

From: [Araceli Jimenez](#)
To: [Candice Alvarez](#); [Robert Magee](#); [Barbara Leibold CC](#); [Brian Tisdale](#); [Damaris Abraham](#); [David Mann](#); [Joey Mendoza](#); [Jason Simpson](#); [Natasha Johnson](#); [Steve Manos](#); [Timothy J. Sheridan](#)
Subject: [External]May 28, 2024 Public Hearing to reconsider Extension of Time Request for Lake and Mountain Commercial Center Project...
Date: Wednesday, May 22, 2024 3:40:00 PM

Message from external sender. Use Caution.

RE: Extension of Time Request for Tentative Tract Map No. 37922, Conditional Use Permit No. 2019-19, and Commercial Design Review No. 2019-27 (Lake and Mountain Commercial Center)

(5 PDF attachments included)

Dear Mayor, Members of the City Council and concerned parties:

I am Araceli Jimenez. My household and I are adjoining neighbors residing over 23 years west of the proposed Lake and Mountain Commercial Center (the "Project"), and I have been receiving Public Hearing notices relating to the Project regularly.

Please note, I receive a daily USPS digest which includes daily images of my articles of mail prior to delivery. For several years, I have subscribed to USPS informed delivery.

With this said, I never received the Official Notice, the Planning Commission Public Hearing Notice for the above referenced Extension Request. I was not aware when it was heard and approved by the Planning Commission.

Question: How many other concerned parties missed out on the notifications? There are plenty of those in opposition to the Lake and Mountain Commercial Center project and who have submitted verbal/written comments throughout the previous years to date. I happened to email Ms. Alvarez on a specific request, and she replied promptly on May 16, 2024. She provided me with my specific request and she also informed me of the May 28, 2024 City Council Public Hearing to reconsider the Extension of Time Request. Today, Wednesday, March 22, I did receive the (blue) Official Notice, City Council Public Hearing Notice advising of the May 28, 2024 Public Hearing on the above referenced item.

What happened to the Planning Commission Public Hearing Notice relevant to the Extension Request? I missed out.

On a different note, I have attached and will refer to the "Letter to Council Requesting Reconsideration.pdf" (the "Letter")

which was previously submitted by Ms. Lisa Kolieb. I reviewed Ms. Kolieb's Letter and in it, I was not able to find the owners (the "Applicant") of the proposed Project, meaning there are no names referencing them. Why is that? Well, for this, I have attached the "Project/Owner Signature Page.pdf". I'm actually confused about the Applicant's name. I know when I fill out applications I don't use aliases, I use the name on my state identification card. I challenge the Applicant to show his state identification to identify himself. I feel this is necessary because the printed name and "signature" read two different names on the Applicant's Project/Owner Signature page. Who is the actual liable party? Legal names do matter.

The Letter also states on page 1, after the third arrow pointing to third "reason":

" ...the Applicant has been diligently moving forward with all submittals necessary to construct and operate the Project with reasonable reliance on its extension request being approved..."

I have attached the "Amber Whittle and family 28915 Lake Street, Lake Elsinore, 15 year tenant.pdf". While living adjacent to the Applicant's Project site, I am very aware of the history of tenants on said site. The Amber Whittle family had lived in a single wide mobile home on the Project site for approximately 15 years until they were asked to vacate after the Project's initial approval in January 2022. The previously mentioned, attached pdf includes Mrs. Whittle's written plea, her expressed fear of displacement, which was submitted to jkirk@lake-elsinore.org on December 21, 2021, at 3:08 PM. I need to make emphasis on said mobile home located on the Project site because this same structure was completely demolished on December 3, 2022. I have yet to find any demolition permits for the aforementioned structure. Lake Elsinore

City Code enforcement was notified. Even though the Project's Environmental Impact Report (the "EIR") does not acknowledge the presence any of structures on the Project site, as it is described as "vacant", please note the lack of submittals to demolish structures on the Applicant's part. It certainly did not safeguard us from the potential of asbestos exposure since my household and I live next door. Furthermore, the City's own website states the following under "Permits Required":

"The purpose of obtaining permits is to establish the minimum requirements to safeguard the public health, safety, and general welfare of the citizens and public of Lake Elsinore. This is achieved through structural design, means of egress facilities, sanitation, adequate light and ventilation, energy conservation, and safety of life and property from fire and other hazards.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."

On page 2, under the Letter's subheading in original caps and bold print:

"THE PLANNING DEPARTMENT RECOMMENDED APPROVAL OF THE EXTENSION REQUEST AND APPLICANTS HAD THE REASONABLE EXPECTATION THAT THE EXTENSION REQUEST WOULD BE APPROVED."

The following statement reads:

"Accordingly, applicants have the reasonable expectation that extension requests will be granted by the City, unless **circumstances** (added bold print intentional) have substantially changed since initial approval...."

I have included the "Project's Geotechnical Map.pdf" which includes a diagram of the proposed 24 hour gas station on the "Glen Ivy North Fault Zone" as identified in red across the Project site's geotechnical map attached.

Here is a list of literally unsteady **circumstances** in Lake Elsinore and near neighboring city Corona, their combined earthquake activity as follows:

- 4.1 Magnitude on May 1, 2024,
- 3.2 Magnitude on July 7, 2023,
- 3.4 Magnitude on September 21, 2020 and
- 4.0 Magnitude on January 25, 2018.

Question: Does the proposed Project include an all inclusive earthquake and hazard insurance bundle for all residents surrounding the Project that includes a proposed 24 hour gas station on an unpredictable earthquake fault zone, in a time where the residents are having a very difficult time maintaining homeowner's insurance?

<https://www.vvdailynews.com/story/news/2024/05/01/earthquake-shakes-corona-something-bigger-could-follow/73533378007/>

<https://www.cbsnews.com/losangeles/news/magnitude-3-2-earthquake-shakes-lake-elsinore/>

<https://patch.com/california/lakeelsinore-wildomar/earthquake-centered-lake-elsinore-shakes-region>

<https://temblor.net/earthquake-insights/m4-southern-california-earthquake-highlights-elsinore-faults-destructive-potential-6179/>

At the top of Page 4 of the Letter it reads:

".... They even signed a contract with the 76 Fuel Company for the gas station approved as part of the Project."

The 76 Fuel Company received numerous concerns on my behalf via U.S. mail, email and I even followed up with a phone call to make sure my concerns of the "Glen Ivy North Fault Zone" running across the Project site under the proposed fuel tanks and their very close proximity to my general use water well, in addition, my spouse's history of Valley Fever infection and the recurrence of the aforementioned disease due to the stirring up of construction soil/dirt. The 76 Fuel Company's representative, Ms. Sarah, stated that my concerns generated the following case number 01239521. They were indeed received and forwarded to the Marketing and Legal teams. The Applicant should have expected pending inquiries.

Page 4, second paragraph of the Letter includes the following statement:

"Furthermore, this 6.07 acre site consists of 7 parcels with uneven terrain which required (added underline intentional) an unusual amount of grading."

Again, I live adjacent to the Project and to confirm, no grading has taken place, but this puts into perspective that an "unusual amount" is proposed to be graded. Since my spouse has a history of Valley Fever, which is a disease caused by a fungus that grows in the soil and dirt in areas of California and the southwestern United States, there is the risk of this being stirred up during grading due to the potential of construction fugitive soil/dirt, I give a double emphasis, which could subject my spouse to a recurrence of Valley Fever since he is already immunocompromised.

I am attaching the "Valley Fever across the street.pdf" which includes a public comment found on the Nextdoor App from a neighbor across the street whose "dog was diagnosed with Valley Fever in his brain." Animals and humans are likewise prone to Valley Fever infections. The following is a direct link to the neighbor's Nextdoor public comment that documents the existence of Valley Fever in the area:

https://nextdoor.com/p/NN8Jz3LK4ZXp?utm_source=share&extras=NjQ4MTk0ODY%3D&utm_campaign=1710044976829&init_source=other_share

Also Please note, CEQA 15065 (a) (4) states:

"The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly."

Page 4, second paragraph of the Letter also states:

"This site **requires** street and signal light improvement, and converting current sewer, water, gas, power utilities to underground."

The Project's EIR did not acknowledge the existence of my household's general use water well which is within several feet of the Project site. Given this scenario, there is a real possibility of groundwater contamination due to the Project site's **requirements** as outlined above in quotes, and the danger of the operation of a 24 hour gasoline station and other retail business operating near my water well.

Page 4, second paragraph of the Letter continues to state:

"A retaining wall was also needed for this site and the adjoining neighbors were contacted to arrange for this."

My household and I are the adjoining neighbors as referenced above. **NO!** There are no concessions due to the numerous posed risks and dangers of this Project not only to my household, but to all surrounding neighbors.

I know for a fact my household and I are not the only ones opposed to the Extension of the Extension of Time Request for Tentative Tract Map No. 37922, Conditional Use Permit No. 2019-19, and Commercial Design Review No. 2019-27 (Lake and Mountain Commercial Center). The Applicant's lack of transparency, the question of his real identity, no found record of demolition permits, the lack of basic compassion, empathy for my spouse's history of Valley Fever since the Applicant's Project activity could subject him to further health complications, the Project's EIR not acknowledging my household's water well and the health risks associated with this, and the disregard to the numerous verbal and written oppositions to the Project submitted throughout the previous

years to date, I respectfully ask City Council members to deny the extension based on the numerous perils associated with the proposed Project.

Sincerely,

Araceli Jimenez

Lake Elsinore - Letter to Council...

Project/Owner Signature Page.pdf

Amber Whittle and family 28915...

Project's Geotechnical Map.pdf

Valley Fever across the street.pdf



Lisa Kolieb

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lisa.kolieb@akerman.com

April 11, 2024

VIA E-MAIL AND U.S. MAIL

Mayor and Members of the Lake Elsinore City Council
Lake Elsinore City Hall
130 S Main Street
Lake Elsinore, CA 92530

Re: Extension of Time Request for Tentative Tract Map No. 37922, Conditional Use Permit No. 2019-19, and Commercial Design Review No. 2019-27 (Lake and Mountain Commercial Center)

Dear Honorable Mayor and Members of the City Council:

This firm represents the owners (the "Applicant") of the proposed Lake and Mountain Commercial Center (the "Project"). The Project entitlements referenced above were set to expire on Jan 25, 2024. Prior to the expiration, on October 31, 2023, the Applicant timely submitted a two-year extension of time request, which was the first extension request. We are writing to request that the Council vote to reconsider its March 12, 2024 vote to deny the extension of time request referenced above for the Project and then to subsequently vote to approve the Applicant's extension request.. We request these actions for the following reasons:

- The Planning Department recommended approval of the extension request and neither the Planning Department nor the Applicant had any indication that a denial was likely; as a result, neither the Applicant nor the Planning Department was able to adequately respond to concerns that came up at the hearing.
- In denying the request, the Council failed to, and cannot, make legally adequate Code compliant statements or findings to support the denial of the extension request.
- The Project's entitlements have already been approved and, despite delays, the Applicant has been diligently moving forward with all submittals necessary to construct and operate the Project with reasonable reliance on its extension request being approved; the Applicant has expended significant resources in the form of time, effort and money (approximately \$4,000,000.00 so far) in furtherance of the application, which will be lost, and thus denying the extension request is unjust. This request for extension of time is not legally an

opportunity to simply reconsider and deny the Project itself. Yet that is clearly what has occurred here.

In addition, by denying the extension request, the City Council has created a precedent of uncertainty for developers, which will lead developers to question the viability and constructability of projects within the City. Particularly given the delays faced by many developers as a result of and subsequent to the COVID-19 pandemic, many projects throughout the state are facing delays and are not able to obtain building permits within 2 years of obtaining entitlements. Denying the extension of entitlements in reasonable situations such as this is unjust and unreasonable and creates a dangerous precedent.

THE PLANNING DEPARTMENT RECOMMENDED APPROVAL OF THE EXTENSION REQUEST AND APPLICANTS HAD THE REASONABLE EXPECTATION THAT THE EXTENSION REQUEST WOULD BE APPROVED.

As you are aware, the Planning Department recommended approval of the extension request in its staff report and drafted the necessary resolutions to approve the extension. While such extension requests are technically considered discretionary, it is extremely rare for this Council to deny such requests. Similar extension requests have been granted by the City for similar projects and in fact, we are not aware of a single project where the City has denied an extension. Accordingly, applicants have the reasonable expectation that extension requests will be granted by the City, unless circumstances have substantially changed since initial approval or if no progress has been made on the Project. According to the Lake Elsinore Municipal Code, the City Council was meant to approve the extension as long as the Project "complies with current laws, standards and policies." Here, the Applicant reasonably relied on precedent for approval of similar extension requests, since it had been diligently been processing the Project approvals with the City, and since the Project "complies with current laws, standards and policies."

Our clients were shocked at the Council's denial of their extension request. Had the Applicant or Planning Department been aware of the possibility that the Project entitlements would not be extended, they would have addressed any applicable concerns, as well as the delays that it faced, at the March 12th meeting. The Applicant had been diligently working on the Project since approval of the entitlements in 2022, expending significant sums of money in furtherance of the Project and submitting the necessary documentation to the City to obtain approval for construction of the Project. While the Applicant had experienced some delays, the Applicant had a reasonable expectation that their extension request would be approved. The Applicant has full intentions to construct and operate the Project.

AT THE HEARING, THE LEGALLY REQUIRED STATEMENTS OR FINDINGS WERE NOT MADE TO SUPPORT THE DENIAL, AND NO SUCH FACTUAL FINDINGS CAN BE MADE TO SUPPORT RESOLUTIONS OF DENIAL.

The legal standard for denial of the requests at issue here are solely whether the Project no longer complied "with current laws, standards and policies." Any other bases of denial is wholly reflective of impermissible bias, an abuse of discretion, and results in an unfair hearing. Yet, at the hearing, neither Planning staff nor any of the Councilmembers made any statements or findings to indicate that the Project no longer complied with current laws, standards and policies as would have been required to deny the extension. Nothing has changed in the Project that would make it so that it no longer complies "with the goals and objectives of the General Plan and the Zoning District in which the Project is located." Nor did the design change since the City approved it and agreed that it "complies with the design directives contained in the General Plan and all other applicable provisions of the Municipal Code.

According to the Lake Elsinore Municipal Code, the City Council was meant to approve the extension as long as the Project "complies with current laws, standards and policies." At the hearing, neither Planning staff nor any of the Councilmembers made any statements or findings to indicate that the Project no longer complies with current laws, standards and policies as would have been required to deny the extension.

THE APPLICANT HAS BEEN DILIGENTLY WORKING WITH THE CITY AND NEIGHBORS TO OBTAIN ALL NECESSARY APPROVALS TO CONSTRUCT AND OPERATE THE PROJECT, BUT HAS EXPERIENCED DELAYS.

By way of background, the Project site consists of an approximately 6.07-acre undeveloped area and is located at the northwest corner of Mountain Street and Lake Street (APNs: 389-030-012, 013, 014, 015, 016, 017, and 018). Before this site was purchased, a formal pre-application was submitted to the city on May 17, 2019. During this process, all city departments convened and conferred, following which they expressed their support for the Project. Additionally, they noted that the corner had remained vacant for a long time and that development was warranted in this particular corner. Upon receiving these comments, the Applicant proceeded to close escrow based on its good faith trust with the City.

A formal application was submitted in 2020, and due to COVID-related delays, the final entitlements for the Project were approved on January 25th, 2022. After the entitlements were approved, the Applicant needed to obtain quotes and bids to develop construction drawings and to bid out the Project. However, due to delays caused by the pandemic as well as significant price increases for services, equipment and materials, the Applicant experienced delays in finalizing its project plans and submitting all necessary documentation to the City. For instance, electrical panels (switchgear) had a waiting time of 12-15 months, while underground fuel tanks had a waiting period of 15 months. In addition, after each submittal to the City, the Applicant must wait for the submittal to be reviewed by the City, which impacts the timeline. Despite

these setbacks, the Applicant kept on moving forward. They put down deposits on the required equipment and kept on working diligently. They even signed a contract with the 76 Fuel Company for the gas station approved as part of the Project. In addition, efforts were also made to secure tenants through brokers. However, many tenants were hesitant due to economic conditions at the time affected by the pandemic.

Furthermore, this 6.07 acre site consists of 7 parcels with uneven terrain which required an unusual amount of grading. This site requires street and signal light improvement, and converting current sewer, water, gas, power utilities to underground. A new connection with Edison entailed a waiting period exceeding eight months. These factors collectively contributed to the complexities surrounding this Project. A retaining wall was also needed for this site and the adjoining neighbors were contacted to arrange for this.

At no point did the City indicate that there was any issue with the timeline related to processing the Project. The Applicant was diligently continuing working on the development of the Project given its complexities. Both the Architect (Gregory Hann with Empire Design Group) and Civil engineer were in constant communication with the City while they worked on addressing comments and concerns by the Planning Department. On June 27, 2023, a grading plan, hydrology study, and Water Quality Management Plan was submitted along with a check for \$30,195.54 for city processing fees. Both the architect and civil engineer have been working on concluding addressing comments and concerns by the City Planning Department.

The Applicant has invested a significant amount of time and money in furtherance of the development of this Project. The expenses amount to approximately \$4 million thus far, encompassing both acquisition and development costs, including professional fees. From the pre-application phase to the present, the Applicant has diligently met every requirement set forth by the city, paid all required fees and has continued to move forward with the development of the Project. It's worth noting that all other cities provide such extensions especially due to COVID delay.

Some comments indicate that there is confusion regarding the Applicant and its intention to operate the Project. The Applicant is a local business owner and plans to develop and operate the Project. The Applicant already operates similar developments in nearby jurisdictions and is an upstanding member of the community, as evidenced through the letter written by The National Exchange Club of Tustin, attached hereto as Exhibit A.

Comments made at the hearing indicate that there was disappointment regarding the lack of outreach by the Applicant within the community. In addition to meetings with individual community members, the Applicant attended several public community meetings, including one on July 29, 2021 at the Alberhill Ranch Community Clubhouse and others leading up to the January 2022 hearing, to discuss the Project. As a result of those meetings, additional conditions of approval were added to the Project approvals to address security and maintenance concerns. No additional outreach was required as part of the 2022 Project approvals. To the extent that

community members have questions or concerns about the Project, the Applicant would be happy to meet with them individually or set up a group meeting. Notwithstanding the Applicant's desire to continue to meet with the community now, those concerns about what did or did not happen in 2021 and 2022 is not a legally permissible basis to now deny this request for extension in 2024.

The Applicant respectfully contends that the denial of the extension by the City Council members, without a legally permissible basis, and despite full endorsement from the City Staff, is unjust and should be reconsidered.

Sincerely,



Lisa Kolieb
Partner

cc: Jason Simpson, City Manager
Damaris Abraham, Community Development Director
Barbara Leibold, City Attorney
David Mann, Assistant City Attorney
Applicant
Stephen Allen Jamieson, Esq./Solomon, Saltsman & Jamieson
Peter Buffa
Greg Hann, Empire Design Group

EXHIBIT A



EXCHANGE

THE NATIONAL EXCHANGE CLUB
OF TUSTIN

April 07,2024

To Whom It May Concern:

My name is Mrs. Randi Bernstein. I am the wife of former two- time Mayor Dr. Allan Bernstein of the city of Tustin, California. I am also the President for the last ten years of The Exchange Club of Tustin, 501C3 nonprofit. I am writing to offer a glowing reference for Didar “Danny” Singh as a local business owner (Tustin Field Gas and Food) in Tustin, a philanthropist and citizen. Didar is a well known and well liked local merchant. He has also supported our club each year for financial donations to help homeless veterans and homeless children in this community. Since 2015, he has been a devoted donor to our veterans and any other project we undertook.

Danny is an asset to any project he is part of. We would endorse his involvement in any endeavor. He would be an asset to any community he is involved with.

Please do not hesitate to contact me with any questions you may have.

Randi Bernstein, President
Exchange Club of Tustin
13844 Comanche
Tustin Ca 92782
714 606-4320

CONTACT INFORMATION

Property Owner *	Applicant
Name: 389-030-014, 015, 016, 017, 018 Lake Street Marketplace	Name: Danny Singh / Tiger Petroleum, Inc.
Mailing Address: 3835 Birch Street	Mailing Address: 3017 E. Edinger Ave.
City/State/Zip Code: Newport Beach, CA 92660	City/State/Zip Code: Tustin, CA 92780
Phone: 949-630-5345	Phone: 949-630-5345
Email: dannysingh9@gmail.com	Email: dannysingh9@gmail.com
Architect	Engineer
Name: Greg Hann / Empire Design Group, Inc.	Name: Troy Tryfonopoulos, Plump Engineering, Inc.
Mailing Address: PO BOX 944	Mailing Address: 914 E. Katella Ave.
City/State/Zip Code: Murrieta, CA 92562	City/State/Zip Code: Anaheim, CA 92802
Phone: 951 696-1490	Phone: 714 385-1835 Ext. 1835
Email: EDGpermitting@empiregr.biz	Email: troy@peica.com

*For additional property owners, attach a separate page with APN(s), address, contact information, and signatures.

PROPERTY OWNER/APPLICANT SIGNATURE

I hereby certify that I am the applicant or designated agent named herein and that I am familiar with the rules and regulations with respect to preparing and filing this petition for discretionary action, and that the statements and answers contained herein and the information attached are in all respects true and accurate to the best of my knowledge and belief. Please note all correspondence will be directed to the designated applicant.

The property owner further certifies that they are the legal owner of the property, consent to the filing of this application, and have authorized the applicant below to represent them with respect to the processing of this application.

Finally, I understand that incomplete applications cannot be transmitted or processed. To process a case in an expeditious manner, a complete application package is necessary.

Property Owner(s)		
Name (Print): <i>LAKE STREET MARKET PLACE, LLC</i>	Signature: <i>J. SCOTT FAWCETT</i> <i>Project Manager, MANAGING MEMBER</i>	Date: <i>4/16/2020</i>
Name (Print):	Signature:	Date:
Applicant		
Name (Print): Danny Singh / Tiger Petroleum, Inc.	Signature: <i>Dylan Singh</i>	Date: <i>3/24/2020</i>

Please check this box if you are willing to receive staff reports via emails

From: Amber

Whittle <amberwhittle2011@gmail.com>

Date: Tue, Dec 21, 2021, 3:08 PM

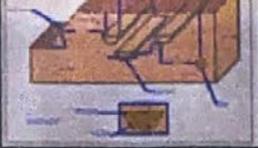
Subject: 28915 Lake st property tenant

To: jkirk@lake-elsinore.org <jkirk@lake-elsinore.org>

Im writing to you in regards to the property plans at my current address [28915 Lake St, Lake Elsinore, CA 92530](https://www.google.com/maps/place/28915+Lake+St,+Lake+Elsinore,+CA+92530). My family has lived here for about 15yrs now and the new property owner wants to build a gas station here on the property. I feel at any time he will try to throw us (my family) out and which we cant afford to rent anywhere else it makes me have constant anxiety. My son is established at Temescal Canyon High school and hes thriving there. My other two kids are doing well in there middle and elementary schools as well. My neighbors are all happy with having us here and have had no complaints. I fear going on with the gas station would not only cause problems for me and my family but would also be a problem for the neighbors and area in general.



73



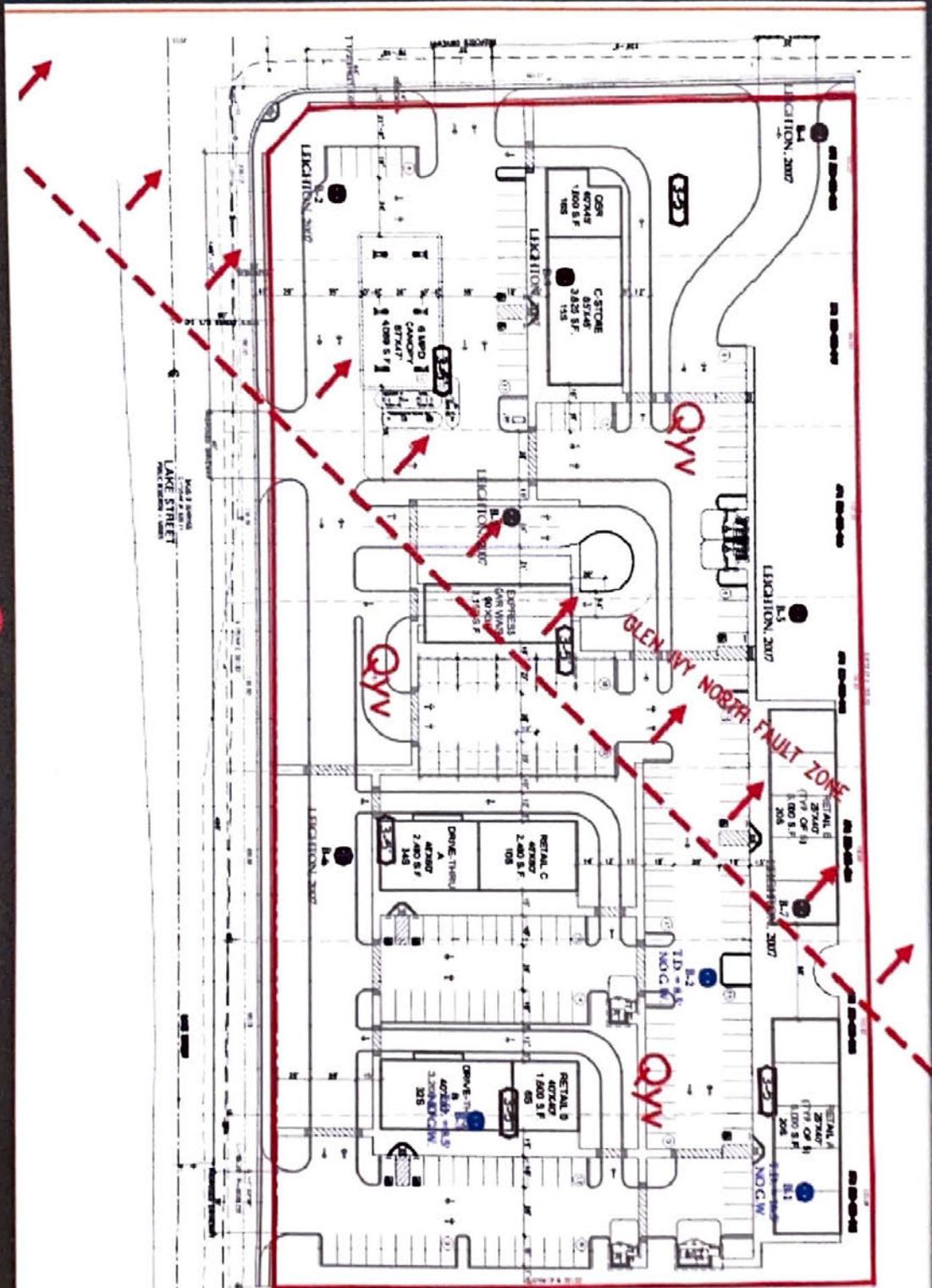
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Qw Quaternary Young VI

Symbols

— Limits of Aqps

- - - - - Northeast Ls Zone For Clm

● Boring Location

GEOTECHNICAL

LOCATED AT 287th LAKE S

CITY OF LAKE SINORE, MENARD COUNTY, OHIO

APR 28 2012 09:12 AM

PROJECT PROPOSED COMMERCIAL, D.I.

CLIENT EARTH DESIGN GROUP, INC

PROJECT NO. 192805-10A

DATE AUGUST 28TH

SCALE 1:50

DWG NO. 2873

REVISION

DRAWN BY JDS

Earth Strata Geotechnical

Geotechnical Environmental and Material

www.earthstrata.com



Karen Holder

...

Alberhill · 1y · 🏠

FYI: My dog was just diagnosed with Valley Fever in his brain. We have spent months, plus more than one vet, and it was a veterinarian neurologist that finally figured it out. There were several issues like backwards sneezing, lumps under his chin, a couple of oozing cysts as well as severe vertigo, leaking nose and eyes. It is fungal and life threatening and people can get it too from the soil which is stirred up by rain and winds. He has lived here his whole life, almost 7 years, and this past year when it became so much worse. He may not make it because it has taken so long to figure it out. He is an indoor dog but loves spending time outside. So just in case you have an animal with any of these weird symptoms...have them test for this.

From: [Yvette Rivas](#)
To: [Damaris Abraham](#); [Natasha Johnson](#); [Joey Mendoza](#); [Candice Alvarez](#)
Cc: [Yvette Rivas](#)
Subject: [External]Tentative Tract MP No. 37922- Please Vote No
Date: Tuesday, May 28, 2024 4:05:07 PM

Message from external sender. Use Caution.

Good Afternoon All;

I am writing in to you all as a very concerned citizen residing in the Auburn Lane Community here in our beautiful city of Lake Elsinore, regarding the tentative tract Map No. 37922 and the plans for the corner of Lake and Mountain St. I am deeply concerned about this commercial gas station development proposed to be built right across from our community. We are a diverse community of hard-working middle class families and we do not want our homes to be endangered and devalued by this commercial design. I can't express to you how unneeded and unwanted these plans are for our lovely community. These designs bring a dangerous hazard to our community along with the attraction of mentally ill and drug addicted persons experiencing homelessness just feet from our doorsteps. Please think about what is best for our city and our little community. There are many children who walk this area to get to school and will be in danger from the added traffic and congestion. Please vote no on these plans!

Thank you for your time and attention to this matter. I respectfully request for my email to be read into the public record for this hearing.

Sincerely,

Yvette Rivas


Lake Elsinore, CA 92530

From: [Mary Sullivan](#)
To: [Candice Alvarez](#); [Natasha Johnson](#); [Damaris Abraham](#)
Subject: [External]Objection to gas station on Mountain and Lake Street
Date: Friday, May 24, 2024 2:32:47 PM

Message from external sender. Use Caution.

Dear council members of Lake Elsinore,

I am unable to attend the May 28th meeting at 7pm. Therefore, I am emailing in regards to the gas station, convenience store, car wash, quick service restaurant that is proposed to be built on Mountain and Lake Street.

My name is Mary. I am in district 4. I moved into my home on Noblewood street June 15th 2023. I would not have moved into my house if a gas station was directly across from my house. Here are my concerns.

Drug addicts: I worry about the homeless and drug addicts it would attract. Being so close to houses, I worry about the wrong kind of people coming into my neighborhood. When I introduced myself to my neighbor, she told me Lake Elsinore was the "Meth capital of California." When I go out into our city, I can see what she means. Especially, around gas stations and convenience stores.

Decrease in Property Value: "Gas stations typically have a negative effect on property values. They are often considered to be eyesores, and can create noise and air pollution. Additionally, they can be associated with crime, which can further lower property values." (<https://www.lng2019.com/the-impact-of-gas-stations-on-home-value/>)

Health Hazards: Gasoline contains benzene. A known carcinogen. "The Department of Health and Human Services (DHHS) has determined that benzene causes cancer in humans. Long-term exposure to high levels of benzene in the air can cause leukemia, cancer of the blood-forming organs. The air around hazardous waste sites or gas stations can contain higher levels of benzene than in other areas." (CDC.org) "A recent study conducted by a team of environmental health scientists from Columbia University's Mailman School of Public Health found that many of the nation's gas stations are leaking potentially hazardous vapors into the surrounding environment. Gas stations can have a significantly adverse impact on neighboring housing complexes, especially neighborhoods with young children. Despite the convoluted array of modern safety and health guidelines that gas stations must follow, these fossil fuel-selling businesses can emit high levels of ground-level ozone from gasoline fumes, impact groundwater systems from leaking fuel tanks, and expose nearby residents to a number of other hazards from other chemicals that might be used at a fuel station (Scientific American, 2009). "<https://fossilfuel.com/is-it-safe-to-live-near-a-gas-station-scientists-point-to-numerous-health-hazards/>

Traffic: Another concern is the traffic it would bring. Lake street going toward Mountain Street is a one lane street. Cars going in and out of a multi building parking lot are sure to bring traffic jams to those of us who are just wanting to get home. I also worry about cars using our neighborhood for parking or for speeding around traffic lines while children play in street.

I ask you please reconsider putting a gas station and convenience store on the corner of Mountain and Lake Street.

Thank you for your time,
Mary

From: [Peter Sardegna](#)
To: [Natasha Johnson](#)
Cc: [Joey Mendoza](#); [Candice Alvarez](#); [Damaris Abraham](#)
Subject: Re: Opposed Lake and Mountain Commercial Center
Date: Monday, May 27, 2024 11:05:54 AM

Good Morning,

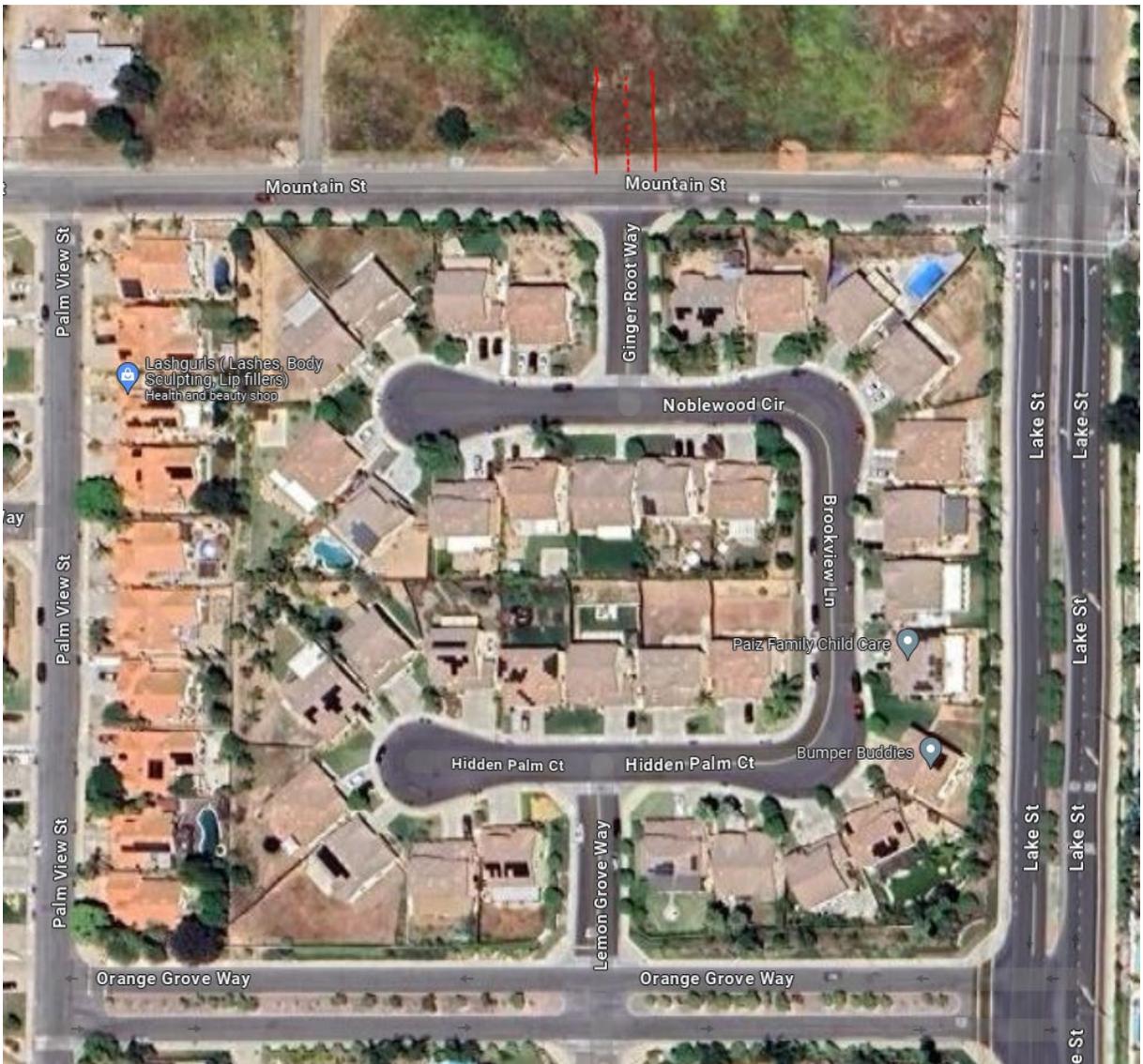
I would like this email to be read into record for extension of time request on the tentative tract map no.37922 on Lake and Mountain street, I do not know the reference number but its for tomorrow nights hearing 05/28/2024 at 7pm.

A few months ago the owner and his associates were standing on the corner of ginger root and mountain street so my wife took my son for a walk to ask them about development on the property, he informed her that the property will have a gas station, a few different retail spots, carwash and a Starbucks then he followed his statement with "Because that is what you people like" which is very very rude and hes assuming that my wife would be 100% sold on this property because it has a Starbucks.

Then after the hearing on 03/24/2024 which the extension was denied, we found out there was not going to be a starbucks (not that we care about starbucks) but why is he lying about what he plans to go on this property?

After the conversation was over between the owner and my wife she felt that he was an untrustworthy greasy businessman just by some of the comments that he had made.

While I was attending the city council meeting on 03/24/2024 they had shown proposed plans for the driveways that would exit and enter the property, two of them were on lake street which is a two lane road and a down hill which is just asking for an accident to take place and the third one was directly in front of my house on ginger root way (shown below) which would turn my neighborhood into a highway since there isn't a traffic light on orange grove way and lake street my neighborhood will be the quickest route to getting onto lake street especially if there is a line of cars at the red light on mountain street waiting to turn onto lake street. which is a concern for me and a lot of other families since our kids play in the street.



I'm a Foreman pipefitter out of local 582 and used to underground locate, I understand how to read plan drawings but just looking at that property I can tell they will have an almost impossible time leveling that land, and since the property isn't that big with a huge change in elevation for such a short distance I'm sure they will run into underground utilities that were not caught when they surveyed the land.

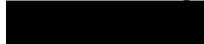
I think this guy bought a bad piece of land and is scrambling to try to figure out what to put on it or how to make it work, which is why its been sitting since 2019 with very little to show for it and it seems like he's just blowing smoke to us and everyone else in our community.

Thank you for your time, I truly love this city and my community and don't want to see it turn to garbage from someone who doesn't live here and doesn't care for this community only to make money here.

Below is my previous email about my other laundry list of reason why I feel this property shouldn't be approved.

Any questions regarding this email do not hesitate to ask.

Peter Sardegna



call or text

On Sunday, March 10, 2024 at 01:21:01 PM PDT, Peter Sardegna <psardegna0@yahoo.com> wrote:

Hi my name is Peter Sardegna and I live across the street from this property.

Before I state all the facts about how bad gas station are near homes, I would like to know how this got passed in the first place? Why would we place a gas station in the middle of a residential community with zero commercial properties remotely near us? This is one of the few parts of Lake Elsinore that doesn't have high crime and its due to lack of businesses. All the homeless and drug addicts thrive around all the commercial properties especially at night and all the residential communities surrounded by those commercial properties suffer and now you guys are trying to bring this to our community.

Instead of letting someone who owns a 76 gas station in Orange County and I doubt lives in Riverside County let alone Lake Elsinore, why aren't our insanely high taxes used to help the community instead of bring it down. This land could have been a park, soccer field or playground for the kids in our community.

What our community wants and needs is a gas station at Lake street and 15 fwy where there is a bunch of open land and zero residential communities.

Below is a snapshot the property for the proposed gas station and across the street is where I live which is also circled.

Inline image

Now for the statistical facts about gas stations near residential homes.

Health Effects: Is It Safe to Live Near a Gas Station

A number of compounds injurious to human health are released from gas stations during vehicle fueling and from underground storage tank vents. [These compounds include: benzene, toluene, ethyl benzene, and xylene \(BTEX\)](#). Measures to reliably resolve these adverse health effects are not employed at new gas stations.

Benzene is the gasoline constituent most harmful to human health. Adverse health effects of benzene include nausea, cancer, anemia, increased susceptibility to infections, and low birth weight. According to the [World Health Organization Guidelines for Indoor Air Quality](#) *there is no safe level for benzene*. The following research documents the extent of benzene releases from gas stations as well as

adverse health effects:

- A [1993 study](#) published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 parts per billion (ppb) at the gas station property boundary in summer and winter, respectively.
- A [2001 study](#) noted median ambient benzene levels of 1.9 ppb in houses up to 328 feet from a service station.
- A [2003-2004 study](#) conducted in France documented a significant relationship between childhood leukemia and living near a gas station.
- A [2010 study](#) conducted in Spain documented elevated air pollution within 100 meters (328 feet) of a gas station.
- In [2012, Brazilian researchers](#) found that air quality was significantly degraded up to 150 meters (492 feet) from gas stations.

In 2005, the California Air Resources Board probably became the first in the U.S. to recommend a minimum public health safety zone between new gas stations and “sensitive land uses.” The recommendation appeared in [Air Quality and Land Use Handbook: A Community Health Perspective](#). The pre-2005 studies referenced above and other research prompted the Board to recommend a minimum 300-foot separation distance between new gas stations and “sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities.” The State of California is widely recognized as having some of the most effective air pollution control requirements in the nation. Yet even with California controls a minimum separation is still required to protect public health.

The U.S. Environmental Protection Agency echoed concerns about the health risk associated with gas station emissions in their [School Siting Guidelines](#). The USEPA recommended screening school sites for potential health risk when located within 1,000 feet of a gas station.

The [last \(Zoning\) section](#) of this webpage contains a sampling of the public health safety zones for new gas station adopted by other U.S. jurisdictions. Most call for a greater separation than the 300 feet recommended by the California Air Resources Board. The increasing safety zone distances were prompted by the growing body of research showing that adverse health effects extend further and further from gas stations. In fact, a [2019 study](#) of U.S. gas stations found that benzene emissions from underground gasoline storage tank vents were sufficiently high to constitute a health concern at a distance of up to 524-feet. Also, the researchers noted:

“emissions were 10 times higher than estimates used in setback regulations [like that in the California handbook] used to determine how close schools, playgrounds, and parks can be situated to the facilities [gas stations].”

Prior to the 2019 study it was thought that most of the benzene was released at the pump during fueling. A [2015 paper](#) noted the following bit of irony with regard to vapor recovery and harmful emissions from gas station storage tanks:

“It is important to note that vapor recovery at the nozzle can cause vapor

releases at the storage tank, because vapors recovered at the nozzle are typically directed into the storage tank. The storage tank, in turn, can “breathe” and potentially release recovered vapors immediately or at a later time. A tank sucks in relatively uncontaminated air as the liquid fuel level drops in the tank due to vehicle refueling, and it releases vapors through the vent pipe into the atmosphere if the gas pressure increases and exceeds the cracking pressure of the pressure/vacuum valve, when fuel evaporates into unequilibrated gas in the headspace.”

The 2015 paper contained the following summary regarding the health implications of living, working or learning near a gas station:

“Health effects of living near gas stations are not well understood. Adverse health impacts may be expected to be higher in metropolitan areas that are densely populated. Particularly affected are residents nearby gas stations who spend significant amounts of time at home as compared to those who leave their home for work because of the longer period of exposure. Similarly affected are individuals who spend time close to a gas station, e.g., in close by businesses or in the gas station itself. Of particular concern are children who, for example, live nearby, play nearby, or attend nearby schools, because children are more vulnerable to hydrocarbon exposure.”

A [study published in 2021](#) documented that adverse health are increased when a neighborhood is near multiple gas stations.

Idling engines, particularly those in large diesel trucks, emit a large quantity of particulates into the local atmosphere. These particulates can pose a significant health risk for those living near convenience store/truck stops.

Control Measures Do Not Resolve Health Threat

The two most common control measures are Stage I and Stage II vapor recovery.

Stage I measures reduce vapor release when gas station underground storage tanks are being filled by tanker trucks. They *do not* control releases during the *99% of time when tanks are not being filled*.

Stage II measures reduce vapor releases when you and I are fueling our cars at the pump. A decade ago most gas pump nozzles were designed to capture vapors released during refueling. The vapors were then sent to the 10,000- to 20,000-gallon underground tanks where gasoline is stored. These Stage II vapor recovery systems were phased out beginning in 2012 as a result of the widespread use of [Onboard Refueling Vapor Recovery](#) (ORVR) systems.

As the name implies, Onboard Refueling Vapor Recovery systems are built into new cars. The system captures vapors during refueling which are then stored in canisters within the vehicle. A [study published in February, 2020](#), examined the effectiveness of

Onboard Refueling Vapor Recovery systems. The researchers found that 88% of vehicles monitored released vapors during refueling despite the presence of Onboard Refueling Vapor Recovery systems.

While the 2020 study may raise a question about health risks to consumers pumping gas, a [2021 study](#) found that this was not an issue. The researchers found that consumers filling their vehicles *under normal conditions* were not exposed to sufficient benzene *from filling alone* to pose a significant health risk. **However, the cumulative effect of benzene released during fueling and from underground storage tank vents remains a cause for concern for those living, working or learning nearby.**

The unfortunate conclusion from these studies is that we cannot rely upon controls required for new gas stations to resolve the health and safety threat to those who living in the vicinity of a proposed gas station.

Lighting Impacts

Lighting is essential to convenience store [safety](#) and profitability. We're less likely to patronize a poorly lit store while criminals find this inviting. But too much lighting and area residents may suffer glare in their bedrooms or lose their view of the nighttime sky.

There's a phenomenon known as ratcheting where one business installs bright lights. The new lights cause nearby establishments to look darker than before, so they install brighter lights and on the upward spiral goes. Ratcheting can greatly increase light trespass impacts to area residents.

Fortunately new LED lights and other approaches can make a convenience store safe and attractive. The lighting should be fully shielded and follow the latest recommendations of the [Illuminating Engineering Society of North America](#) (IESNA) along with those of the [International Dark-Sky Association](#).

Noise

All of us who have taken our cars in for service are familiar with the many loud noises generated by repair facilities. Tire air guns produce a noise level of [104 dBA and the air chisels used in body shops emits 112 dBA](#). An accelerating diesel truck emits [114 dBA and even 100 dBA while idling](#). Make it a late-night or all-night establishment and you have a use which definitely does not belong near homes.

So how close is too close? CEDS recommends a minimum separation of 300 feet between homes and late-night/all-night stores. However, a site-specific noise analysis may show a lesser setback will adequately protect area homes. Such an analysis should distinguish between rural and urban settings. A nighttime noise level of 55 dBA may be OK in a city or suburb while 45 dBA is more appropriate for rural areas.

How Do Gas Stations Affect Property Value

Do gas stations and convenience stores affect the value of nearby homes? While there appears to be little independent research into this question, here are a couple of articles giving an anecdotal indication:

- [Cemeteries, highways, gas stations](#): “Here’s what decreases your property value: Gas stations, railroad tracks, hydro towers, power stations, and industrial areas — proximity to any of these things definitely won’t help improve your home value, since they can generate and/or attract odors or other substances that could affect your air quality.”
- [10 Industries That Diminish Property Values The Most](#): “2. Convenience Store With Gas Station. People will be driving in and out of your intersection, hanging out at the property, and buying lots of lotto tickets, cigarettes, and beer when they gas up. Although handy, these shops do nothing to help property values and hurt them significantly according to Zillow.com. Although the realtors questioned on the site did not have exact statistics, common sense would show that the increase in robberies, accidents, traffic and pedestrians would add up to decreased property value. Still, many gas stations with mini-markets are springing up like wildfire.”

In the past Federal Housing Administration (FHA) insured mortgages were not available for properties located within 300 feet of tanks capable of storing 1,000 gallons or more of gasoline or other flammable-explosive materials.

River, Lake, Well-Water & Other Aquatic Resource Impacts

Because of the high traffic volume and refueling, convenience stores-gas stations pose an unusually severe threat to ground and surface waters. Adding vehicle servicing facilities increases the threat. [One study](#) found that contaminant levels in convenience store-gas station runoff were 5- to 30-times higher when compared to residential runoff. In [another study](#) researchers detected several compounds in vehicle repair facility runoff which were probable cancer-causing agents. These findings have prompted a number of states and local governments to list vehicle repair facilities as [stormwater hotspots](#). USEPA guidance advises caution with regard to allowing hotspot runoff to infiltrate the soil, particularly in areas where drinking water is obtained through wells. The use of highly-effective stormwater Best Management Practices to treat repair facility runoff before it is infiltrated into the soil.

Fuel storage tanks and pipelines pose another source of contamination, though the design of both has improved dramatically over the past couple of decades. Spillage at the pump is a more likely source of fuel release into nearby waterways. In fact, [Johns Hopkins University researchers](#) found that an average of 40 gallons of gasoline is spilled at a typical gas station per year at the pumps. The JHU researchers also found that a significant portion of the spilled gasoline can migrate through the concrete pads

at many fueling stations.

So how far should a gas station be from a well or surface waters to reduce the likelihood of contamination to a reasonable level? Well, the key question is actually how far can one anticipate that a plume of spilled gasoline will travel underground. One [review of scientific studies](#) of plume travel indicated that the 90th percentile distance is 400 feet. Add another 100 feet for installing grout curtains or other containment measures and a gas station should be no closer than 500 feet to a well, wetland, spring, stream, river, pond, lake, reservoir or tidal waters.

Good & Bad Convenience Store-Station Locations

Given the impacts and corrective measures described above, an optimum convenience store-gas station location would have the following characteristics:

- At least [500 feet from the nearest home](#); or
- Buffered so the store [cannot be seen](#) or [heard](#) from the nearest home;
- To preserve [public health](#) a minimum of 500 feet from homes and 1,000 feet from schools;
- Not within view of [historic resources](#);
- At least [500 feet](#) from wells, springs, streams, reservoirs or other highly sensitive ground or surface water resources;

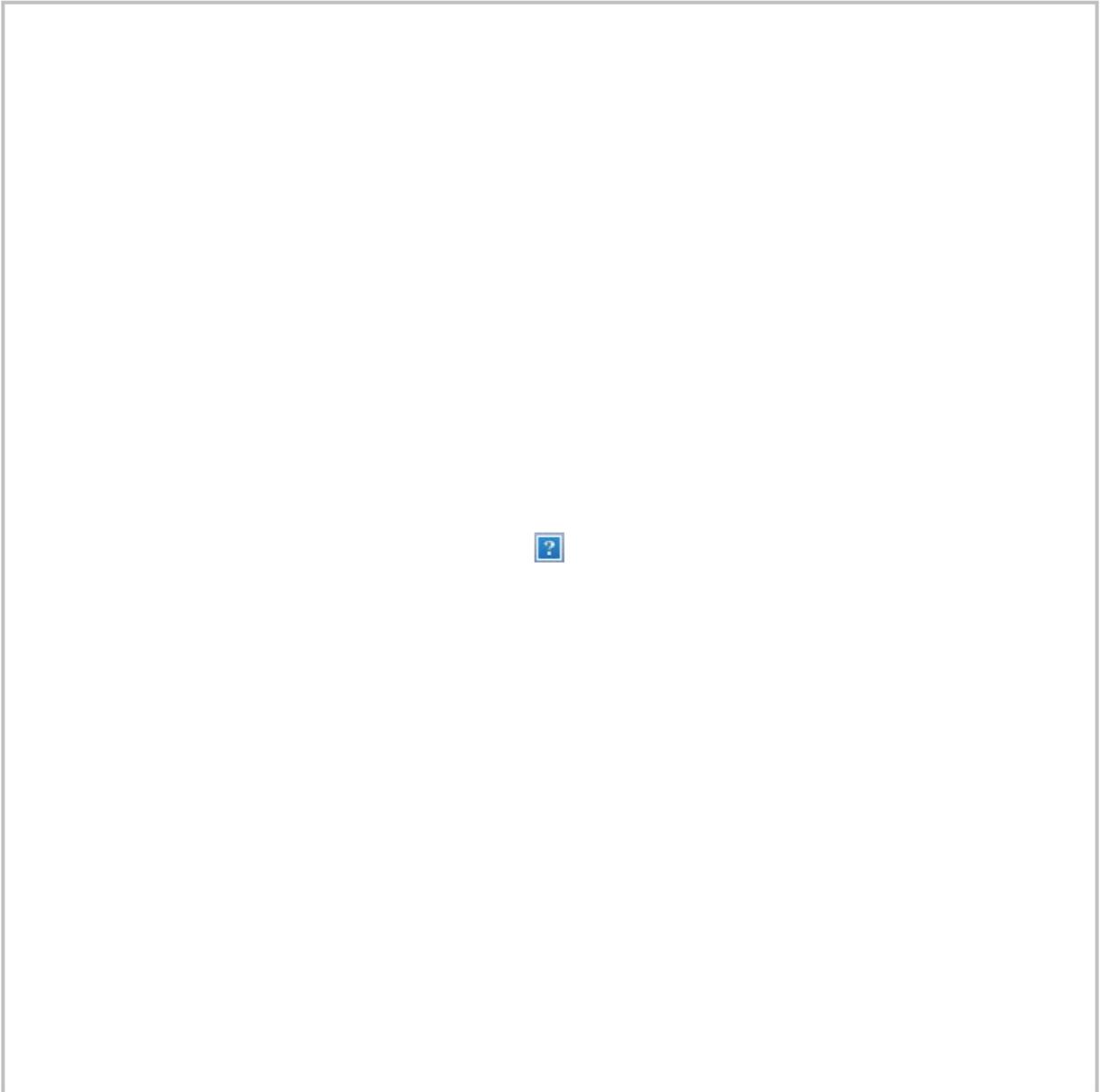
3.6 Million Gallons Per Year & 300-Foot Insufficient

References to 3.6 million gallons per year and 300-foot setbacks appear to derive from the 2005, California Air Resources Board [Air Quality and Land Use Handbook: A Community Health Perspective](#). Handbook Figure 1-6 below shows how cancer risk diminishes with distance from a gas station pumping 3.6 million gallons per year.



The relationship shown in the graph above may no longer be valid for the following reasons. First, a number of studies have been published since 2005. These studies show that the most harmful compound – benzene – has been detected more than 500 feet from a gas station. Second, California has what are arguably the most comprehensive gas station air pollution control requirements in the U.S. However, it has not been proven that these measures resolve the adverse health effects of gas station benzene emissions.

The following graph is from the California Air Resources Board [Gasoline Service Station Industrywide Risk Assessment Guidelines](#). This graph is based on the quantity of gas pumped by most stations – 1 million gallons per year *not* 3.6. New gas stations outside of California might have Phase I controls. The graph below shows that with Phase I controls an unacceptably high risk of increased cancer cases persists beyond 300 meters (328 feet).



All but older vehicles have [Onboard Refueling Vapor Recovery](#) (ORVR) systems. As the name implies, Onboard Refueling Vapor Recovery captures vapors during refueling. The vapors are then stored in canisters within the vehicle.

A [study published in February, 2020](#), examined the effectiveness of Onboard Refueling Vapor Recovery systems. The researchers found that 88% of vehicles monitored released vapors during refueling despite the presence of Onboard Refueling Vapor Recovery systems.

Minimum 500-Foot Public Health Safety Zone Needed

The research cited above indicates that the most reliable way to protect public health and safety from benzene and other harmful emissions is to guide new gas stations to sites where they will be at least 500 feet from residentially zoned properties, schools, and other locations where people live, learn or work. CEDS research frequently shows a third to half of potential gas station sites can meet a 500-foot public healthy safety zone. In other words, adopting this safeguard allows us to gain the benefits of new gas stations without jeopardizing the health of our neighbors.

Examples of Other Safeguards

Here are examples of other safeguards:

- [New Hampshire:](#) DES's rules for the siting of UST (Underground Storage Tank) systems at new sites include the following setbacks:
 - 500' from public water supplies (PWSs)
 - 250' between gasoline USTs and private wells
 - 75' between any UST and surface water.
- [Citrus Heights, CA:](#) Distance requirements. No on-sale or off-sale liquor establishment shall be maintained within 500 feet of any other on-sale or off-sale liquor establishment, or within 500 feet from the following "consideration points": Schools (public or private); Churches or other places of worship; Hospitals, clinics, or other health care facilities; and 4. Public parks and playgrounds and other similar uses.
- [Baltimore County, MD:](#) A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.3, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.
- [East St. Louis, Illinois:](#) All new gasoline service stations shall be located and constructed not less than 300 feet apart, and no new gasoline service station shall be built unless enclosed in a garage.
- [Ford Heights, Illinois:](#) It shall be unlawful for any person to locate, build, construct or maintain any public garage or gasoline filling station, the storage of filling tanks, pumps or devices of which are used for the purpose of storing, drawing off or discharging gasoline, oil or other volatile inflammable liquid, within 150 feet of any school, measured from the nearest point of the tank or filling or discharging device used in connection therewith, to the nearest point of any such building.

If you're concerned about a proposed establishment and your local zoning ordinance lack these safeguards, then consider asking local elected officials for an amendment. If a convenience store-gas station application has or is about to be submitted then consider asking that it and all other applications be put on hold while officials study the best way to update zoning requirements.

Existing Gas Station-Convenience Stores & Reducing Impacts

If you live within a thousand feet of a gas station or your children attend a nearby school, then consider calling for measures that can reduce impacts.

Closing An Existing Gas Station Near Impossible, But Winning Changes is More Doable

As you've likely guessed, stopping a gas station where construction has started or is completed is nearly impossible. However, convincing the owner to voluntarily adopt measures that reduce or even fully resolve neighborhood impacts is easier to achieve. It's even possible to convince government agencies to require impact reduction measures.

Verify That All Permits-Approvals Have Been Issued & Are Being Complied With

If a gas station is under construction then the first step should always be to verify that all permits and other approvals have been granted. If one or more permits-approvals are yet to be issued, then it may be possible to get impact reduction measures added as permit conditions. And there's always a remote chance that some unknown fact may emerge that could result in blocking the issuance of a remaining permit-approval. At the very least, contesting issuance could gain the leverage needed to convince the owner to implement impact reduction measures.

Examples of Impacts & Reduction Measures

Here are a few examples of impact reduction measures:

- Usually the [greatest health threat posed by a gas station is the benzene](#) released to the air from underground fuel storage tank vents and at the pump. Benzene can increase the risk of cancer for those living, learning or working within 500- to 1,000-feet. There are [measures that can prevent most of the benzene from being released](#) but they can be expensive costing \$60,000 – \$100,000 to install and \$1,000/year to maintain.
- If [alcohol will be sold at a gas station-convenience store then this may increase the likelihood of crime](#), especially if it is sold as carry-out as opposed to onsite consumption only. This impact can be reduced by prohibiting alcohol sales or at least limiting it to beer and wine.
- If children pass by a convenience store on their way to and from school then the [junk food sold in the store can add to childhood obesity](#) as well as pose a respiratory health issue due to tobacco or vape sales.
- A gas station can also impact neighborhood residents due to [light trespass, increased fire-explosion danger, noise, loss of property value, groundwater or aquatic resource impacts, or cause traffic issues](#).

If you loved this community as much as my family and I do, you wouldn't approve this property being built.

Any questions regarding this email do not hesitate to ask.

Peter Sardegna

