Permit to Operate, and Rule 1401 – New Source Review of Toxic Air Containments is acknowledged. A discussion of Rules 201, 203 and 1401 are added to page 2 of the Appendix A – *Air Quality and Greenhouse Gas Impact Analysis* (Appendix A).
- B-4.** Comment stating that SCAQMD staff found the Proposed Project’s operations-related toxic air contaminant impacts analysis to be based on an assumption of “a throughput of 2 million gallons of gasoline per year” and that any assumptions used in the Air Quality and Health Risk Assessment (HRA) analyses in the Final MND will be used as the basis for permit conditions and limits. Comment B-4 is acknowledged. The gasoline throughput for the Proposed Project was updated to reflect a throughput of up to 5.8 million gallons per year. Revisions are shown on pages 1, 35, 44, and 48 of Appendix A.
- B-5.** Comment stating the 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology is being used by SCAQMD for determining operational health impacts for permitting applications and for all CEQA projects where SCAQMD is the Lead Agency is acknowledged. No further response is necessary.
- B-6.** Comment regarding the inclusion of operational ROG emissions in Appendix A is acknowledged. Appendix A was updated to analyze the ROG or VOC emissions created from the gasoline storage, transfer and dispensing activities. Section 5.2 describes the methodology utilized and Table K on page 43 was revised to show the VOC emissions associated with gasoline storage and dispensing. The updated analysis is consistent with the previous significance finding that operational pollutant emissions would not exceed SCAQMD thresholds, no significant impact would occur, and no mitigation would be required.
- B-7.** Comment recommending clarification regarding operational ROG emissions in the Air Quality Analysis is acknowledged. Please refer to the response for comment B-6.
- B-8.** Comment requesting written responses to all comments contained in Comment Letter B prior to the adoption of the Final MND is acknowledged.
- B-9.** Comment stating SCAQMD staff is available to work with the Lead Agency is acknowledged.



**CROSBIE GLINER SCHIFFMAN SOUTHARD & SWANSON LLP**

Attorneys at Law

12750 HIGH BLUFF DRIVE, SUITE 250

SAN DIEGO, CALIFORNIA 92130

TELEPHONE (858) 367-7676

FACSIMILE (858) 345-1991

WRITER'S E-MAIL ADDRESS

eheidberg@cgs3.com

WRITER'S DIRECT PHONE NO.

(858) 779-1718

**OUR FILE NO.**

S0129-003

March 11, 2019

**VIA E-MAIL [dabraham@lake-elsinore.org]**

**Comment Letter C**

Ms. Damaris Abraham, Senior Planner  
Community Development Department  
City of Lake Elsinore  
130 South Main Street  
Lake Elsinore, CA 92530

Re: Kassab Travel Center Project -- Environmental Review No. 2018-02 (Initial Study/MND)

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Dear Ms. Abraham:

On behalf of my client, CCOLE, LLC, dba Concerned Citizens of Lake Elsinore (hereinafter, "Concerned Citizens"), I am submitting comments to the City of Lake Elsinore pursuant to the City's Notice of Public Hearing and Notice of Availability and Intent to Adopt a Mitigated Negative Declaration.

**Introduction and Summary**

As set forth below and as supported by the attached consultant reports, the Initial Study/Mitigated Negative Declaration for the Kassab Travel Center Project (hereinafter, the "MND") is inadequate as a matter of law insofar as it is materially deficient in several respects (e.g., using inaccurate traffic counts to represent current conditions, using assumptions that are neither explained nor justified regarding pass-by traffic, both of which may understate project-related traffic impacts; failing to assess noise and vibration impacts on adjacent commercial property as required by the City's municipal code; using data for noise from fueling operations obtained from a smaller gas station that does not serve diesel-fuel using heavy trucks; failing to analyze operations-related volatile organic emissions and their impact on regional air quality, as required by the South Coast AQMD; and miscalculating the Project's service population for purposes of greenhouse gas emissions analysis).

C-1

Moreover, each of the attached consultant reports – "Review Comments – Kassab Travel Center Traffic Impact Study" by Kimley-Horn (Exhibit "A") and "Kassab Travel Center Noise, Air Quality and Greenhouse Gas Impact Studies Review" by RK Engineering Group, Inc., (Exhibit "B") – contains substantial evidence supporting a fair argument that the Kassab Travel Center Project (the "Project") may have a substantial impact on the environment (e.g., correcting the miscalculation of the Project's service population shows that the Project is inconsistent with the City's Climate Action Plan targets and would result in a significant and unavoidable impact).

C-2

Ms. Damaris Abraham, Senior Planner  
March 11, 2019  
Page 2

Accordingly, the MND is insufficient under the California Environmental Quality Act (“CEQA”) and an Environmental Impact Report must be prepared for the Project. C-3

Each of these points is explained and supported in the following sections.

**The Analysis Conducted to Support the Initial Study and MND Is Deficient As a Matter of Law**

An initial study that is materially deficient may be insufficient to support an MND. *See, e.g., Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 197. Here, there are numerous material deficiencies in the Initial Study’s analysis of the Project’s traffic impacts, noise impacts, and air quality and greenhouse gas emissions.

As set forth in Kimley-Horn’s report dated March 8, 2019, on the “Kassab Travel Center Traffic Impact Study” (Exhibit “A”), the Initial Study suffers from the following deficiencies:

- Failing to assess whether the City’s transportation system at buildout under the General Plan can accommodate the additional trips generated by the Project

The Project would change the General Plan land use designation for the site at issue from Limited Industrial to Commercial. Commercial land uses generate more trips than do industrial uses, and hence typically and as a matter of sound planning practice, a municipality proposing this sort of change to its General Plan would determine whether the transportation system at General Plan buildout can accommodate the additional trips. The MND does not contain such an analysis. See Exh. “A,” at p.1, A.1. C-4

- Failing to use accurate counts of existing traffic

Appendix K to the Initial Study (the Traffic Impact Study) states that traffic counts were collected in 2014 and 2016 and increased by two percent per year so as to reflect conditions in 2017. (See Appendix K, at p. 14.) But, as Kimley-Horn discovered, this was not done. See Exh. “A” at p.1, B.1. C-5 C-5a

The AM existing traffic volumes for Intersection #6 – Collier at Central are incorrect on Figure 9 and in the Synchro worksheets. They display the PM peak hour volumes, not the AM volumes. All analyses and conclusions that were based on these incorrect volumes need to be corrected. C-5b

Ms. Damaris Abraham, Senior Planner  
March 11, 2019  
Page 3

- Failing to determine that the assumptions about the amount of pass-by traffic are reasonable under the circumstances of the Project

As set forth in Exhibit “A,” Kimley-Horn questions whether the traffic study engineer who prepared Appendix K to the Initial Study assessed whether use of the ITE Trip Generation Handbook’s pass-by assumptions were reasonable in this instance. The pass-by trips that are assumed to come from the traffic stream on Collier Avenue north of Riverside Drive represent 30 percent of the existing available trips, 63 percent of the existing morning peak hour, and 25 percent of the existing evening peak hour trips. In other words, the analysis assumes that fully 63 percent of all the vehicles currently passing the Project site in the morning peak hour will turn into the Project. Kimley-Horn’s opinion is that this seems like an overly aggressive pass-by assumption for this site, and that additional trips will in fact be generated by the project. The Traffic Impact Study’s error in this regard may result in an understatement of Project-related traffic impacts. See Exh. “A,” at p. 2, C.

C-6

- Failure to explain whether the pass-by assumptions included trips diverted to and from the freeway

Kimley-Horn explains that the Traffic Impact Analysis is unclear as to whether its pass-by trip assumptions included trips diverted from the freeway. If so, they are not simply pass-by trips at all, but diverted trips that must be added to each study intersection that each trip would travel through between the freeway exit location to the Project site, and from the Project site back to a freeway entrance. If so, the traffic analysis is based on an understatement of trips generated by the Project and its traffic impacts. See Exh. “A,” at p.2, D.

C-7

- Failure to analyze the environmental effects of proposed mitigation measures MM TRAF-1 and MM TRAF-2

Kimley-Horn explains that the Traffic Impact Analysis’ recommendations to convert two intersections – #1 (I-15 NB ramps at Nichols) and #3 (Collier at Nichols), which appear in the Initial Study as recommended Mitigation Measures MM TRAF-1 and MM TRAF-2 – from two-way stop-controlled intersections to four-way stop-controlled intersections would benefit only the northbound traffic movement, and would require the thousands of vehicles on all other movements – which now proceed through the intersection with little or no delay at all – to stop. This would substantially increase the total seconds of delay through the intersection, inconveniencing drivers and having negative impacts on air quality and gas consumption. See Exh. “A,” at p.3, E.1. The Initial Study and its Traffic Impact Analysis are deficient in not having assessed the extent of the anticipated negative impacts on air quality and gas consumption of these two recommended mitigation measures.

C-8

Ms. Damaris Abraham, Senior Planner  
March 11, 2019  
Page 4

As set forth in RK Engineering, Inc.'s report dated March 8, 2019, on the "Kassab Travel Center Noise, Air Quality and Greenhouse Gas Impact Studies, Review, City of Lake Elsinore" (Exhibit "B"), the Initial Study and MND suffer from the following deficiencies:

- Failure to establish existing noise level at the adjacent commercial property

Appendix K to the Initial Study, Noise Impact Analysis, provides existing noise levels on the Project site and on the residential properties to the west of the Project site, but no figures are included to establish existing noise levels at the adjacent commercial property, where future noise impacts are projected. See Exh. "B," at p.2, #1.

C-9

- Failure to consider noise impacts at the property line, as required by Lake Elsinore Municipal Code Section 17.176.080

The Noise Impact Analysis considers construction noise impacts from the Project site to the adjacent commercial property at a minimum distance of 100 feet from the property line, presumably near the adjacent façade. This does provide the worst-case assessment of impacts on the adjacent property, and is not consistent with the requirements of Section 17.176.080 of the Lake Elsinore Municipal Code, which limits noise levels across the commercial property line. The noise receptor is not solely the structure on the adjacent property; rather, it is the entire commercial property, as workers could be present anywhere on the site. As presented, therefore, the analysis of construction noise impacts is deficient and cannot support adoption of the MND. See Exh. "B," at pp.2-3, #2.

C-10

- Failure to consider construction-related vibration impacts at the property line, as required by Lake Elsinore Municipal Code Section 17.176.080(G)

Similar to the point made immediately above, the Noise Impact Analysis falls short of that required by 17.176.080 of the Lake Elsinore Municipal Code, which is based on impacts at the property line, not at the nearest structure on the adjacent property. See Exh. "B," at p.3, #5.

C-11

- Failure to consider operations-related vibration impacts at the property line, as required by Lake Elsinore Municipal Code Section 17.176.080(G)

As with the two previous points, the Noise Impact Analysis should, but does not, analyze the operations-related vibration impacts at the property line. See Exh. "B," at pp. 3-4, #6.

C-12



Ms. Damaris Abraham, Senior Planner  
March 11, 2019  
Page 5

- The estimated operational noise levels appear not to account for the heavy truck traffic that will be present at the Project site, thus underestimating the Project's potential noise impacts

C-13

RK Engineering, having reviewed the Noise Impact Analysis (including Tables M and N and Appendix D thereto) questions whether Appendix K adequately states the anticipated noise levels for the Project's parking lot and fueling pump areas. The Project will serve a substantial amount of heavy-duty diesel trucks, which generate significantly higher noise levels than do typical autos, light duty trucks and SUVs. Appendix D to the Noise Impact Analysis, however, includes data for noise levels at fueling pumps taken from a smaller gas station in Laguna Beach, which does not appear to serve diesel fuel for heavy trucks. Therefore, the estimated noise impacts from the Project do not appear to account for the heavy-duty truck traffic that will be present on-site, thus understating the potential noise impacts of the Project. The Noise Impact Analysis is thus inadequate to support the proposed MND. The Noise Impact Analysis must be updated based on noise level data obtained at a similar land use attracting a significant number of heavy-duty diesel trucks. See Exh. "B," at p.3, #3.

C-13a

- The Noise Impact Analysis fails to support the adequacy of Mitigation Measure NOI-1 to reduce construction-related noise impacts below a level of significance

As discussed in several points above, the Noise Impact Analysis fails to support the Initial Study/MND's conclusion that with implementation of MM NOI-1, the construction-related impacts will be reduced to a level of insignificance, because it considers those impacts only at the nearest structure on the adjacent property, rather than at the property line.

C-14

Moreover, even if that analytic deficiency were corrected, MM NOI-1 is deficient because it fails to specify the height and length of the temporary construction barrier required to reduce noise impacts below the City's noise threshold. (By contrast, MM NOI-2, intended to reduce the noise impacts from operations at the Project post-construction, does specify the minimum height of the wall.) As a result, the adjacent property could very well be exposed to noise impacts above the City's threshold. See Exh. "B," at p.3, #4.

- The Noise Impact Analysis fails to support the adequacy of Mitigation Measure NOI-2 to reduce the operational-related noise impacts below a level of significance

As noted above, the operational noise levels associated with the fueling pumps are likely underestimated, because the reference points for such noise levels were apparently derived from noise levels at a much smaller gas station in Laguna Beach that does not appear to sell diesel fuel for heavy trucks. See Exh. "B," p.3, #3.

C-15



Ms. Damaris Abraham, Senior Planner  
March 11, 2019  
Page 6

To the extent that the noise levels associated with operations of the Project have been thereby underestimated, MM NOI-2 – which is apparently intended to mitigate those operational noise levels below a level of significance – will likely be inadequate to mitigate the operational noise levels of the Project below significant levels. C-15

- The roadway noise impact analysis does not appear to analyze noise impacts along Collier Avenue

The roadway noise impact analysis does not appear to analyze impacts along Collier Avenue. As Collier Avenue is immediately adjacent to the Project site and provides direct access to the Project site, it would presumably carry a substantial portion of the traffic generated by the Project. Accordingly, the Noise Impact Analysis must be considered deficient as prepared and must be updated accordingly. See Exh. “B,” p. 4, #7. C-16

- The Noise Impact Analysis fails to address whether the Project would result in a substantial permanent increase in ambient noise levels in the vicinity above existing levels

The CEQA Guidelines, Appendix G Environmental Checklist Form, Section XI, requires that an Initial Study address whether a project would result in a substantial permanent increase in ambient noise levels in the vicinity of a project, above existing levels without the project. The Noise Impact Analysis, however, fails to address this. Even if the Project were to comply with the City’s applicable noise standards, it may still result in a substantial permanent increase in ambient noise levels, and CEQA requires that an Initial Study and MND address that. See Exh. “B,” p.4, #9. C-17

- The Air Quality/Greenhouse Gas Emissions Analysis does not appear to have considered the impact of the three quick-serve restaurants that would be located within the convenience store building

Appendix A (the Air Quality/Greenhouse Gas Emissions Analysis; hereinafter, the “Air/GHG Study”) does not appear to have incorporated analysis of the impact of the three quick-serve restaurants to be located on the Project site. The Land Use Parameters and Operational Emissions Modeling, at pages 32-35 of Appendix A, do not reflect that any additional trips, energy, water, or waste generation would be associated with these three separate uses. Failing to consider the additional emissions associated with the restaurant uses results in significant underestimation of potential air pollutant emissions and greenhouse gas emissions. See Exh. “B,” at p. 4, #1. The Air/GHG Study must be revised accordingly, and the Initial Study and the MND are deficient unless and until such revisions are made. C-18

Ms. Damaris Abraham, Senior Planner  
March 11, 2019  
Page 7

- The Air/GHG Study is deficient in its analysis of local air quality thresholds, particular as it relates to fine particulate matter emissions C-19

The Air/GHG Study uses localized significance thresholds for NOx and CO based on the 25-meter thresholds, while PM10 and PM2.5 are compared to the 500-meter thresholds. It does so on the basis that because the ambient air quality standards for PM10 and PM2.5 are based on 24-hour concentrations, and workers at the commercial property adjacent to the Project site are not considered susceptible to the adverse effects of fine particulate emissions, as they presumably would not be present on site for more than 24 hours. Project construction activities, however, are not expected to occur over a 24-hour period, thereby potentially exposing workers on the adjacent property to the entirety of the Project's fine particulate emissions within a typical 8-hour workday. The analysis should be revised to disclose all potential localized air quality-related impacts and adverse effects to all surrounding receptors, for both construction-related emission sources and operational emission sources. See Exh. "B," pp.4-5, #2.

- The Air/GHG Study is inadequate because it fails to include analysis of the volatile organic compound emissions from gasoline transfer and dispensing activities at the Project C-20

The Air/GHG Study should be expanded to include analysis of VOC emissions from gasoline transfer and dispensing operations, as the South Coast AQMD is now requesting that this analysis, not calculated in CalEEMod, be included for all projects with gas stations. See Exh. "B," at p. 5, #3.

- The Air/GHG Study incorrectly calculates the "service population" for the Project, as per the City of Lake Elsinore's CAP and as recommended by the South Coast AQMD C-21

The Air/GHG Study incorrectly calculates the service population for this project. Service population, as described in the City of Lake Elsinore's Climate Action Plan ("CAP") and as recommended by the South Coast AQMD. In both the City's CAP and in CEQA GHG guidance issued by the SCAQMD, service population consists of residents and employees only, not the total number of daily visitors to a project site. For a non-residential project, service population is the number of employees only. Looking at the CalEEMod output sheets, it appears that just over two percent of trips are employee trips (C-W), resulting in approximately 50 MT CO<sub>2</sub>e/SP. This is significantly above the City's CAP targets and, accordingly, the Project would result in a significant, unmitigated impact. See Exh. "B," at p.5, #4.

Ms. Damaris Abraham, Senior Planner  
March 11, 2019  
Page 8

- Contrary to the Air/GHG Study's conclusion (incorporated into the Initial Study and MND) that the Project is consistent with the City's CAP, the Project is in direct conflict with the CAP's Transportation and Land Use Strategies and Measures

C-22

As set forth in the previous point, the Air/GHG Study miscalculated the service population for the Project, and as a consequence, the Project would not satisfy the CAP's emission reduction targets, and therefore is in direct conflict with the CAP's Transportation and Land Use Strategies and Measures.

**Concerned Citizens Has Submitted Substantial Evidence Supporting a Fair Argument That the Project May Have a Substantial Impact on the Environment**

The above analysis, supported by expert opinion in the form of reports by Kimley-Horn (Exhibit "A") and RK Engineering (Exhibit "B"), is sufficient, without more, to invalidate the Initial Study as supporting the proposed adoption of an MND for the Project. The previous section established that the Traffic Impact Analysis and the Air/GHG Study were inadequate in numerous respects, and need to be substantially revised. If the City were to adopt the MND as is, it would in all likelihood be invalidated based on a finding that the City did not actually evaluate the question whether the Project may result in significant environmental effects. *See, e.g., Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 ("a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences."); *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 408; *Silveira v. Las Gallinas Valley Sanitary Dist.* (1997) 54 Cal.App.4th 980, 989; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1379.

C-23

But, even more significantly, even in the absence of the analytical gaps and errors pointed out in the previous sections, Concerned Citizens has submitted substantial evidence supporting a fair argument that the Project may have a substantial impact on the environment. Under such circumstances, if the City were to proceed to approve the Project on the basis of the proposed MND, the City's decision would be set aside. *See, e.g., Gentry*, 36 Cal.App.4th at 1399; *Sundstrom*, 202 Cal.App.3d at 311. Here, that substantial evidence consists of, *inter alia*, expert opinion that the City's Initial Study, by incorporation of the incorrect calculation of the service population of the Project, itself shows that the Project is significantly at odds with the City's Climate Action Plan targets and would result in a significant unavoidable impact on the environment. Additional substantial evidence supporting a fair argument that the Project may have a significant effect on the environment is found in the expert opinion of Kimley-Horn that two of the measures proposed to mitigate the significant traffic impacts of the Project – MM TRAF-1 and MM TRAF-2 – would themselves each result in significant adverse impacts on the environment.

C-24

C-25

Ms. Damaris Abraham, Senior Planner  
March 11, 2019  
Page 9

For all of the above-stated reasons, and additional ones stated by other persons based on other arguments and evidence, Concerned Citizens urges the City not to approve the Project and to reject the proposed MND, as it is insufficient as a matter of law.

Sincerely,

A handwritten signature in blue ink that reads "Evelyn F. Heidelberg". The signature is written in a cursive, flowing style.

Evelyn F. Heidelberg

EFH/pat  
Enclosures

cc: Mr. Theodore Flood

# EXHIBIT A



**MEMORANDUM**

**To:** Mr. Theodore Flood, President, CCOLE, LLC  
dba "Concerned Citizens of Lake Elsinore"

**From:** Trevor Briggs, PE  
Serine Ciandella

**Date:** March 8, 2019

**Subject:** *Review Comments – Kassab Travel Center Traffic Impact Study*

---

Below please find review comments for the Traffic Impact Study for the Kassab Travel Center project in the City of Lake Elsinore.

**A. Analysis Scenarios**

1. The project proposes to change the General Plan land use designation for the site from Limited Industrial to Commercial. A Commercial site would be a more traffic-intensive use than the Limited Industrial use assumed in the General Plan. Why was a Build-out scenario analysis not done? This would typically be done to determine whether or not the Build-out transportation system can accommodate the additional trips associated with the change in land use designation. C-A1

**B. Existing Counts**

1. Page 14 says that traffic counts that were collected in 2014 and 2016 were grown by 2% per year to bring them to 2017 conditions. Checking the traffic count data collection sheets against the volumes on Figure 9 and in the Synchro worksheets, this was not done. C-A2
2. The AM existing volumes for Intersection # 6 – Collier at Central are wrong on Figure 9 and in the Synchro worksheets – the Figure and the Synchro worksheets show the PM peak hour volumes, not the AM volumes. All analyses and conclusions that use these incorrect volumes would need to be corrected. C-A2a  
C-A2b

### C. Pass-by Traffic – Percentage Assumptions

The pass-by assumptions for the Gas Station with Convenience Store and Fast Food Restaurant with Drive-through are based on pass-by rates published in the ITE *Trip Generation Handbook*, but the Traffic Study Engineer should make sure that the assumptions about the amount of pass-by traffic for this particular project site are reasonable, given the volume of traffic on the roadway from which the pass-by traffic is coming.

C-A3

The analysis assumes that 71% to 85% of the pass-by trips will enter and exit the driveway on Collier Avenue, north of Riverside Drive. The existing volume of traffic on this segment of Collier Avenue is only 6,540 trips per day, with 229 trips in the morning peak hour and 588 trips in the evening hour. The pass-by trips that are assumed to come from this traffic stream represent 30% of the existing available daily trips, 63% of the existing morning peak hour, and 25% of the existing evening peak hour trips. Given the low volume of traffic on this roadway segment, and given that there are other gas station and fast food restaurant choices in the immediate vicinity, this seems like an overly aggressive pass-by assumption for this one site. The net new Project trips that would be added to the transportation system, and the resulting Project-related impacts may be understated.

C-A3a

### D. Pass-by – Diverted Trips

1. It is not entirely clear how the pass-by trips were assigned throughout the study area, but based on the trip assignments at the driveways shown on Figures 6 and 7, it appears that the pass-by assumptions include pass-by trips to and from the freeway – 30% to and from the north, and 37% to and from the south.

C-A4

If this is the case, the net new Project trips that would be added to the transportation system, and the resulting Project-related impacts may be understated for the following reason.

C-A5

A pass-by trip that exits the freeway at one location, travels to the site, and then continues its trip on the freeway in the same direction would be a diverted trip, and must be added to each study intersection that it would travel through between the freeway exit location and the freeway entrance location. Specifically, any freeway trips that are assumed to be pass-by trips must be shown as a diverted trip at Intersections # 1 through 8. A few movements will be negative trips, but most will be added trips that must be taken into account.

## E. Mitigation

1. The report repeatedly recommends converting Intersection #1 – I-15 NB Ramps at Nichols and Intersection #3 – Collier at Nichols from a two-way stop-controlled intersection to an all-way stop-controlled intersection, even though both intersections would warrant a traffic signal in the future. C-A6
  - At Intersection #1 – I-15 NB Ramps at Nichols, the future northbound left turn (216 AM, 335 PM trips) would experience substantial delay. All other movements through the intersection operate freely, with little or no delay. C-A6a
  - At Intersection #3 – Collier at Nichols, the future northbound left turn (31 AM, 96 PM trips) would experience unacceptable delay. All other movements through the intersection operate freely, with little or no delay. C-A6b
  - The recommendation to convert these intersections to an all-way stop-controlled intersection would benefit only the northbound movement, and would require the thousands of vehicles on all other movements – which now proceed through the intersection with little delay or no delay at all – to stop. This would substantially increase the total seconds of delay through the intersection, inconveniencing drivers, and having the added negative impacts on air quality and gas consumption. C-A6c
2. On page 43, the 3<sup>rd</sup> bullet identifies the following mitigation for the intersection of Collier at Riverside: Restripe two southbound through lanes to one southbound through and one southbound through-left lane. Based on the subsequent Mitigation Figures, Tables, and Synchro mitigation worksheets, it appears this bullet should be referring to Intersection #6 – Collier at Central. C-A7
  - This same mis-reference occurs on page v – 3<sup>rd</sup> bullet from the bottom; and on page 53 – 3<sup>rd</sup> bullet and sub-bullet. C-A7a

## F. Mitigation Responsibility

1. Chapter 9 – page 41: The report presents conflicting conclusions regarding the project's responsibility toward the recommended mitigation measures. C-A8
  - On page 41, it indicates the project would be 100% responsible for improvements at Intersection #1 – I-15 NB Ramps at Nichols and Intersection #3 – Collier at Nichols. C-A8a
  - On the same page, near the bottom, it indicates that the project would only need to pay its fair share toward the same mitigation mentioned above for Intersection #1, and on page 42 indicates that the project would construct the same mitigation mentioned above for Intersection #3. C-A8b
  - On the top of page 43, the report indicates that the project responsibility toward all mitigation improvements, including those mentioned above, would only be its fair-share payment. C-A8c



## FIRM OVERVIEW

Kimley-Horn and Associates, Inc. was founded in 1967 to provide engineering consulting services in a variety of disciplines, and now offers services including traffic design, transportation planning, parking study and parking design, roadway and bridge design, site civil engineering, utility planning and design, storm water management, feasibility studies, airport engineering, railroad design, and surveying.

Kimley-Horn has over 3,500 employees in 92 offices nationwide, including Southern California offices in Los Angeles, Riverside, Orange, and San Diego.

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## ENVIRONMENTAL ENGINEERING / PLANNING



With each new project comes the inherent complexity of the environmental process – critical in balancing your project's needs with our planet's ecosystems, wildlife, and communities.

It is imperative to identify potential impacts on social, economic, and environmental resources; if not analyzed in a comprehensive manner, this process can negatively impact your schedule and bottom line. You need an experienced consultant who is well versed in all aspects of various state, federal, and other environmental laws and policies, and will ensure that all relevant environmental factors are appropriately addressed and mitigated.

### Environmental Expertise

Kimley-Horn provides a full range of environmental services to public and private organizations nationwide. We can economically and quickly identify project constraints, and consistently plan and design projects to avoid, minimize, and alleviate environmental impacts. We offer a diverse team of environmental planners, ecologists, biologists, engineers, geologists, and hydrogeologists with a thorough understanding of the environmental challenges you face.

Kimley-Horn understands that our role as environmental consultant extends beyond preparing environmental documentation. We will review design plans and specifications to ensure that environmental commitments are accurately included in construction plans and will remain a committed partner through project closeout. Let us collaborate with you to achieve project outcomes that are not only environmentally compliant and responsible, but also technically sound and economically viable.

## Related Services

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Environmental Planning / Permitting

Wetland / Stream Consulting

Endangered / Threatened Species  
Consulting

Hazardous Materials Assessment /  
Remediation

Brownfield Redevelopment

Contamination Assessments /  
Remediation

Environmental Site Assessments –  
Phase I & II

NEPA / CEQA / State Environmental  
Documentation

Noise / Vibration / Air Quality Studies

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## TRANSPORTATION PLANNING



The best transportation improvements start with a vision, plan, and strategy—and a partner who can pull those together.

A strong planning foundation allows communities and regions to make the best use of resources to advance projects and programs that respond to the diverse needs of a changing public. Kimley-Horn's approach intentionally pairs transportation planners with designers, engineers, and subject matter experts to create realistic and implementable plans.

### Long Range Planning

Metropolitan areas have been in the long range transportation planning business for decades. However, federal and state planning conditions are changing dramatically. Kimley-Horn's approach to long range transportation planning looks beyond the regulations to arrive at the best solutions for each region. Our approach to long range transportation planning is centered around the following three principles:

**Performance-based decision making** – From visioning to implementation, our approach for long range transportation planning centers around quantifiable performance metrics. This process draws from the best and most recent available federal and state processes while responding to the unique needs of the region. We respond to all travel modes with an approach that makes the best use of available data and communicates results in a way that will be meaningful for all audiences.

**Community and stakeholder engagement** – Our approach to engagement is to not only inform the public but also to gather information that can guide the decision-making process. We base our engagement strategy around building participation rates, demographic and geographic diversity, and quality of feedback.

**Implementable solutions** – Kimley-Horn's definition of a resilient transportation plan is one that goes beyond long-term priorities to translate into practical near-term solutions.

### Diversity of Scale

Kimley-Horn is a nationally-recognized industry leader creating sustainable transportation plans for communities and regions large and small. Whatever the scale, our dedicated team remains focused on the partnerships necessary to establish effective and collaborative

strategies. Our mode integration strategies, integrated planning process, and experience with local, regional, and statewide transportation planning positions us to offer our clients access to local experience and national expertise. These plans take many forms:

Long Range Transportation Plans

Strategic Mobility Plans

Metropolitan Transportation Plans

Corridor Plans

Countywide Transportation Plans

Mode-Specific Plans

Community Transportation Plans

## Forward Thinking

We are linking transportation planning to the community building challenges important to today's cities and regions. **Automated and Connected Vehicles** working in concert with Mass Transit, Active Transportation, Travel Demand Management, and **KITS Advanced Traffic Management System** is a recipe for future success. By leveraging our in-house expertise in these areas, our long-range plans provide more effective strategies for the future.



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## TREVOR BRIGGS, P.E.

### Traffic Engineer

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Trevor has completed various transportation projects and studies in California, Utah, Idaho, and Florida. He has designed and drafted various traffic plans, including signing and striping, traffic signal, traffic control, and ITS plans. He has also been involved in conducting analyses and writing various traffic impact studies for public agencies and jurisdictions in Utah, Idaho, California, and Florida. Trevor has utilized a wide range of transportation-related software packages and is knowledgeable of planning and design standards for many local and state agencies. He is also familiar with right-of-way easement documents and mapping the easement locations into AutoCAD Civil 3D 2012 and ArcGIS.

### Relevant Experience

- 234 West Hyde Park Boulevard Manufacturing/Warehouse Project Initial Study/Mitigated Negative Declaration, Inglewood, CA
- BAIFA, Regional Express Lane Network Phase 1- I-880/I-680/SR 84/SR 92 On-Call PS&E Design Services (2014-2017), San Francisco County, CA
- Capitol Expressway ITS Infrastructure and Sidewalk Project, Santa Clara County, CA
- Complete Streets Master Plan, Buena Park, CA
- Housing Element Update, Encinitas, CA
- Balboa Avenue Transit Station Specific Plan, San Diego, CA
- Red Hill Corridor Specific Plan and EIR, Tustin, CA
- Byron Highway and Camino Diablo Intersection Improvements, Contra Costa County, CA
- East Coast Highway Signal Rehabilitation Design, Newport Beach, CA
- Lakeshore Towers Parking Demand Study, Irvine, CA
- Metropolitan Transportation Commission, I-880 Express Lanes, Oakland, CA
- Monster Beverage Corporation, Monster Energy Distribution Center, Rialto, CA
- Newport Executive Center Addendum to the Newport Executive Court Project, Newport Beach, CA
- Niagara Bottling Plant Addendum to the Renaissance Specific Plan Final EIR, Rialto, CA
- Sand Hill Property Company, Vallco Shopping District Specific Plan, Cupertino, CA
- Western Avenue Sight Distance and Parking Improvements, Buena Park, CA

### Professional Credentials

- Bachelor of Science, Civil Engineering, Brigham Young University
- Professional Engineer in California, 87664



## SERINE CIANDELLA, AICP

### Traffic Engineer

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Serine is a senior transportation planner and project manager with more than 32 years of experience in transportation planning, traffic impact studies, queuing and trip generation analysis, parking evaluation studies, transportation demand management practices, and environmental impact projects. In performing these studies, she has worked effectively and successfully with community groups. She is very skilled in presenting issues and options on complex and controversial projects to a variety of audiences. Serine has extensive experience in analyzing traffic impacts and developing solutions for impact mitigation.

#### Relevant Experience

- Starbucks at Fairplex Transportation Planning, Pomona, CA
- North County Square Commercial Center, Vista, CA
- Walgreens, Riverside, CA
- Mariscos Hector Restaurant Parking Study, Santa Ana, CA
- North County Square Commercial Center, Vista, CA
- One Newport Hotel Traffic Impact Analysis, Newport Beach, CA
- Newport Lexus Traffic Circulation, Newport Beach, CA
- St. Andrew's Presbyterian Church Expansion Traffic and Parking Study, Newport Beach, CA
- Koll Center Residences EIR, Newport Beach, CA
- Uptown Newport Infill Residential Development Traffic Impact Analysis, Newport Beach, CA
- La Habra Towne Center Traffic Study, La Habra, CA
- Eastern Gateway Traffic Impact Study Peer Review, Anaheim, CA
- Anaheim Marriott Parking Study, Anaheim, CA
- Anaheim Angels Stadium Area Baseline Traffic Study, Anaheim, CA
- East and South Street Residential Project Traffic Impact Analysis Review, Anaheim, CA
- Hyatt Place Mixed-Use Project Traffic and Parking Study, San Gabriel, CA
- 600 West Commonwealth Ave. Mixed-Use Development IS/MND, Fullerton, CA
- Rubio Village Mixed-Use Project Traffic Impact Study, San Gabriel, CA
- 137 Valley Boulevard Restaurant Focused Traffic Evaluation, San Gabriel, CA
- Eastvale Shopping Center Traffic Impact Analysis, Eastvale, CA
- Fountain Valley Square Traffic Impact Analysis, Fountain Valley, CA

#### Professional Credentials

- Bachelor of Science, Mass Communications, Syracuse University, Syracuse, NY
- American Institute of Certified Planners in CA, #099177

# EXHIBIT B



## Comment Letter C - Exhibit B

March 8, 2019

Mr. Theodore Flood, President  
CCOLE, LLC, dba Concerned Citizens of Lake Elsinore  
16738 Lakeshore Drive H #61  
Lake Elsinore, CA 92530

**Subject: Kassab Travel Center Noise, Air Quality and Greenhouse Gas Impact  
Studies Review, City of Lake Elsinore**

Dear Mr. Flood:

### **Introduction**

RK ENGINEERING GROUP, INC. (RK) is pleased to provide this review of potential environmental impacts associated with noise, air quality and greenhouse gas (GHG) emissions from the Kassab Travel Center, located at 29301 Riverside Drive, at the western corner of Riverside Drive and Collier Avenue, in the City of Lake Elsinore, California.

As described in the Initial Study/Mitigated Negative Declaration, the Kassab Travel Center Project (hereinafter referred to as project) consists of one (1) 8,360 square foot (SF) convenience store with three (3) quick serve restaurants, two (2) covered gas dispensing areas totaling 6,092 SF (14-gasoline fueling positions and 4-diesel fueling positions), and a free standing 2,543 SF fast food restaurant with drive through on 2.39 net acres of currently vacant land within the City of Lake Elsinore.

C-B1

This review is based on information provided in the following three (3) documents:

- Kassab Travel Center Environmental Review No. 2018-02 (Initial Study/Mitigated Negative Declaration), prepared by the City of Lake Elsinore with the assistance of Sagecrest Planning+Environmental, dated February 2019 (hereinafter referred to as IS/MND).

- Noise Impact Analysis, Kassab Travel Center Project, City of Lake Elsinore, prepared by Vista Environmental, revised October 1, 2018 (hereinafter referred to as Noise Study).
- Air Quality and Greenhouse Gas Emission Impact Analysis, Kassab Travel Center Project, City of Lake Elsinore, prepared by Vista Environmental, revised September 26, 2018 (hereinafter referred to as Air/GHG Study).

The purpose of this letter is to review the IS/MND, Noise Study, and Air/GHG Study from an environmental impact standpoint and provide comments to help ensure that all potential impacts are adequately identified, and the effects mitigated to a point where clearly no significant impact on the environment would occur.

C-B1

RK has over 30 years of combined experience in environmental acoustics and air/GHG impact analyses and has prepared hundreds of noise and air/GHG impact analyses for public agencies and developers in the State of California. We are fully aware of the complexity of data gathering, modeling, and the possibility for error within these technical documents.

Based on this review, RK has identified several inconsistencies in the analysis, and as a result, not all potential project impacts have been fully disclosed. The following comments are provided to help ensure all potential impacts are adequately addressed:

### **Comments on the Noise Study**

1. Page 16, Existing Noise Conditions. Existing noise levels were taken on the project site and near the adjacent residential homes to the west, but no existing noise level measurements were taken on or adjacent to the neighboring commercial uses. The analysis should establish the existing noise environment at the adjacent commercial property where future noise impacts are projected. The Noise study be updated to include existing ambient noise level measurements at or adjacent to the neighboring commercial property.
2. Page 22-23, Construction-Related Noise. The analysis considers construction noise impacts from project site to the adjacent commercial property at a minimum distance of 100 feet from the property line, presumably near the adjacent building facade. This does not result in a worst-case assessment of impacts on the adjacent

C-B2

C-B3

commercial property, and it is not consistent with the requirements specified in the Lake Elsinore Municipal Code, Section 17.176.080, which limits noise levels across the commercial property line. The noise receptor is not the adjacent building, it is the entire commercial property, as workers could be present anywhere on the site. The Noise Study should be revised to analyzed impacts at the adjacent commercial property line, not 100 feet further away.

3. Page 23-25, Operational-Related Noise. In reviewing the referenced noise level data described in Table M, Table N and Appendix D, RK would question whether the referenced noise levels for the *Parking Lot* and *Fueling Pumps* adequately represent the noise levels anticipated to be generated by the project. The travel center project will serve a substantial amount of heavy-duty diesel trucks, which generate significantly louder noise levels than typical autos and light duty trucks and SUVs. However, according to the data provided in Appendix D, the referenced noise levels for the *Fueling Pumps* were conducted at a smaller gas station in Laguna Beach, CA, which does not appear to serve diesel gas for heavy trucks. Therefore, the estimated noise level impacts from the project do not appear to account for the heavy truck traffic that will be present on-site, thus potential noise impacts are underestimated. The Noise Study should be updated with referenced noise level data from a similar travel center land use that includes noise impacts from the circulation and refueling of heavy-duty diesel trucks.

C-B4

4. Page 25, Mitigation Measure 1. Mitigation Measure 1 should specify the height and length of the temporary construction barrier required to reduce noise level impacts below the City's noise threshold. Furthermore, as described in Comment #2 above, noise level impacts, when analyzed at the property line, will likely be significantly louder than what is reported, and the temporary barrier may not be adequate to mitigate construction noise levels. As a result, the adjacent commercial property could remain exposed to significant and unavoidable temporary noise impacts.

C-B5

5. Page 26, Construction-Related Vibration Impacts. The vibration analysis should be revised to assess potential impacts at the property boundary of the source, as required in Section 17.176.080(G) of the Lake Elsinore Municipal Code and previously discussed in Comment #2.

C-B6

6. Page 26, Operations-Related Vibration Impacts. The vibration analysis should be revised to assess potential impacts at the property boundary of the source, as

C-B7

required in Section 17.176.080(G) of the Lake Elsinore Municipal Code and previously discussed in Comment #2.

7. Page 27-28, Roadway Vehicular Noise. The roadway noise impact analysis does not appear to analyze noise impacts along Collier Avenue. This roadway, being located immediately adjacent to the project site and serving direct project access, would presumably carry a substantial portion of the project's traffic. The Noise Study should be updated to analyze roadway noise impacts to Collier Avenue. C-B8
8. Page 27-28, Roadway Vehicular Noise. It does not appear that the roadway noise analysis considers the increase in heavy trucks trips that this project will generate. C-B9  
The analysis should be updated to reflect the project's vehicle mix used in the Air/GHG Study when analyzing changes in roadway noise levels.
9. Page 29, Onsite Noise Sources. The onsite noise analysis does not address CEQA Guidelines, Appendix G Environmental Checklist Form, Section XI. Noise, Impact Criteria "C", *would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.* To determine whether the project would cause a significant permanent increase in noise, the Noise Study should be updated to analyze changes to the ambient noise environment at the adjacent properties. Compliance with the Lake Elsinore Noise Ordinance does not absolve a project from still causing in a significant increase in noise. C-B10

#### **Comments on the Air/GHG Study**

1. Page 32-35, Land Use Parameters and Operational Emissions Modeling. The Air/GHG Study does not appear to consider the impact of the three (3) quick serve restaurants that would be located within convenience store building. No additional trips, energy, water, or waste generation associated with these separate uses has been included in the analysis. Failing to consider the additional emissions associated with the restaurant uses results in underestimating potential impacts. The Air/GHG Study should be revised to include the additional emissions and potential impacts associated with the 3 quick serve restaurants. C-B11
2. Page 37, Local Air Quality Thresholds. The Air/GHG Study utilizes localized significance thresholds for NOx and CO based on the 25-meter thresholds, while C-B12

PM10 and PM2.5 are compared to the 500-meter thresholds. The Air/GHG Study rationalizes that, because the AAQS for PM10 and PM2.5 are based on 24-hour concentrations, workers at the adjacent commercial property are not considered susceptible to the adverse health impacts from PM emissions, as they presumably would not be present on site for more than 24 hours. However, project construction activities are not expected to occur over a 24-hour period, thereby potentially exposing workers to the entirety of the project's PM generated emissions within a typical workday. The analysis should be revised and disclose all potential localized impacts and adverse effects to all surrounding receptors for both construction and operations.

3. Page 43, Operations-Related Regional Air Quality Impacts. The Air/GHG Study should be expanded to include analysis of the volatile organic compounds (VOC) emissions from gasoline transfer and dispensing activities at the proposed gas station, as SCAQMD is now requesting that this additional analysis, not calculated in CalEEMod, be included for all projects with gas stations. C-B13
4. Page 49, Generation of Greenhouse Gas Emissions. The Air/GHG Study incorrectly calculates the service population for this project. Service population, as described in the Lake Elsinore CAP<sup>1</sup> and recommended by SCAQMD<sup>2</sup>, consists of residents and employees only, not the total number of daily visitors to a project. For a non-residential project, service population is the number of employees only. Looking at the CalEEMod output sheets, it appears that just over 2% of trips are employee trips (C-W), resulting in approximately 50 MT CO<sub>2</sub>e/SP. This is significantly over the Lake Elsinore Climate Action Plan (CAP) targets and would result in a significant and unavoidable impact. C-B14
5. Page 50, Greenhouse Gas Plan Consistency. The Air/GHG Study concludes that the project is consistent with the CAP, however, as described in Comment #4, the project would not meet the specified emissions reductions targets, and furthermore, C-B15  
the project is in direct conflict with the CAP's Transportation and Land Use Strategies and Measures.

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<sup>1</sup> <http://www.lake-elsinore.org/home/showdocument?id=7249> Page ES-2. (accessed 3/8/19).

<sup>2</sup> [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf) Page 2 (accessed 3/8/19)

Mr. Theodore Flood  
Concerned Citizens of Lake Elsinore  
RK 15177

Specifically, the CAP states, *the key to lower transportation-related emissions is to implement strategies that decrease vehicle miles traveled and encourage the replacement of traditional vehicles with fuel efficient and alternative energy vehicles. This involves providing more choices through greater access to alternative forms of transportation including transit, biking and walking; diversified land use patterns, and promoting development patterns where people can live, work and recreate without having to drive great distances. It also involves encouraging the use of zero- or low emission vehicles over conventional automobiles.*

C-B16

This gas station project, which encourages the continued use of fossil fuels, is inherently not consistent with Lake Elsinore's CAP or the broader State and Global initiatives to combat climate change. The analysis should be updated, and the project's impact considered potentially significant.

C-B17

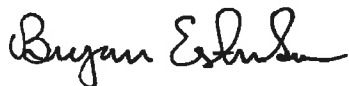
### **Conclusions**

Based upon this review of the Noise Impact Analysis and the Air Quality and Greenhouse Gas Emission Impact Analysis for the Kassab Travel Center Project, the IS/MND does not adequately address all potential impacts from the proposed Project. Additional analysis and mitigation measures should be provided to ensure the Project does not cause adverse environmental effects.

C-B18

If you have any questions regarding this study, or would like further review, please do not hesitate to contact us at (949) 474-0809.

Sincerely,  
RK ENGINEERING GROUP, INC.



Bryan Estrada, AICP, PTP  
Senior Associate

BE:sl/rk15177.doc  
JN:2809-2019-02

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Transportation Planning  
Transportation Demand Management  
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Engineering and Speed Surveys  
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### **Traffic Engineering & Design**

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Traffic Control Plans  
Traffic Engineering Studies  
Parking Lot Layouts  
Traffic Calming Design  
Traffic Signal Coordination Analysis  
Routes to School



### **Environmental Engineering**

Noise and Air Quality Studies  
Sound Barrier Analysis  
General Plan Noise  
& Air Quality Elements  
Noise Ordinance Compliance  
Room to Room Acoustical Analysis  
Noise and Air Monitoring/ Analysis

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## Contact

Robert Kahn, P.E.  
Founding Principal

Rogier Goedecke  
President

4000 Westerly Place  
Suite #280  
Newport Beach, CA 92660  
Ph. – 949.474.0809  
Fax – 949.474.0902  
E-mail – [info@rkengineer.com](mailto:info@rkengineer.com)  
<http://www.rkengineer.com>

# Bryan Estrada, AICP, PTP

Senior Associate

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## Areas of Expertise

Transportation and Environmental Planning  
Transportation Demand Management  
Traffic Impact Studies  
Parking Studies  
Air Quality Analysis  
Greenhouse Gas/Global Climate Change Analysis  
Environmental Acoustics/Noise Analysis  
CEQA Compliance  
Synchro Traffic Analysis Software  
California Emissions Estimator Model (CalEEMod)  
FHWA Noise Modeling  
SoundPLAN Software  
AutoCAD

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## Education and Training

University of California, Irvine, B.A., Urban Studies  
California Air Resources Board, Air Quality Training Program  
Geo Instruments Vibration Monitoring Short Course

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## Professional History

RK Engineering Group, Inc.  
Senior Associate  
2007 - Present

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## Certificates and Affiliations

American Institute of Certified Planners (AICP)  
Professional Transportation Planner (PTP)  
American Planning Association  
Association of Environmental Professionals

## Representative Experience

Mr. Bryan Estrada is a native of Southern California and also stayed in the area by attending the University of California, Irvine, School of Planning, Policy and Design where he received a Bachelor of Arts degree in Urban Studies. Mr. Estrada's multidisciplinary background is concentrated around current transportation challenges and their environmental impacts within urban areas. Mr. Estrada is committed to sustainable development practices, transportation demand management, and global climate change awareness.

Since 2007, Mr. Estrada has gained experience in the many aspects of Transportation and Environmental Planning while working with RK Engineering Group. He is an active member of the American Planning Association (APA) and the Association of Environmental Professionals (AEP), and stays up to date on the latest trends and topics concerning CEQA policy. He is frequently engaged with local government agencies, community groups, and developers to help to craft innovative solutions to mitigate traffic, noise and air quality impacts throughout the community.

Mr. Estrada's experience includes traffic/transportation planning, air quality and greenhouse gas analysis, and environmental acoustics/noise analysis. He has also contributed to the design and construction of traffic signal plans, signing and striping plans and traffic control plans. He is regularly out in the field performing assessments and inventories of project sites and meeting with community stakeholders.

Mr. Estrada works on transportation and environmental planning projects that range from focused site-specific technical studies to regional and General Plan level analyses. His recent work includes Mixed Use Development projects in Downtown Huntington Beach, the City of Aliso Viejo General Plan Update and Aliso Viejo Town Center Vision Plan, Eleanor Roosevelt High School eStem Academy Traffic Impact Study and On-Site Circulation Plan (Eastvale, CA), Great Wolf Lodge Resort (Garden Grove, CA), Starbucks Coffee Shops (multiple locations through Southern California), Paradise Knolls Specific Plan (Jurupa Valley, CA), Vista Del Agua Specific Plan (Coachella, CA), and Monterey Park Hotel Mixed Use Development Project (Monterey Park, CA).

Mr. Estrada has obtained the American Institute of Certified Planners (AICP) certification granted by the American Planning Association and the Professional Transportation Planner (PTP) certification granted by the Transportation Professional Certification Board.



**Response to Comment Letter C – Concerned Citizens of Lake Elsinore (CCOLE)**

- C-1.** Comment stating the MND is inadequate insofar as it is materially deficient in several respects is acknowledged. Each item listed is addressed separately in this Response to Comments and any deficiencies have been addressed. Pursuant to CEQA Guidelines Section 15073.5 (a) and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption. All potential impacts are mitigated to a less than significant level. No further response is necessary.
- C-2.** Comment stating that the attached consultant reports contain substantial evidence supporting a fair argument the Project may have a substantial impact on the environment is acknowledged. Items identified in the referenced consultant reports are addressed separately in this Response to Comments. Responses to each of the items in the referenced consultant reports found that the Proposed Project would not have a substantial impact of the environment that could not be mitigated. Pursuant to CEQA Guidelines Section 15073.5 (a) and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption. All potential impacts are mitigated to a less than significant level. No further response is necessary.
- C-3.** Comment stating that the MND is insufficient under CEQA and an EIR must be prepared for the Project is acknowledged. Pursuant to CEQA Guidelines Section 15073.5 (a) and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption. Pursuant to CEQA Guidelines Section 15073.5(b)(1), a new, avoidable significant effect was identified associated with vibration impacts, and MM NOI-3 was added to restrict the use of construction equipment within proximity to the property line, which would reduce the potential impact to less than significant.

Pursuant to CEQA Guidelines Section 15073.5(b)(2), proposed mitigation measure MM NOI-1 associated with construction noise would not reduce potential effects to less than significant, therefore, MM NOI – 1 was revised to state that no stationary equipment would be operated within 50 feet of the northwest and southwest property lines and that construction of the proposed sound wall detailed in MM NOI-2 be completed prior to the start of site preparation or grading activities for the Proposed Project, which would reduce the potential impact to less than significant.

As demonstrated in the Recirculated MND, and with the above stated revisions to MM NOI-1 and addition of MM NOI – 3, potential impacts associated with the construction and operation of the Proposed Project remain less than significant with mitigation. Therefore, preparation of a draft Environmental Impact Report was not required pursuant to CEQA Guidelines Section 15073.5(d).

- C-4.** Comment stating that the Initial Study is deficient for failing to assess whether the City's transportation system at buildout under the General Plan can accommodate the additional

trips generated by the Project is acknowledged and addressed in Response to Comment C-A1. No further response is necessary.

Comment stating that the Project would change the General Plan land use designation for the site from Limited Industrial to Commercial and the MND should contain analysis of the General Plan buildout is incorrect in that no General Plan Amendment is proposed as part of the Project. As discussed in the Land Use and Planning Section XI(b), the General Plan Land Use Designation of the Project Site is Limited Industrial (LI) and it is zoned Commercial Manufacturing (C-M). The LI designation provides for industrial parks, warehouses, manufacturing, research and development, public and quasi-public uses, and similar and compatible uses. The Proposed Project, which includes a gas station, convenience store and drive-thru restaurant, are all supportive and compatible uses with the other intended uses of the LI Land Use Designation. No further response is necessary.

- C-5.** Comment states that accurate counts of existing traffic were not used. This comment is acknowledged and addressed in Response to Comment C-A2. No further response is necessary.
- C-5a.** Comment states that the traffic counts were not increased by two percent per year to reflect conditions in 2017. This comment is acknowledged and addressed in Response to Comment C-A2. No further response is necessary.
- C-5b.** Comment states that the AM and PM existing traffic volumes for Intersection #6 are incorrect and all analysis and conclusions that were based on these incorrect volumes need to be corrected. This comment is acknowledged and addressed in Response to Comment C-A2a. No further response is necessary.
- C-6.** Comment states that the assumptions about the amount of pass-by traffic are not determined to be reasonable under the circumstances of the Project and questions whether the use of the ITE Trip Generation Handbook's pass-by assumptions were reasonable for the Project. This comment is acknowledged and addressed in Response to Comment C-A3 and C-A3a. No further response is necessary.
- C-7.** Comment states that whether the pass-by assumptions included trips diverted to and from the freeway was not explained. This comment is acknowledged and addressed in Response to Comment C-A4. No further response is necessary.
- C-8.** Comment states that the environmental effects of proposed mitigation measures MM TRAF-1 and MM TRAF-2 are not analyzed. Appendix A was revised to reflect the air quality impacts of the vehicular delay for converting Intersections #1 and #3 from two-way stop to four-way stop controlled intersections and discussion is included in Section XVII(a) and shown on Table 5 in Section III(b). The resulting analysis demonstrates that potential impacts associated with implementation of MM TRAF-1 and MM TRAF-2 remain less than significant and no mitigation would be required. No further response is necessary.
- C-9.** Comment regarding failure to establish the existing noise level at the adjacent commercial property is acknowledged. The existing noise conditions were measured based on the City's

noise measurement procedure detailed in Section 17.176.050 of the Municipal Code. The placement of the two noise measurements were selected to represent: (1) The Project Site and existing commercial zone; and (2) the nearest residential zone. According to Section 17.176.020 a “Noise Zone” is an area of region of generally consistent land use where the ambient noise levels are within a range of 5 dB. Since Noise Measurement 1 was taken in the approximate middle of the Project Site, it provides a reasonable estimate (within 5 dB) of the noise levels at the northwestern and southwestern property lines.

- C-10.** Comment regarding failure to consider noise impacts at property line is acknowledged. The commenter is correct that the construction noise standards for business properties provided in Section 17.176.080(F) of the Municipal Code of 85 dBA for mobile equipment and 75 dBA for stationary equipment are noise standards at the property line and not the building façade. Appendix J – *Noise Impact Analysis* was revised to re-run the RCNM model to calculate the noise levels at the property line. MM NOI – 1 was revised to state that no stationary equipment would be operated within 50 feet of the northwest and southwest property lines and that construction of the proposed sound wall detailed in MM NOI-2 be completed prior to the start of site preparation or grading activities for the Proposed Project, which would reduce the potential impact to less than significant. Pursuant to CEQA Guidelines Section 15073.5 (a), CEQA Guidelines Section 15073.5(b)(2), and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption.
- C-11.** Comment regarding failure to consider construction-related vibration impacts at property line is acknowledged. Appendix J, Section 7.3 details the revised vibration analysis for construction of the Proposed Project. Pursuant to CEQA Guidelines Section 15073.5(b)(1), a new, avoidable significant effect was identified associated with vibration impacts, and MM NOI-3 was added to restrict the use of construction equipment within proximity to the property line, which would reduce the potential impact to less than significant. Pursuant to CEQA Guidelines Section 15073.5 (a), CEQA Guidelines Section 15073.5(b)(1), and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption.
- C-12.** Comment regarding failure to consider operations-related vibration impacts at the property line is acknowledged. Appendix J, Section 7.3 details the revised vibration analysis for operation of the Proposed Project. The analysis demonstrates that potential vibration impacts associated with operation of the Proposed Project would be less than significant and no mitigation would be required.
- C-13.** Comment regarding operational noise levels underestimating the Proposed Project’s noise impacts related to heavy truck traffic is acknowledged. The Proposed Project was designed to serve primarily automobiles and RVs. Although it is possible that the fuel pumps designed for RVs could be utilized for heavy trucks as well, the proposed gas station would not be advertised as a truck stop. It should also be noted that most trips to the Proposed

Project would be pass-by trips, which are trips that already occur on the nearby roads. For these reasons, the vehicle mix utilized in the roadway noise analysis provides a reasonable estimate of the vehicle mix for both the without and with project conditions.

- C-13a.** Comment regarding peer review by RK Engineering of the Noise Impact Analysis (Appendix K) is acknowledged; however, the commenter is not correct. As detailed in Response to Comment C-13, the Proposed Project was designed to facilitate the filling of RVs and automobiles. Although heavy trucks could use the fuel pumps setup for RVs, the Proposed Project would not be advertised as a truck stop and it is anticipated that relatively few heavy trucks will utilize the proposed gas station. The vehicle mix utilized in the roadway noise analysis provides a reasonable estimate of the vehicle mix for both the without and with project conditions. The reference noise measurement from the gas station in Laguna Beach captured the noise created from the air/water machine and not the fuel pumps. The reference noise measurement for the fuel pumps was taken at a gas station in Atascadero and adjacent to Interstate 101 that was designed to accommodate both automobiles and RVs, which provides a representative reference noise measurement to the Proposed Project's fuel dispensers.
- C-14.** Comment asserting the Noise Impact Analysis fails to support mitigation measure MM NOI-1 is acknowledged. Appendix J was revised to re-run the RCNM model to calculate the noise levels at the property line. MM NOI – 1 was revised to state that no stationary equipment would be operated within 50 feet of the northwest and southwest property lines and that construction of the proposed sound wall detailed in MM NOI-2 be completed prior to the start of site preparation or grading activities for the Proposed Project, which would reduce the potential impact to less than significant. Pursuant to CEQA Guidelines Section 15073.5 (a), CEQA Guidelines Section 15073.5(b)(2), and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption.
- C-15.** As detailed in Response to Comment C-13 and C-13a, the commenters requests for revisions to the operational noise analysis were not correct and no revisions were required to the operational noise analysis. As such, no changes were required to MM NOI-2. No further response is necessary.
- C-16.** Comment regarding roadway noise impacts along Collier Avenue is acknowledged. The roadway vehicle noise analysis was based on analyzing the project increase to roadway noise impacts to sensitive receptors as defined in the General Plan. As such only the roadway segments that had sensitive receptors (i.e. homes, schools, hospitals, etc.) were analyzed in the roadway vehicular noise analysis. Collier Avenue only has industrial and non-noise sensitive commercial uses near the roadway. No further response is necessary.
- C-17.** Comment regarding the Noise Impact Analysis failing to address substantial permanent increase in ambient noise level is acknowledged. The commenter is not correct in their interpretation of how the CEQA checklist question should be addressed for analyzing a substantial permanent increase in ambient noise levels from the Proposed Project's

operational onsite noise impacts. The City's General Plan defines the noise baselines for all land uses as well as defining noise standards for noise sensitive uses that include residential and specific commercial and institutional uses (see Tables 3-1 and 3-2 of the General Plan). The Noise Report has gone beyond the operational noise analysis required by the General Plan by utilizing the noise standards in the Municipal Code as well that includes analyzing the project impacts to all commercial land uses (not just the limited uses provided in Table 3-2). As such, the onsite noise analysis is complete and meets CEQA Guidelines. No further response is necessary.

- C-18.** Comment regarding the Air Quality/Greenhouse Gas Emissions Analysis (Appendix A) consideration of the impact of the three quick-serve restaurants is acknowledged. The commenter is not correct. The Land Use Parameters utilized in the CalEEMod model for the gasoline station with convenience store was analyzed as a Gasoline Station with 14,452 square feet of building space to account for both the canopies and C-Store square footages. The Gasoline Station vehicle trip generation rate was set to match what was utilized in the Traffic Study and the area source, energy usage, solid waste and water are all based on the building square footage, which was accounted for in the CalEEMod model. No further response is necessary.
- C-19.** Comment regarding the Air Quality/Greenhouse Gas Emissions Analysis (Appendix A) being deficient in its local air quality analysis as it related to fine particulate matter emissions is acknowledged. The commenter is not correct. The Local Air Quality Thresholds utilized in the analysis were based on the methodology provided in Final Localized Significance Threshold Methodology, prepared by SCAQMD, Revised July 2008, that states "For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be a receptor such as residence, hospital, convalescent facility where it is possible that an individual could remain for 24 hours. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain onsite for a full 24 hours, but are present for shorter periods of time, such as eight hours. Therefore, applying a 24-hour standard for PM10 is appropriate...However, LSTs based on shorter averaging periods, such as the NO2 and CO LSTs, could also be applied to receptors such as industrial or commercial facilities..." As shown above, the SCAQMD Guidelines clearly state that PM10 and PM2.5 should be analyzed at the nearest residence and that NO2 and CO should be analyzed at the nearest of either the nearest residence or commercial or industrial uses. No further response is necessary.
- C-20.** Comment regarding the inadequacy of Appendix A regarding analysis of VOC emissions from gasoline transfer and dispensing activities is acknowledged. Appendix A has been revised to include an analysis of the VOC emissions created by gasoline transfer and dispensing. The revised analysis did not result in any changes to the level of significance and no mitigation would be required.
- C-21.** Comment regarding Appendix A incorrectly calculating "service population" for the Proposed Project is acknowledged. The comparison of the project's GHG emissions to the Service Population was provided for informational purposes only and was not intended to

be utilized as a threshold. However due to the confusion this may cause, the Service Population data provided in Table M of the Appendix A and associated text discussion has been removed from the Revised Appendix A.

According to the City's Climate Action Plan on page ES-1 it states that the "CAP is designed to: Serve as the programmatic tiering document for the purposes of CEQA with the City of Lake Elsinore for GHG emissions, by which applicable projects will be reviewed. If a proposed development project can demonstrate it is consistent with the applicable emissions reduction measures included in the CAP, the programs and standards that would be implemented as a result of the CAP, and the General Plan Update growth projections, the project's environmental review pertaining to GHG impacts may be streamlined as allowed by CEQA Guidelines Sections 15152 and 15183.5."

The CAP does not state that an individual project is required to meet the City-wide Service Population GHG emissions targets. As such, they have been removed from Appendix A and consistency with the CAP has been analyzed in Section 7.8 of Appendix A. No further response is necessary.

- C-22.** Comment stating the Proposed Project is inconsistent with the City's CAP and in conflict with the CAP's Transpiration and Land Use Strategies and Measures is acknowledged. As stated in the above comment, the Service Population analysis has been removed as it is a City-wide standard utilized in the CAP and was not intended to be applied to individual projects. All the applicable measures provided in the CAP have been analyzed for project consistency in Table N of Appendix A, which shows that with implementation of Project Design Features 1 through 8, the Proposed Project would be consistent with the CAP. No further response is necessary.
- C-23.** Comment regarding inadequacy of the Initial Study is acknowledged and the analysis presented in the comments and reports in Exhibit A and Exhibit B have been addressed in this Response to Comments. Please refer to Responses to Comments C-1, C-2 and C-3.
- C-24.** Comment regarding substantial evidence supporting a fair argument that the Project may have a substantial impact on the environment is acknowledged and the analysis presented in the comments and reports in Exhibit A and Exhibit B have been addressed in this Response to Comments. Please refer to Responses to Comments C-1, C-2 and C-3.
- C-25.** Comment regarding incorrect calculation of the service population of the Project is acknowledged and has been addressed in Response to Comment C-21. No further response is necessary.
- C-26.** Comment regarding potential impacts of MM TRAF-1 and MM TRAF-2 are acknowledged and has been address in Response to Comment C-8. No further response is necessary.



**Comment Letter C: Exhibit A – CCOLE**

- C-A1.** Comment questioning why a build-out scenario analysis was not conducted for the Proposed Project is acknowledged. A supplemental technical memorandum, Buildout Year 2035 Supplemental Traffic Analysis for Kassab Travel Center, City of Lake Elsinore (Dudek, December 14, 2017), has been prepared for the Build-out (General Plan) scenario. This analysis conservatively adds all net project trips to the study area in the Buildout plus Project condition. Comment stating that the Project would change the General Plan land use designation for the site from Limited Industrial to Commercial and the MND should contain analysis of the General Plan buildout is incorrect in that no General Plan Amendment is proposed as part of the Project. As discussed in the Land Use and Planning Section XI(b), the General Plan Land Use Designation of the Project Site is Limited Industrial (LI) and it is zoned Commercial Manufacturing (C-M). The LI designation provides for industrial parks, warehouses, manufacturing, research and development, public and quasi-public uses, and similar and compatible uses. The Proposed Project, which includes a gas station, convenience store and drive-thru restaurant, are all supportive and compatible uses with the other intended uses of the LI Land Use Designation. No further response is necessary.
- C-A2.** Comment regarding discrepancy between Page 14 of the Traffic Analysis (Appendix K) and the traffic count data collection sheets is acknowledged. The traffic analysis has been revised so all traffic counts prior to 2017 are grown by 2% per year to bring all intersections to 2017 conditions. Figure 9 and all LOS worksheets have been updated to reflect this change. Based on this revision, the original overall findings have not changed, and no new mitigation measures would be required. No further response is necessary.
- C-A2a.** Comment regarding discrepancy of the AM existing volumes for Intersection No. 6 is acknowledged. The AM existing traffic volumes at Intersection #6 - Collier Avenue at Central Avenue have been corrected to reflect the appropriate peak hour. Figures 9, 10, 11, and 12 have been revised and the LOS was re-run for this intersection, which found that original overall findings have not changed, and no new mitigation measures would be required.
- C-A2b.** Comment stating analysis and conclusions based on comment C-A2a discrepancy is acknowledged. Please see responses to comments C-A2 and C-A2a. The revised, figures, tables, and LOS worksheets have been corrected in Appendix K.
- C-A3.** Comment regarding pass-by rates of the Traffic Analysis (Appendix K) is acknowledged. The pass-by trips have been appropriately utilized per the ITE Trip Generation Handbook. The trip generation analysis assumes that the project is operating at its full operational capacity as no other reductions in trip generation were applied (i.e., 50% operation, 75% operation, etc.).
- C-A3a.** Comment regarding the pass-by trip analysis of the Traffic Analysis (Appendix K) is acknowledged. As indicated in the response to Comment C-A3, the traffic analysis assumes that the Proposed Project is operating at its full operational capacity as no other

reductions in trip generation were applied (i.e., 50% operation, 75% operation, etc.). The Proposed Project is a gas station and fast-food restaurant which have a high pass-by trip percentage, as neither uses are primary or final destinations of a trip purpose. Therefore, reducing the pass-by percentage in favor of increasing the Proposed Project's new trips would be incorrect and inappropriate, and would overstate the Proposed Project's impact to the surrounding street network. The traffic analysis assumes that the Proposed Project would be in full operation by analyzing its new net trips to the study area (and total trips at the driveways), and therefore may be considered a conservative analysis to the study area, specifically to Collier Avenue, north of Riverside Drive, with a relatively low peak hour volumes in the Existing condition.

- C-A4.** Comment requesting clarification on how pass-by trips were assigned in the Traffic Analysis (Appendix K) is acknowledged. See response to Comment C-A3a. The Project Site is not located adjacent to a freeway interchange (e.g., I-15 at Nichols Road and Central Avenue), therefore, pass-by trips are not primarily based on freeway traffic, as there are already gas stations at both interchanges on I-15.
- C-A5.** Comment asserting the project-related impacts may be understated as they relate to pass-by trips is acknowledged. Please refer to response to comment C-A4.
- C-A6.** Comment regarding recommendations for Intersections No. 1 and No. 3 in the Traffic Analysis (Appendix K) is acknowledged. An error was found in the original signal warrant analysis for Intersection #1 - 1-15 NB ramps at Nichols Road. Based on the revised signal warrants for this intersection, a signal is not warranted in both the AM or PM peak hour under any of the analyzed scenarios. A peak hour signal warrant is met at Intersection #3 - Collier Avenue at Nichols Road in the PM peak hour under the Existing plus Ambient Growth plus Cumulative Projects (EAC) condition. However, the proposed mitigation measure of the conversion to an all-way stop controlled intersection mitigates the Proposed Project's impact to satisfactory LOS.
- C-A6a.** Comment regarding delay at Intersection No. 1 is acknowledged. At Intersection #1 - 1-15 NB ramps at Nichols Road, while delays at the northbound left turn movement would increase with the implementation of the mitigation measure (conversion to all-way stop control), the total intersection delay with all-way stop control is forecast to result in satisfactory LOS (LOS D or better) which would mitigate the Proposed Project's potential impact. Furthermore, the queuing analysis indicates that the forecast queue for the northbound left turn lane would be 98 feet in the AM peak hour and 138 feet in the PM peak hour, both of which can be accommodated within the existing storage lane.
- C-A6b.** Comment regarding delay at Intersection No. 3 is acknowledged. At Intersection #3 - Collier Avenue and Nichols Road, while delays at the northbound left turn movement would increase with the implementation of the mitigation measure (conversion to all-way stop control), the total intersection delay with all-way stop control is forecast to result in satisfactory LOS (LOS D or better) which would mitigate the Proposed Project's potential impact. Furthermore, the queuing analysis indicates that the forecast queue for the



northbound left turn lane would be 36 feet in the AM peak hour and 65 feet in the PM peak hour, both of which can be accommodated within the existing storage lane.

- C-A6c.** Comment recommending converting Intersections No. 1 and No. 3 to all-way stop-controlled intersection is acknowledged. See responses to comments C-A6a and C-A6b. Implementation of the all-way stop control mitigation measure at those intersections would result in satisfactory LOS (LOS D or better), thus mitigating the project's impact. As a result, queuing would be reduced at those northbound movements in the Existing plus Ambient Growth plus Cumulative Projects plus Project (EACP) condition. The queueing analysis worksheets are attached.

The intersection delays for Intersections #1 and #3 were analyzed and the greatest increase in delay from implementation of an all-way stop would occur at Intersection #3 for the Existing + Ambient + Cumulative + Project AM Peak hour scenario, where the delay without mitigation is 4.2 seconds per vehicle and the delay with mitigation is 27.4 seconds per vehicle. This equates to a 23.2 second per vehicle increase. The traffic volume for this intersection is 1,159 vehicles per hour for the AM Peak hour, which results in an additional 26,889 seconds or 7.47 hours of idling during the AM Peak hour.

The 7.47 hours were then calculated against the idling emission rates provided in the CalEEMod model run for Light Duty Trucks, which found that the additional idling would create 0.13 grams of ROG (0.0003 pounds), 0.67 grams of NOx (0.0015 pounds), 1.10 grams of CO (0.0024 pounds), 0.001 grams of SOx, 0.01 grams of PM10, and 0.01 grams of PM2.5. Appendix A was revised to reflect the air quality impacts of the vehicular delay for converting Intersections #1 and #3 from two-way stop to four-way stop controlled intersections and discussion is included in Section XVII(a) and shown on Table 5 in Section III(b). The resulting analysis demonstrates that potential impacts associated with implementation of MM TRAF-1 and MM TRAF-2 remain less than significant and no mitigation would be required. No further response is necessary.

- C-A7.** Comment regarding discrepancy on Page 43 of the Traffic Analysis (Appendix K) is acknowledged. The mitigation measure on page 43, 3rd bullet, has been revised to refer to Intersection #6 - Collier Avenue at Central Avenue (from Collier Avenue/Riverside Drive).
- C-A7a.** Comment regarding discrepancy on Page v and Page 53 of the Traffic Analysis (Appendix K) is acknowledged. The mitigation on page 53, 3rd bullet and sub-bullet, will be revised to refer to Intersection #6 - Collier Avenue at Central Avenue (from Collier Avenue/Riverside Drive).
- C-A8.** Comment regarding conflicting conclusions in Chapter 9, Page 41 of the Traffic Analysis (Appendix K) is acknowledged. The Proposed Project would be 100% responsible to mitigate its impacts under the Existing plus Project condition only as it makes-up all of the "new" traffic in the Existing plus Project condition. Under the future conditions, Existing plus Ambient Growth plus Cumulative Projects plus Project, and Buildout plus Project, the Proposed Project would contribute to its fair-share payment of the proposed mitigation

measures. The fair-share percentage is based on the Proposed Project's traffic contribution to "new" future traffic in the future conditions.

- C-A8a.** Comment regarding Page 41 of the Traffic Analysis (Appendix K) is acknowledged. Please refer to response to comment C-A8.
- C-A8b.** Comment regarding discrepancy between information stated on Page 41 of the Traffic Analysis (Appendix K) is acknowledged. Please refer to response to comment C-A8.
- C-A8c.** Comment regarding Page 43 of the Traffic Analysis (Appendix K) is acknowledged. Please refer to response to comment C-A8.

**Comment Letter C - Exhibit B - CCOLE**

- C-B1.** Comments regarding the background of the firm and project description are acknowledged. No further response is necessary.
- C-B2.** Comment regarding noise analysis for the Proposed Project not evaluating adjacent commercial uses is acknowledged. The existing noise conditions were measured based on the City's noise measurement procedure detailed in Section 17.176.050 of the Municipal Code. The placement of the two noise measurements were selected to represent: (1) The Project Site and existing commercial zone; and (2) the nearest residential zone. According to Section 17.176.020 a "Noise Zone" is an area of region of generally consistent land use where the ambient noise levels are within a range of 5 dB. Since Noise Measurement 1 was taken in the approximate middle of the Project Site, it provides a reasonable estimate (within 5 dB) of the noise levels at the northwestern and southwestern property lines.
- C-B3.** Comment regarding failure to consider noise impacts at property line is acknowledged. The commenter is correct that the construction noise standards for business properties provided in Section 17.176.080(F) of the Municipal Code of 85 dBA for mobile equipment and 75 dBA for stationary equipment are noise standards at the property line and not the building façade. Appendix J – Noise Impact Analysis was revised to re-run the RCNM model to calculate the noise levels at the property line. MM NOI – 1 was revised to state that no stationary equipment would be operated within 50 feet of the northwest and southwest property lines and that construction of the proposed sound wall detailed in MM NOI-2 be completed prior to the start of site preparation or grading activities for the Proposed Project, which would reduce the potential impact to less than significant. Pursuant to CEQA Guidelines Section 15073.5 (a), CEQA Guidelines Section 15073.5(b)(2), and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption.
- C-B4.** Comment regarding whether reference noise levels for the parking lot and fuel pumps are adequate is acknowledged. The commenter is not correct. As detailed in Response to Comment C-13, the Proposed Project was designed to facilitate the filling of RVs and automobiles. Although heavy trucks could use the fuel pumps setup for RVs, the Proposed Project would not be advertised as a truck stop and it is anticipated that relatively few heavy trucks will utilize the proposed gas station. The vehicle mix utilized in the roadway noise analysis provides a reasonable estimate of the vehicle mix for both the without and with project conditions. The reference noise measurement from the gas station in Laguna Beach captured the noise created from the air/water machine and not the fuel pumps. The reference noise measurement for the fuel pumps was taken at a gas station in Atascadero and adjacent to Interstate 101 that was designed to accommodate both automobiles and RVs, which provides a representative reference noise measurement to the Proposed Project's fuel dispensers.

- C-B5.** Comment regarding MM NOI-1 is acknowledged. The construction noise was revised to analyze the construction noise impacts at the property line instead of the nearest offsite structure. The analysis found that there is a possibility that stationary equipment may exceed the City's stationary equipment daily noise standard at the adjacent commercial property lines, which would be created by the continuous operation of stationary equipment, such as generators and air compressors.

Appendix J was revised to re-run the RCNM model to calculate the noise levels at the property line. MM NOI – 1 was revised to state that no stationary equipment would be operated within 50 feet of the northwest and southwest property lines and that construction of the proposed sound wall detailed in MM NOI-2 be completed prior to the start of site preparation or grading activities for the Proposed Project, which would reduce the potential impact to less than significant. Pursuant to CEQA Guidelines Section 15073.5 (a), CEQA Guidelines Section 15073.5(b)(2), and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption.

- C-B6.** Comment requesting revisions to the construction-related vibration impacts is acknowledged. Appendix J, Section 7.3 details the revised vibration analysis for construction of the Proposed Project. Pursuant to CEQA Guidelines Section 15073.5(b)(1), a new, avoidable significant effect was identified associated with vibration impacts, and MM NOI-3 was added to restrict the use of construction equipment within proximity to the property line, which would reduce the potential impact to less than significant. Pursuant to CEQA Guidelines Section 15073.5 (a), CEQA Guidelines Section 15073.5(b)(1), and in response to comments received, the City of Lake Elsinore is recirculating the Draft Initial Study/Mitigated Negative Declaration due to substantial revisions after public notice of its availability but prior to its adoption.
- C-B7.** Comment requesting revisions to the operations-related vibration impacts is acknowledged. Appendix J, Section 7.3 details the revised vibration analysis for operation of the Proposed Project. The analysis demonstrates that potential vibration impacts associated with operation of the Proposed Project would be less than significant and no mitigation would be required.
- C-B8.** Comment regarding roadway vehicular noise as it relates to impacts along Collier Avenue is acknowledged. The roadway vehicle noise analysis was based on analyzing the project increase to roadway noise impacts to sensitive receptors as defined in the General Plan. As such only the roadway segments that had sensitive receptors (i.e. homes, schools, hospitals, etc.) were analyzed in the roadway vehicular noise analysis. Collier Avenue only has industrial and commercial uses near the roadway. No further response is necessary.
- C-B9.** Comment regarding roadway vehicular noise as it relates to heavy truck trips is acknowledged. The Proposed Project was designed to serve primarily automobiles and RVs. Although it is possible that the fuel pumps designed for RVs could be utilized for

heavy trucks as well, the proposed gas station would not be advertised as a truck stop. It should also be noted that most trips to the Proposed Project would be pass-by trips, which are trips that already occur on the nearby roads. For these reasons, the vehicle mix utilized in the roadway noise analysis provides a reasonable estimate of the vehicle mix for both the without and with project conditions.

- C-B10.** Comment regarding onsite noise sources as it relates to substantial permanent increase in ambient noise levels in the project vicinity is acknowledged. The commenter is not correct in their interpretation of how the CEQA checklist question should be addressed for analyzing a substantial permanent increase in ambient noise levels from the Proposed Project's operational onsite noise impacts. The City's General Plan defines the noise baselines for all land uses as well as defining noise standards for noise sensitive uses that include residential and specific commercial and institutional uses (see Tables 3-1 and 3-2 of the General Plan). The Noise Report has gone beyond the operational noise analysis required by the General Plan by utilizing the noise standards in the Municipal Code as well that includes analyzing the project impacts to all commercial land uses (not just the limited uses provided in Table 3-2). As such, the onsite noise analysis is complete and meets CEQA Guidelines. No further response is necessary.
- C-B11.** Comment regarding land use parameters and operations emissions modeling, as it relates to impacts of the three quick-serve restaurants is acknowledged. The commenter is not correct. The Land Use Parameters utilized in the CalEEMod model for the gasoline station with convenience store was analyzed as a Gasoline Station with 14,452 square feet of building space to account for both the canopies and C-Store square footages. The Gasoline Station vehicle trip generation rate was set to match what was utilized in the Traffic Study and the area source, energy usage, solid waste and water are all based on the building square footage, which was accounted for in the CalEEMod model.
- C-B12.** Comment requesting revision to Appendix A as it relates to local air quality thresholds is acknowledged. The commenter is not correct. The Local Air Quality Thresholds utilized in the analysis were based on the methodology provided in Final Localized Significance Threshold Methodology, prepared by SCAQMD, Revised July 2008, that states "For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be a receptor such as residence, hospital, convalescent facility where it is possible that an individual could remain for 24 hours. Commercial and industrial facilities are not included in the definition of sensitive receptor because employees do not typically remain onsite for a full 24 hours, but are present for shorter periods of time, such as eight hours. Therefore, applying a 24-hour standard for PM10 is appropriate...However, LSTs based on shorter averaging periods, such as the NO2 and CO LSTs, could also be applied to receptors such as industrial or commercial facilities..." As shown above, the SCAQMD Guidelines clearly state that PM10 and PM2.5 should be analyzed at the nearest residence and that NO2 and CO should be analyzed at the nearest of either the nearest residence or commercial or industrial uses. No further response is necessary.

As shown above, the SCAQMD Guidelines clearly state that PM10 and PM2.5 should be analyzed at the nearest residence and that NO2 and CO should be analyzed at the nearest of either the nearest residence or commercial or industrial uses.

- C-B13.** Comment requesting further analysis of the VOC emissions from gasoline transfer and dispensing activities in Appendix A is acknowledged. Appendix A was updated to analyze the ROG or VOC emissions created from the gasoline storage, transfer and dispensing activities. Section 5.2 describes the methodology utilized and Table K on page 43 was revised to show the VOC emissions associated with gasoline storage and dispensing. The updated analysis is consistent with the previous significance finding that operational pollutant emissions would not exceed SCAQMD thresholds, no significant impact would occur, and no mitigation would be required.
- C-B14.** Comment regarding Appendix A incorrectly calculating “service population” for the Proposed Project is acknowledged. The comparison of the project's GHG emissions to the Service Population was provided for informational purposes only and was not intended to be utilized as a threshold. However due to the confusion this may cause, the Service Population data provided in Table M of the Appendix A and associated text discussion has been removed from the Revised Appendix A.

According to the City's Climate Action Plan on page ES-1 it states that the "CAP is designed to: Serve as the programmatic tiering document for the purposes of CEQA with the City of Lake Elsinore for GHG emissions, by which applicable projects will be reviewed. If a proposed development project can demonstrate it is consistent with the applicable emissions reduction measures included in the CAP, the programs and standards that would be implemented as a result of the CAP, and the General Plan Update growth projections, the project's environmental review pertaining to GHG impacts may be streamlined as allowed by CEQA Guidelines Sections 15152 and 15183.5."

The CAP does not state that an individual project is required to meet the City-wide Service Population GHG emissions targets. As such, they have been removed from Appendix A and consistency with the CAP has been analyzed in Section 7.8 of Appendix A. No further response is necessary.

- C-B15.** Comment stating the Proposed Project is inconsistent with the City's CAP and in conflict with the CAP's Transpiration and Land Use Strategies and Measures is acknowledged. As stated in the above comment, the Service Population analysis has been removed as it is a City-wide standard utilized in the CAP and was not intended to be applied to individual projects. All the applicable measures provided in the CAP have been analyzed for project consistency in Table N of Appendix A, which shows that with implementation of Project Design Features 1 through 8, the Proposed Project would be consistent with the CAP. No further response is necessary.
- C-B16.** Comment regarding the City's CAP policies and objectives related to lower transportation-related emissions is acknowledged. The quoted text is from general text in the CAP and

not from a specific Measure. As such, the Greenhouse Gas Plan Consistency analysis does not provide a direct response to this quoted text. However, it should be noted that development of the Proposed Project does not directly conflict with this project as detailed in the Traffic Study, a majority of trips to the Proposed Project would be from pass-by trips and as such may result in more efficient trips by the nearby residents, that allow for multiple trip destinations to be combined into a trip that is already occurring. Furthermore, the Proposed Project includes Project Design Feature (PDF) 1 that requires the installation of sidewalks on the Project Site, PDF 2 that requires installation of a Class II bike lane on Riverside Drive and Collier Avenue, PDF 3 that requires the installation of bike parking spaces, and PDF 4 that requires the implementation of a trip reduction program.

- C-B17.** Comment regarding the service station aspect of the Proposed Project and its inconsistency with the City's CAP is acknowledged. As detailed above, the GHG analysis provided in Appendix A has demonstrated that the Proposed Project is consistent with the applicable emissions reduction measures included in the CAP, the programs and standards that would be implemented as a result of the CAP and is also consistent with the growth projections provided in the General Plan. As such, with implementation of PDFs 1 through 8, the Proposed Project would not conflict with the CAP and impacts would be less than significant.
- C-B18.** Comment regarding the IS/MND not addressing all potential impacts from the Proposed Project is acknowledged. As addressed through the comments above, with the minor requested revisions to the Noise and Air Reports, the air, GHG and noise impacts from the Proposed Project have been adequately addressed.



Gavin Newsom  
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Kate Gordon  
Director

Comment Letter D

March 13, 2019

Damaris Abraham  
Lake Elsinore, City of  
130 S. Main Street  
Lake Elsinore, CA 92530

Subject: Kassab Travel Center Project  
SCH#: 2019029048

Dear Damaris Abraham:

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 3/12/2019, and no state agencies submitted comments by that date. This letter D-1 acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2019029048> for full details about your project.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the D-2 ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse



**Response to Comment Letter D – Governor’s Office of Planning and Research (OPR)**

- D-1.** Comment regarding the review period closure date and compliance with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA, is acknowledged. No further response is necessary.
- D-2.** Comment regarding contacting State Clearinghouse for questions is acknowledged. No further response is necessary.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 8

PLANNING

464 WEST FOURTH STREET, 6<sup>th</sup> FLOOR, MS 725

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4147

FAX (909) 383-5936

TTY 711

www.dot.ca.gov/dist8



*Making Conservation  
a California way of Life.*

May 28, 2019

**RIV 74 PM 15.64  
SCH No. 2019029048**

Ms. Damaris Abraham  
Senior Planner  
City of Lake Elsinore  
130 Main Street  
Lake Elsinore, CA 92530

**Comment Letter E****Subject: Kassab Travel Center – Mitigated Negative Declaration**

Dear Ms. Abraham

The California Department of Transportation (Caltrans) has completed the review of the documents submitted concerning the Initial Study (IS) / Mitigated Negative Declaration (MND) for the Kassab Travel Center Project. The Project proposes a new travel center consisting of the following uses:

- 8,360 Square Foot (SF) Convenience Store with three (3) quick-serve restaurants
- Two (2) covered gas dispensing areas totaling 6,092 SF (18 pumps)
- 2,543 SF Fast Food Restaurant with drive-through

The project site is in the City of Lake Elsinore on the southwest corner of Collier Avenue/Riverside Drive (State Route 74). Access to the project site would be provided via one driveway on Collier Avenue and one driveway on Riverside Drive (SR-74).

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. Under the California Environmental Quality Act (CEQA), we are required to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Lake Elsinore, it is also subject to the policies and regulations that govern the SHS due to the project's potential impact to State facilities.

After reviewing the documents submitted for this project, we have the following comments:

**Environmental Analysis**

The Division of Environmental Analysis (DEA) administers Caltrans' responsibilities under federal and state environmental law. The Program develops and maintains Caltrans environmental standards, policies, procedures, and practices that are implemented by the District. Program staff work with the districts to identify and assess the effects of projects that may impact the state's

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

natural and cultural environments and identify ways to avoid or mitigate those effects. The following are our comments concerning the IS/MND:

#### *Cultural Resources*

1. (Page 23) - The Cultural Resources Assessment states that *"In the event of an unanticipated discovery, all work must be suspended within 50 feet of the find until a qualified archaeologist evaluates it. In the unlikely event that human remains are encountered during Project development, all work must cease near the find immediately."* Per Section 14-2.03 of the Caltrans' 2018 Standard Specifications, the distance should be 60 feet. Please correct. E-1
2. The person who discovers any remains should contact the District 8 Division of Environmental Planning; Andrew Walters, District Environmental Branch Chief (DEBC): (909)383-2647 and Gary Jones, District Native American Coordinator (DNAC): (909)383-7505. Further provisions of the California Public Resources Code 5097.98 are to be followed as applicable. E-2
3. Once completed, please provide Caltrans a final copy of any Cultural Studies Reports generated by this project to the Caltrans Cultural Studies unit after the project is complete. E-3

#### *Habitat Assessment*

4. (Page E-4.1) - The document states that *"A pre-construction survey(s) for nesting birds and raptors is needed prior to any construction activities that occur during the nesting season (generally February 1 through June 30)."* Bird nesting season is generally February 15 through September 1st, not February 1 through June 30. Please correct. E-4

#### **Traffic Operations**

Caltrans aims to enhance the operation of the SHS to facilitate and optimize the movement of people, goods, and services in a safe and efficient manner. In regard to traffic operations, we have the following comments:

#### *Signal Operations*

5. (Page iv) We recommend the City add as a Condition of Approval that the project proponent improve the existing signal by providing Accessible Pedestrian Signals (APS) and pedestrian crosswalks crossing Collier Avenue and Riverside Drive prior to issuance of Certificate of Occupancy. E-5

#### **Roadway Design**

Caltrans is responsible for ensuring the consistent and uniform application of statewide policies, standards, procedures, guidelines and practices. The Division of Design establishes, maintains and monitors the project development process in accord with all applicable State and Federal laws and regulations to facilitate transportation improvements and the integrity of the SHS. We have the following comments as they relate to roadway design:

*Pedestrian/ADA Accessibility*

6. (Figure 3: Site Plan) – The site plan doesn't illustrate the provision of curb ramps at the driveways. Be sure to include the curb ramps in the Street Improvement Plans prior to encroachment permit submittal. E-6

7. Please make sure the proposed driveway on Riverside Drive follows Caltrans Standard Plan A87A. E-7

8. The curb ramp at the corner of the Collier Avenue / Riverside Drive intersection should be modified to provide two curb ramps (one for each direction of travel). Please refer to Standard Plan A88A.

The 2018 standard plans are available at the following link:

[http://ppmoe.dot.ca.gov/hq/esc/oe/project\\_plans/HTM/stdplns-US-customary-units-new18.htm](http://ppmoe.dot.ca.gov/hq/esc/oe/project_plans/HTM/stdplns-US-customary-units-new18.htm).

For further guidance regarding pedestrian accessibility and connectivity, please refer to Design Information Bulletin (DIB) 82 for further requirements:

<http://www.dot.ca.gov/design/stp/dib/dib82-06.pdf>

*Street Improvement Plans*

9. (Figure 3: Site Plan) – Per Section 206.3 of Caltrans' Highway Design Manual, the taper length is shorter than required and will need to be increased to accommodate the two-lane drop. The HDM was recently updated on December 14, 2018 and can be found at the following link: E-9

<http://www.dot.ca.gov/design/manuals/hdm.html>

10. Prior to permit submittal an initial cursory review to address any design considerations can be undertaken as part of the Encroachment Permit screening review. It appears that design exceptions for items such as shoulder width, taper length, and curb ramps may be needed if meeting the standard is infeasible or impossible. It is recommended the project proponent contact Jose Fernandez at (909) 383-6483 to address design considerations. E-10

**Encroachment Permits**

When development does occur a need for an encroachment permit will be necessary for any work performed within the State right-of-way. Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W.

*Project Costs*

11. Where work in the State Highway Right-of-Way is estimated to be **less than \$1 million** in value, the issuance of a Caltrans Encroachment Permit will be required prior to any E-11

construction begins within the State R/W. In addition, all work undertaken within the SR-74 R/W shall be in compliance to all current design standards, applicable policies, and construction practices. Detailed information regarding permit application and submittal requirements is available at (909) 383-4526

12. Where work in the State Highway Right-of-Way will be **less than \$1 million in value but is complex in nature**, a Streamlined Oversight Process review is required. Please contact our Streamlined Oversight Engineer Bahar Bakhtar at (909) 381-1772. E-12
13. Where work in the State Highway Right-of-Way will be **more than \$1 million** in value, a Streamlined Oversight Process review is required. Please contact our Streamlined Oversight Engineer Bahar Bakhtar at (909) 381-1772. E-13
14. Where work in the State Right-of-Way is estimated to be **more than \$3 million**, development of a Project Initiation Document (PID) and other project development steps will be required. Please contact either Amy Chan at (909) 806-3958 or Matthew Maestas at (909) 383-4825 in our Pre-Programming/Engineering Studies Unit. E-14

We appreciate the opportunity to offer comments concerning this project. This concludes the IGR Review process. The applicant may now proceed to Encroachment Permits. The comments provided are not to be considered final, or inclusive as additional issues may present themselves during the permit review process. If you have any questions regarding this letter, please contact Kwasi Agyakwa at (909) 806-3955 or myself at (909) 383-4557 for assistance. E-15

Sincerely,



MARK ROBERTS, AICP  
Office Chief  
Intergovernmental Review, Community and Regional Planning

**Response to Comment Letter E – California Department of Transportation (CalTrans)**

- E-1.** Comment regarding the distance within which to suspend all work in the event of an unanticipated archaeological discovery as 60 feet rather than 50 feet is acknowledged; however, MM CUL-1 identifies that all ground disturbance activities within 100 feet of the discovered cultural resource be halted, which exceeds Caltrans; 2018 Standard Specifications Section 14-20.3. No further response is necessary.
- E-2.** Comment regarding contact information for discovery of remains is acknowledged and will be retained by the City for future reference. No further response is necessary.
- E-3.** Comment regarding providing Caltrans with final copies of Cultural Studies Reports is acknowledged. The Notice of Intent to Adopt a Recirculated Mitigated Negative Declaration will be sent to Caltrans during the public comment period. No further response is necessary.
- E-4.** Comment regarding the nesting bird season dates is acknowledged. As discussed in the Biological Resources Section IV(d), the survey area has potential to be used by nesting birds, which are protected by the Migratory Bird Treaty Act (MBTA). Birds have potential to nest in any of the survey area's vegetation, bare ground, and also on adjacent structures. The MBTA prohibits activities that result in the direct take (defined as the killing or possession) of a migratory bird. If construction would be initiated during the peak bird nesting season (March 1 to June 30, as defined by Section 7.5.3 of the MSHCP), a pre-construction survey would be required per MM BIO-4 to ensure that no nests are impacted. If an active nest is present, construction may be restricted in the immediate vicinity of the nest. Respectfully, the bird nesting season defined by Section 7.5.3 of the MSHCP applies, however, MM BIO-4 requires a preconstruction nesting survey if done between March 1 and August 15, which is more conservative than required in Section 7.5.3 of the MSHCP. No further response is necessary.
- E-5.** Comment regarding the recommended Condition of Approval for the installation of Accessible Pedestrian Signals is acknowledged and will be added as a Condition of Approval for the Proposed Project. No further response is necessary.
- E-6.** Comment regarding illustration of the curb ramps at driveway in the Street Improvement Plans prior to encroachment permit submittal is acknowledged. No further response is necessary.
- E-7.** Comment regarding the driveway on Riverside Drive following Caltrans Standard Plan 87A is acknowledged. No further response is required.
- E-8.** Comment regarding curb ramps at the corner of Collier Avenue and Riverside Drive is acknowledged and will be addressed in the Street Improvement Plans prior to encroachment permit. No further response is required.
- E-9.** Comment regarding the taper length is acknowledged and will be addressed in the Street Improvement Plans prior to encroachment permit. No further response is required.

- E-10.** Comment regarding consulting with Caltrans for design review prior to permit submittal for any required design exceptions is acknowledged and will be addressed prior to encroachment permit submittal. No further response is required.
- E-11.** Comment regarding encroachment permit requirements is acknowledged. No further response is required.
- E-12.** Comment regarding encroachment permit requirements is acknowledged. No further response is required.
- E-13.** Comment regarding encroachment permit requirements is acknowledged. No further response is required.
- E-14.** Comment regarding encroachment permit requirements is acknowledged. No further response is required.
- E-15.** Comment regarding Intergovernmental Review Process closure is acknowledged. No further response is required.