

Final Environmental Impact Report

CADO Meniffee Industrial Warehouse Project

SCH No. 2022040622

Lead Agency



City of Meniffee
29844 Haun Road
Meniffee, CA 92586
(951) 769-8520

Consultant



Kimley-Horn and Associates, Inc.
Kari Cano, Project Manager
3801 University Avenue, Suite 300
Riverside, CA 92501

August 2024

Table of Contents

Section 1: Introduction

1.1	Introduction	1.0-1
1.2	Organization of EIR.....	1.0-2
1.3	CEQA Process Summary	1.0-2
1.4	Changes to the Draft EIR	1.0-2

Section 2: Comments and Responses to Draft EIR

2.1	Introduction to Comments and Responses	2.0-1
	Comment Letter A – Southern California Gas Company.....	2.0-2
	Responses to Comment Letter A	2.0-3
	Comment Letter B – Rincon Band of Luiseño Indians.....	2.0-4
	Responses to Comment Letter B	2.0-5
	Comment Letter C – Riverside County Flood Control and Water Conservation District	2.0-6
	Responses to Comment Letter C	2.0-12
	Comment Letter D – Advocates for the Environment	2.0-15
	Responses to Comment Letter D	2.0-20
	Comment Letter E – South Coast Air Quality Management District.....	2.0-28
	Responses to Comment Letter E	2.0-34
	Comment Letter F – Riverside County Department of Waste Resources.....	2.0-40
	Responses to Comment Letter F.....	2.0-47
	Comment Letter G – City of Perris – Development Services Department Planning Division...2.0-49	
	Responses to Comment Letter G	2.0-65
	Comment Letter H – Blum, Collins & Ho LLP.....	2.0-75
	Responses to Comment Letter H	2.0-110

Section 3.0: Errata to the Draft EIR

3.1	Introduction to the Errata	3.0-1
3.2	Changes to the Draft EIR	3.0-1

Section 1.0 Introduction

1.1 INTRODUCTION

The City of Menifee (City) has prepared this Final Environmental Impact Report (FEIR) in compliance with the California Environmental Quality Act (CEQA) for the CADO Menifee Industrial Warehouse Project (Project). The City is required, after completion of a Draft EIR (DEIR) (State Clearinghouse No. 2022040622), to consult with and obtain comments from public agencies having jurisdiction by law with respect to the Project and provide the general public with an opportunity to comment on the DEIR. This FEIR has been prepared to respond to comments received on the DEIR, which was circulated for public review from March 13, 2024, through April 27, 2024 (46 days). The preceding Table of Contents provides a list of all persons, organizations, and public agencies who commented on the DEIR.

The City will evaluate comments on environmental issues from persons who reviewed the DEIR and will prepare a written response, pursuant to CEQA Guidelines §15088(a). The written response must address any significant environmental issues raised. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the Project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines §15204, §15088). Those comments are responded to in **Section 2.0, Comments on the Draft EIR and Responses to Comments**.

State CEQA Guidelines §15088 recommends that where a response to comment makes important changes in the information contain in the text of the DEIR, that the Lead Agency either revise the text of the DEIR or include marginal notes showing that information. Added or modified text is shown in **Section 3.0, Errata**, by underlining (example) while deleted text is shown by striking (~~example~~). The additional information, corrections, and clarifications are not considered to substantively affect the conclusions within the EIR and therefore the City has determined that recirculation of the DEIR is not required as none of the criteria for recirculation under CEQA Guidelines Section 15088.5 have been met.

CEQA Guidelines §15132 indicates that the contents of a FEIR shall consist of:

- (a) The DEIR or a revision of the draft.
- (b) Comments and recommendations received on the DEIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the DEIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

Pursuant to CEQA Guidelines §15088(b), the City will provide written responses to comments to any public agency that commented on the DEIR, at least ten (10) days prior to the Planning Commission consideration of certifying the EIR as adequate under CEQA. Written responses to comments will also be provided to non-public agency individuals, organizations, and entities that commented on the DEIR. In addition, the

FEIR will be made available to the general public at the City's Planning Division office and on the City's website a minimum of 10 days prior to the Planning Commission public hearing.

The FEIR, along with other relevant information and public testimony at the Planning Commission hearing, will be considered by the City's Planning Commission.

1.2 ORGANIZATION OF EIR

This FEIR provides the requisite information required under CEQA and is organized as follows:

- **Section 1.0: Introduction.** This section provides an introduction to the FEIR, including the requirements under CEQA, the organization of the document, as well as a brief summary of the CEQA process activities to date.
- **Section 2.0: Comments on the Draft EIR and Responses to Comments.** This section provides a list of public agencies, organizations, and individuals commenting on the DEIR, provides a copy of each written comment received, and any response required under CEQA.
- **Section 3.0: Errata to the Draft EIR.** This section presents clarifications, amplifications, and insignificant modifications to the EIR, identifying revisions to the text of the document.

1.3 CEQA PROCESS HISTORY

The City has complied with relevant Public Resources Code provisions and CEQA Guidelines regarding the preparation and processing of the Project EIR. A brief summary of the Project's CEQA process is as follows:

- A Notice of Preparation (NOP) informing interested parties and agencies of the Project was distributed on May 2, 2022, with a minimum 30-day public review period ending on May 31, 2022.
- Written and verbal comments were given at a public scoping meeting held for the Project on May 17, 2022, at 5:30 pm at City Council Chambers located at 29844 Haun Road, Menifee, CA 92586. Two residents attended the scoping meeting.
- Following a Notice of Completion (NOC), the DEIR and Notice of Availability was distributed for public review and comment for a 46-day period, beginning March 13, 2024. The public review period closed on April 27, 2024.

1.4 CHANGES TO THE DRAFT EIR

As previously stated, **Section 3.0, Errata to the Draft EIR**, details the changes to the DEIR. In response to public comments, text changes have been made to DEIR sections to clarify and amplify the analysis or mitigation measures, and to make insignificant modifications to the DEIR. This information does not rise to the level of significant new information as the resulting impact analysis and alternatives considered remain essentially unchanged, and no new or more severe impacts have been identified. These changes do not warrant DEIR recirculation pursuant to California Public Resources Code §21092.1 and CEQA Guidelines §15088.5. As discussed herein and as elaborated upon in the respective Response to Comments, none of the clarifications or changes made in the Errata reflect a new significant environmental impact, a "substantial increase" in the severity of an environmental impact for which

mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted, nor do the Errata reflect a “fundamentally flawed” or “conclusory” DEIR. In all cases, as discussed in individual responses to comments and DEIR Errata, these minor clarifications and modifications do not identify new or substantially more severe environmental impacts that the City has not committed to mitigate. Therefore, the public has not been deprived of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or an unadopted feasible Project alternative or mitigation measure. Instead, the information added supports the existing analysis and conclusions, and responds to inquiries made from commenters. Therefore, this FEIR is not subject to recirculation prior to certification.

CEQA Guidelines §15088.5 describes when an EIR requires recirculation prior to certification, stating in part:

- “(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. *“Significant new information” requiring recirculation include, for example, a disclosure showing that:*
 - (1) *A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
 - (2) *A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
 - (3) *A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to apply it.*
 - (4) *The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043).*
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

Section 2.0 Comments and Responses to Draft EIR

This section includes all comments received by the City on the Draft Environmental Impact Report (DEIR), including written comments and comments submitted online via email to the City. The City circulated the DEIR for a 46-day review period as required by CEQA. The review period ran from March 13, 2024, through April 27, 2024.

2.1 INTRODUCTION TO COMMENTS AND RESPONSES

In accordance with CEQA Guidelines §15132, **Table 2-1, Comments from Public Agencies and Organizations** below provides a list of those parties that provided written comments on the DEIR during the public review period. Copies of the written comments are provided in this section and have been annotated with the assigned letter along with a number for each comment. Each comment is followed by a written response which corresponds to each commenter.

Table 2-1: Comments from Public Agencies and Organizations

Reference	Commenter	Date
A	Southern California Gas Company William Liao, Region Planning Supervisor	March 25, 2024
B	Rincon Band of Luiseño Indians Shuuluk Linton, Tribal Historic Preservation Coordinator	April 15, 2024
C	Riverside County Flood Control and Water Conservation District Amy Mc'Neill, Engineering Project Manger	April 15, 2024
D	Advocates for the Environment Dean Wallraff, Executive Director	April 12, 2024
E	South Coast Air Quality Management District Danica Nyguen, Air Quality Specialist, CEQA-IGR Sam Wang, Program Supervisor, CEQA-IGR	April 17, 2024
F	Riverside County Department of Waste Resources Katherine Avila, Urban/Regional Planner II	April 24, 2024
G	City of Perris – Development Services Department Planning Division Patricia Brenes, Planning Manager	April 26, 2024
H	Blum, Collins & Ho LLP Gary Ho	April 26, 2024

Comment Letter A – Southern California Gas Company
William Liao, Region Planning Supervisor

From: Liao, William <WLiao@socalgas.com>
Sent: Monday, March 25, 2024 11:27 AM
To: Ryan Fowler <rfowler@cityofmeniffee.us>
Cc: SCG SE Region Redlands Utility Request
<SCGSERegionRedlandsUtilityRequest@semprautilities.com>; Wildey, Paul L.
<PWildey@socalgas.com>
Subject: PLN22-0041 - CADO Meniffee Industrial Warehouse Project

You don't often get email from wliao@socalgas.com. [Learn why this is important](#)

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ryan.

I just reviewed your letter regarding PLN22-0041 - CADO Meniffee Industrial Warehouse Project.

SoCalGas has a 6" High Pressure Supply Line within the Ethanac Rd right of way to the north that you may want to watch out for. Please note on case to have Developer contact 811 / USA prior to any excavation / demotion activities so we can get out to Locate & Mark out our facilities.

Also, there doesn't appear to be a direct source of gas in the project area. If Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at <https://www.socalgas.com/for-your-business/builder-services>.

Please let me know if you have any questions. Thank you

Will Liao
Region Planning Supervisor
Redlands HQ / Southeast Region
Mobile: 840-213-5899

A-1

A-2

Responses to Comment Letter A – Southern California Gas Company

William Liao, Region Planning Supervisor

- A1** The Commenter’s concern about the existing 6” High-Pressure Supply Line within the Ethanac Road right-of-way has been noted. Demolition would not occur within the existing high-pressure supply line, but the Project Applicant shall contact Southern California Gas Company at the time excavation is needed to connect/extend natural gas lines from the existing high-pressure supply line to the Project site.
- A2** Comment has been noted, and no further response is warranted.

Comment Letter B – Rincon Band of Luiseno Indians

Shuuluk Linton, Tribal Historic Preservation Officer

Rincon Band of Luiseño Indians
CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



April 15, 2024

Sent via email: rfowler@cityofmenifee.us

Re: PLN21-0370 CADO Menifee Industrial. City of Menifee, Riverside County, California

Dear Mr. Fowler,

This letter is written on behalf of the Rincon Band of Luiseño Indians ("Rincon Band" or "Tribe"), a federally recognized Indian tribe and sovereign government. We have received your notification regarding the above referenced project and we thank you for the opportunity to consult on the project. The identified location is within the Traditional Use Area of the Luiseño people and within the Tribe's specific Area of Historic Interest (AHI). As such, the Rincon Band is traditionally and culturally affiliated to the project area.

After review of the provided documents and our internal information, no cultural resource information is available to share at this time. The Tribe therefore has no comments and we do not request consultation.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749 1092 ext. 320 or via electronic mail at slinton@rincon-nsn.gov. Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Shuuluk Linton
Tribal Historic Preservation Coordinator
Cultural Resources Department

B1

Bo Mazzetti
Chairman

Joseph Linton
Vice Chair

Laurie E. Gonzalez
Council Member

John Constantino
Council Member

Frank Mazzetti III
Council Member

Responses to Comment Letter B – Rincon Band of Luiseno Indians

Shuuluk Linton, Tribal Historic Preservation Officer

- B1** Acknowledgment by the Rincon Band of Luiseño Indians' receipt of the NOA of the DEIR and statement of no further comment and of no consultation is noted for the record.

Comment Letter C – Riverside County Flood Control and Water Conservation District
Amy McNeill, Engineering Project Manager

JASON E. UHLEY
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.rcflood.org

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

April 15, 2024

255699

City of Meniffee
Planning Division
29714 Haun Road, Building A
Meniffee, CA 92586

Attention: Ryan Fowler

Re: PLN 21-0370, PLN 22-0041, CADO Meniffee
Industrial Warehouse Project, APNs 330-190-002,
330-190-003, 330-190-004, 330-190-005,
330-190-010, 330-190-011, 330-190-012
and 330-190-013

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

C-1

The District's review is based on the above-referenced project transmittal, received March 13, 2024. The District has not reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

C-2

☐ This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.

☒ This project involves District proposed Master Drainage Plan facilities, namely, Romoland MDP Line A-15a and Line A-15 for an adequate outlet. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

C-3

☐ If this project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There

City of Menifee

- 2 -

April 15, 2024

Re: PLN 21-0370, PLN 22-0041, CADO Menifee
Industrial Warehouse Project, APNs 330-190-002,
330-190-003, 330-190-004, 330-190-005,
330-190-010, 330-190-011, 330-190-012
and 330-190-013

255699

shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☒ This project is located within the limits of the District's Homeland/Romoland Line A Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

C-4

☒ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, San Jacinto River. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

C-5

☐ The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

C-6

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

C-7

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

C-8

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

C-9

Very truly yours,

Amy McNeill

AMY MCNEILL
Engineering Project Manager



RECEIVED
MAR 13 2024

**NOTICE OF AVAILABILITY
OF A DRAFT ENVIRONMENTAL IMPACT REPORT**

To: State Clearinghouse, Property Owners, Responsible and Trustee Agencies/Interested Organizations and Individuals

From: City of Menifee, Community Development Department

Subject: Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Proposed "CADO Menifee Industrial Warehouse Project", Tentative Parcel Map (TPM) No. PLN22-0041, and Plot Plan No. PLN 21-0370.

Comment Period: March 13, 2024 through April 27, 2024

C-10

Notice of Availability of a Draft Environmental Impact Report:

The City of Menifee is the Lead Agency under the California Environmental Quality Act (CEQA) and has prepared the Draft Environmental Impact Report (EIR) for the CADO Industrial Warehouse Project (herein after "proposed Project" or "Project") identified below. The Lead Agency has prepared this NOA, in Compliance with Title 14, Section 15087 of the California Code of Regulations, for the Draft EIR to provide the widest exposure and opportunity for input from public agencies, stakeholders, organizations, and individuals on the environmental analysis addressing the potential effects of the Proposed Project. The Draft EIR evaluates the potentially significant environmental impacts that may result from the Project.

Project Location:

The Project is generally located west of Interstate 215 (I-215) and south of State Highway (SH) 74, within the City of Menifee (City), County of Riverside, State of California. The Project is north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road. The Project site is located in the Economic Development Corridor- Northern Gateway (EDC-NG) zone of the City and is currently bordered by a scattering of existing rural residential properties (1-5 acres) and vacant land. The Project site consists of eight parcels (Assessor Parcel Numbers: 330-190-002 through -005 and 330-190-010 through 013). Refer to **Figure 1, Regional Location Map** and **Figure 2, Local Vicinity Map**

Project Applicant: CADO Menifee, LLC

Project Description:

Tentative Parcel Map No. PLN 22-0041 proposes to consolidate 8 parcels into one (1) industrial parcel. The Project site is approximately 40.03 gross acres and 36.81 net acres.

Plot Plan No. No. PLN 21-0370 proposes a 700,037 square foot warehouse/industrial building with 10,000 square feet of office space and 690,037 square feet of warehouse space on a 36.8 net acre (40.03 gross acre) site. There will be three (3) points of access on Byers Road and two (2) points of access on Wheat Street.

Associated facilities and improvements of the Project include on-site landscaping, parking, regional Project access, and off-site improvements (roadway improvements, storm drain, utilities). Reference **Figure 3, Site Plan**.

The Draft EIR addresses the short- and long-term effects of the Project on the environment, including the impacts of any off-site improvements. It also evaluates the potential for the Project to cause direct and indirect growth-inducing impacts, as well as cumulative impacts. Alternatives to the proposed Project were evaluated that may reduce impacts that were determined to be significant in the EIR. The environmental topic areas addressed in the Draft EIR include Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, **Greenhouse Gas Emissions**, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Transportation, Tribal Cultural Resources, and Utilities and Service Systems. Significant and unavoidable impacts are noted in ***bold/italics***.

The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

Public Comment Period:

This NOA and the Draft EIR will be available for public review and comment for a period of 45-days beginning **March 13, 2024 and ending April 27, 2024**. Public agencies, interested organizations, and individuals have the opportunity to comment on the proposed Project.

This NOA and Draft EIR is available for public review on the City of Menifee's website:

<https://www.cityofmenifee.us/325/Environmental-Notices-Documents>

Copies of the Draft EIR are also available for review at:

- **Menifee City Hall** - 29844 Haun Road, Menifee, CA 92586
 - Monday to Friday 8am to 5pm
- **Sun City Library** - 26982 Cherry Hills Road, Menifee, CA 92586
 - Sunday 12pm to 4pm
 - Mon, Wed, Fri 10am to 6pm
 - Tue & Thur 11am to 7pm
 - Saturday 9am to 3pm
- **Menifee Library** - 28798 La Piedra Road, Menifee, CA 92584
 - Mon & Wed 11am to 7pm
 - Tue & Thur 10am to 6pm
 - Fri & Sat 10am to 2pm

Any responses must be submitted to the City of Menifee, Community Development Department at the earliest possible date, but no later than the **April 27, 2024** deadline. Comments must be submitted via email or in writing to:

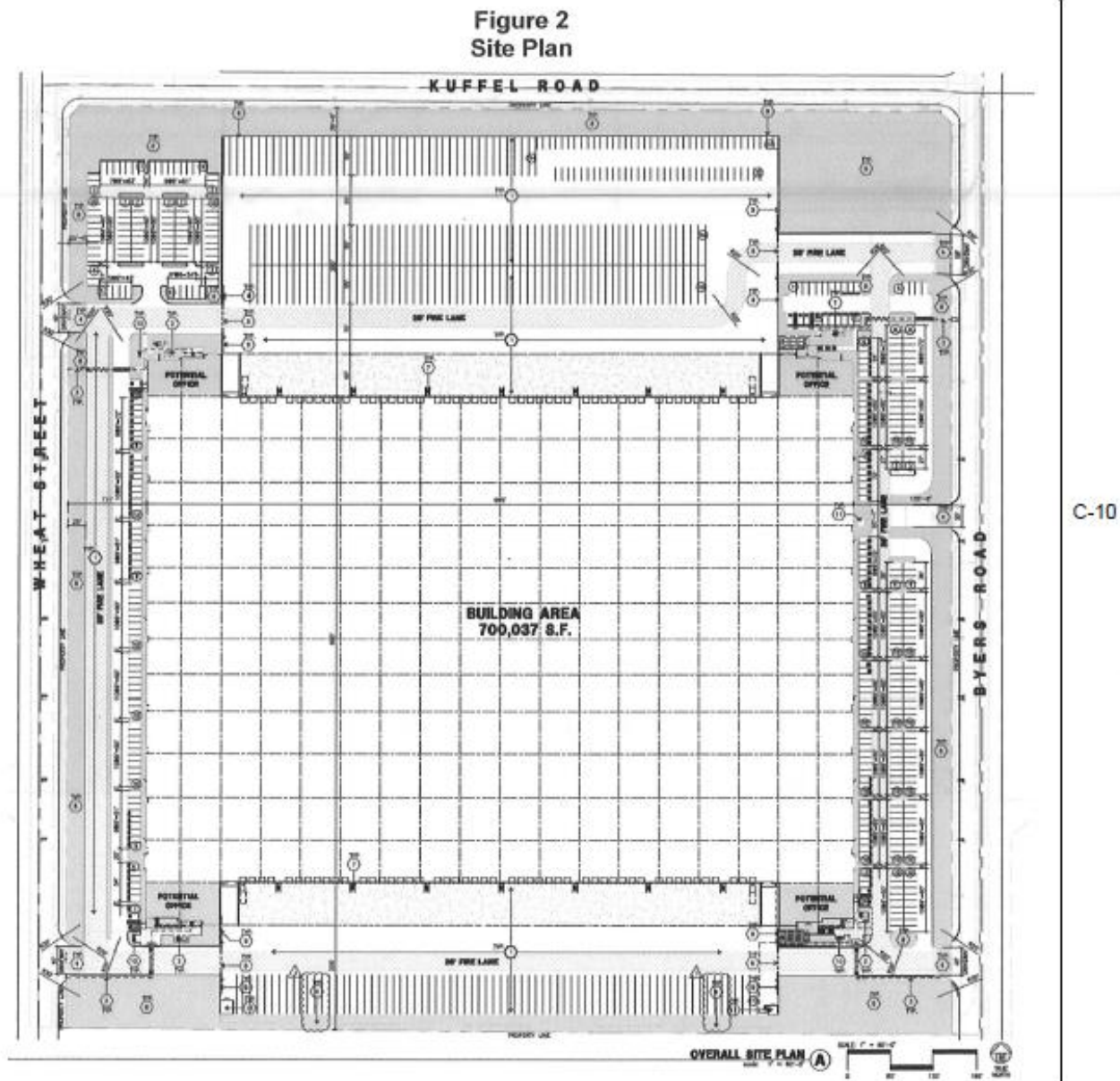
rfowler@cityofmenifee.us

CITY OF MENIFEE, COMMUNITY DEVELOPMENT DEPARTMENT
ATTN: RYAN FOWLER, PRINCIPAL PLANNER
29844 HAUN ROAD
MENIFEE, CA 92586
(951) 723-3740

C-10

Figure 1
Local Vicinity Map





***Responses to Comment Letter C – Riverside County Flood Control and Water Conservation District
Amy McNeill, Engineering Project Manager***

- C1** This comment includes introductory statements concerning the Riverside County Flood Control and Water Conservation District's (District) interest in projects associated with the District Master Drainage Plan facilities and other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system. Comment has been noted for the record and no further response is warranted.
- C2** This comment includes introductory statements to the following comments. Refer to Responses to Comments C3 through C5.
- C3** As stated in Draft EIR Section 4.9: Hydrology and Water Quality page 4.9-20, the Project site was initially zoned to drain partially to Line A-15a and Line A-14a. However, the proposed site drainage pattern would direct all of the stormwater runoff from the site to Line A-14a. As such, only Line A-14a would be constructed as part of this project and sized to convey the additional flow since no part of the proposed development drains towards Line A-15a. Pursuant to the Commenter's request, it is noted that the Project applicant will be required to enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners, prior to Project development, for Line A-14a. Pursuant to Mitigation Measure **(MM) HYD-3**, the Project applicant will also submit final grading plans for review and approval by the City, including final drainage design plans supported by a final drainage study to ensure that the Project does not result in increased flows off-site or otherwise significantly impact downstream drainage facilities.
- C4** It is noted that the Project Applicant will be required to obtain an encroachment permit for any construction-related activities occurring within District right-of-way or facilities, such as the Project's construction of the District's Homeland/Romoland Drainage Plan Line A-14a and the Project Applicant will be required to pay any applicable fees in accordance with the Rules and Regulations for Administration of Area Drainage Plan as a condition of approval. The Area Drainage Plan (ADP) fees will be paid to the District at the time of issuance of grading permits.
- C5** As stated in Response to Comment C4 above, it is noted that the Project Applicant will be required to obtain an encroachment permit for any construction-related activities occurring within District right-of-way or facilities. Further, the Draft EIR evaluates the Project's potential impacts on drainage facilities and, at pages 4.9-23 and 4.9-24, concludes that all proposed drainage improvements would adequately convey flows to the basin and provide flood protection for the 100-year storm event. Additionally, the Project Applicant would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit, and comply with the water quality policies of the City of Menifee General Plan (Menifee GP) and the Riverside County Drainage Area Management Plan (DAMP), which require implementation of construction BMPs per a stormwater pollution prevention plan (SWPPP; see **MM HYD-1**) and post-construction BMPs in accordance with the Water Quality Control Plan for

the Santa Ana River Basin. In addition, the Santa Ana Municipal Separate Storm Sewer Systems (MS4) Permit requires the preparation of a project-specific water quality management plan (WQMP) for all development projects. Pursuant to Santa Ana MS4 Permit, a project-specific WQMP was prepared and is included as Appendix I2 to the Draft EIR and has incorporated combined low-impact development (LID) treatment, hydrologic control BMPs, and sediment supply BMPs. A final WQMP will be required to address BMP sizing and O&M plan pursuant to Draft EIR **MM HYD-2** and comply with City of Menifee Municipal Code (Menifee MC) Section 15.01, Storm Water/Urban Runoff which includes the requirement for the preparation and implementation of a Project-Specific WQMP and has outlined all BMPs designed to meet water quality standards and mitigate any adverse impacts. Refer to Draft EIR 4.9-14 through 4.9-18 for further discussion.

- C6** Relevant to the Project, the NPDES permit is divided into two parts: construction and post-construction. The construction permitting is administered by the State Water Resources Control Board (SWRCB), while the post-construction permitting is administered by the Regional Water Quality Control Board (RWQCB). Development projects typically result in the disturbance of soil that requires compliance with the NPDES General Permit, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities (Order No. 2012-0006-DWQ, NPDES Number CAS000002) General Construction Permit. This Statewide General Construction Permit regulates discharges from construction sites that disturb one or more acres of soil. As stated in Response to Comment C5 above, the Project would comply with NPDES permit with the implementation of construction and post-construction BMPs in accordance with the SWPPP and Project-specific WQMP. Therefore, the Project would be compliant with the NPDES permitting requirements (see **MMs HYD-1** and **HYD-2**).
- C7** As discussed in Draft EIR Section 4.9: Hydrology and Water Quality page 4.9-6, review of Federal Emergency Management Agency (FEMA)'s Flood Insurance Rate Map (FIRM) shows that the Project site is located within a minimal flood hazard zone, identified as Zone X which are areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood.

As further discussed in Draft EIR Section 4.9: Hydrology and Water Quality page 4.9-16, on-site flows would be collected through an extensive drainage plan utilizing ribbon gutters and a storm drain network system, and off-site drainage improvements at Wheat Street and Byers Road. Discharge would ultimately flow directly to the proposed storm drain Line A-14a before reaching the San Jacinto River. The Draft EIR Preliminary Drainage Study (Appendix I1) concluded that that the proposed drainage improvements would adequately convey flows to the open bioretention basin and provide flood protection for the 100-year storm event. The Project's drainage has been designed to ensure that runoff flows leaving the site do not exceed existing conditions, thereby avoiding impacts to downstream facilities. Additionally, the Project would implement **MM HYD-3** which would require that the Project Applicant submit final grading and drainage plans for review and approval by the City and the EMWD, prior to issuance of any grading permit, to ensure that the Project does not result in increased flows off-site or otherwise significantly impact

downstream drainage facilities. Implementation of efficient design measures and applicable BMPs pursuant to the Project's WQMP and SWPPP (**MMs HYD-1, -2, and -3**) would prevent flooding on- and off-site due to an increase in surface water runoff. Therefore, the Project will adequately control storm water drainage.

- C8** The City of Meniffee prepared a Draft EIR and this FEIR in accordance with CEQA. The Project applicant will implement mitigation measures proposed in the Draft EIR and comply with applicable federal, state, and local laws, ordinances, and regulations to reduce impacts associated with the Project.
- C9** Draft EIR Appendix C, Biological Resources Report concluded that the United States Fish and Wildlife Service (USFWS) National Wetland Inventory and Environmental Protection Agency (EPA) Water Program "My Waters" data layers did not identify any jurisdictional drainages and/or wetland features within site boundaries. In addition, as discussed in Draft EIR Section 4.3: Biological Resources page 4.3-14, no jurisdictional drainage features, riparian/riverine areas, or vernal pools were observed within the Project site during the field investigation. Additionally, no blueline streams have been recorded on the Project site. Connecting the off-site drainage culvert, northeast of the Project site, into the flood control channel south of the Project site would not result in impacts to jurisdictional waters, and regulatory approvals including but not limited to, Section 1602, 404, and 401 permits will not be required.
- C10** The commenter's attachment of the stamped Notice of Availability has been noted. No further response is warranted.

Comment Letter D – Advocates for the Environment
Dean Wallraff, Executive Director

April 12, 2024

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



Ryan Fowler
Senior Planner
City of Menifee
29844 Haun Road
Menifee, CA 92586

Via U.S. Mail and email to rfowler@cityofmenifee.us

re: Comments on Draft Environmental Impact Report for CADO Menifee Industrial Project,
SCH No. 2022040622

Dear Mr. Fowler:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (DEIR) for the CADO Menifee Industrial Project (Project). The Project Site is approximately 40 acres located North of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road in the City of Menifee (City), Riverside County. The Project proposes to develop a 700,037 square-foot warehouse building. We have reviewed the DEIR released in March 2024 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (GHG) analysis under the California Environmental Quality Act (CEQA).

D-1

The City Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

D-2

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects

D-3

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 dw@aenv.org

City of Menifee
CEQA Comments on CADO Menifee Industrial Project

Page 2
April 12, 2024

to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that “achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: “it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed ... in order to meet our GHG and air quality targets.” (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.)

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would also help protect the City and the Applicant from CEQA GHG litigation.

GHG Mitigation is Insufficient under CEQA

The unmitigated project-related emissions amount to 7,023 metric tons of carbon dioxide equivalent (MTCO₂e) per year (DEIR, p. 4.7-22). The City adopted a numeric GHG significance threshold of below 3,000 MTCO₂e. (DEIR, p. 4.7-22.) Based on this threshold, City concluded the Project would have significant GHG emissions. To reduce this significant GHG impact, the GHG Analysis offered Greenhouse Gas Mitigation Measures (MM-GHG) including MM-GHG-1 through GHG-7, as well as four applicable air quality mitigation measures (DEIR, p. 4.7-23.)

After accounting for the GHG reductions from the proposed mitigation measures, the DEIR calculated the Project’s mitigated emissions at 6,272 MTCO₂e. (DEIR, p. 4.7-22.) The DEIR stated that “[a]dditional mitigation to further reduce these emissions is not feasible,” yet did not provide a valid reason sufficient to support this claim, as discussed further in this letter. (DEIR, p. 4.7-24.) The DEIR indicates that a mere ten percent of the Project’s GHG impact is the maximum feasible GHG reduction,¹ which is not supported by substantial evidence.

The DEIR declared that the Project would have a significant and unavoidable cumulative GHG impact due to the significance of the estimated GHG emissions after mitigation. However, because the conclusion that additional mitigation would be infeasible is not supported by substantial evidence, the DEIR should have included more mitigation to reduce the Project’s GHG emissions to the extent required by CEQA.

¹ $(7,023 \text{ MTCO}_2\text{e} - 6,272 \text{ MTCO}_2\text{e}) \div 7,023 = 0.1$ or approx. 10%

City of Meniffee
CEQA Comments on CADO Meniffee Industrial Project

Page 3
April 12, 2024

The Project's GHG Impacts Must be Fully Mitigated

CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project's GHG impacts. The DEIR claims that no other mitigation measures are feasible, beyond the ones identified in the DEIR. But that conclusion is incorrect, and not supported by substantial evidence.

D-9

The amount of GHG emissions that comprises the Project's fair share is clear. The Project's mitigated annual emissions were estimated at 6,272 MTCO₂e, and the reasonable lifespan this Project is approximately 30 years, as indicated by the amortization of construction emissions. (DEIR, p. 4.7-21.) Therefore, the Project would likely contribute to approximately 188,160 MTCO₂e during its entire lifespan.² This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases.

D-10

Operational Emissions Reductions are Feasible

The City could require the Applicant to commit to zero-emission vehicles (ZEVs) and heavy duty trucks to the maximum extent feasible. Rather than simply identifying where future electric charging stations could go (as stated in MM GHG-7) the City should require the installation of as many electric charging stations as would be able to reduce the Project's impact to the fair-share extent. Although the DEIR claimed that "the City of Meniffee has no regulatory control over emissions control technology and therefore limited ability to control or mitigate emissions associated with truck emissions associated with this Project," the City does have the ability to enter into agreements with the applicant to use ZEVs to the extent feasible, including with heavy-duty trucks that are utilized as part of the Project's operations. Thus, the City can mitigate at least some truck emissions associated with the Project. Further, the Project could install charging stations for heavy-duty trucks to make it feasible to use ZEV trucks in operations.

D-11

It is also feasible for the Project to rely less on non-renewable fuel sources, in both the building itself and site operations, to reduce the impact from burning natural gas, a non-renewable fossil fuel which contributes to climate change.³ Additionally, the DEIR did not account for any mitigation of the Project's GHG impact from water and wastewater, as well as the heavy-duty warehouse trucks. (DEIR, p. 4.7-22 Table 4.7-3.) Therefore, there are many mitigation measures which could be imposed to address those impacts, as none have currently been implemented to a quantifiable extent. Further, there is room for reduction of electricity-related emissions, because only 20 percent of the Project's electricity is being provided by clean sources.⁴ Accordingly, solar panels could be installed,

D-12

² 6,272 MTCO₂e × 30 years = 188,160 MTCO₂e

³ The Project would utilize an emergency backup generator as well as other natural gas uses that would account for 85 MTCO₂e of GHG emissions per year. (DEIR, p. 4.7-22 Table 4.7-3.)

⁴ (65 MTCO₂e – 52 MTCO₂e) ÷ 65 MTCO₂e = 0.2 or approx. 20%
DEIR, p. 4.7-22 Table 4.7-3

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 dw@aenv.org

City of Menifee
CEQA Comments on CADO Menifee Industrial Project

Page 4
April 12, 2024

rather than simply “solar ready” in order to further reduce the Project’s electricity impact and provide for 100% of the building’s electricity needs.

In addition to the recommended modifications to the existing mitigation measures, there are several other mitigation measures that are feasible, including renewable energy systems and batteries to power the commercial buildings during non-peak hours, solar water heaters, automatic light switches, among many other mitigation strategies that can be incorporated in the project as design features or as mitigation measures. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (LEED).

D-13

Even after implementing on-site emissions reductions to the maximum-feasible extent, the City could also require the Applicant to enter into an agreement to buy clean power for the remaining warehouse’s electricity usage or purchase offsets. Overall, there are more options available to mitigate emissions to the full extent of project emissions, and the City failed to acknowledge or implement many mitigation measures which are feasible and could help reduce the Project’s GHG impact to the fair share extent.

D-14

Carbon Offsets are Feasible as Mitigation Measures

The City states that offsets are infeasible because “no local programs are available that would meet CEQA’s criteria for a valid mitigation measure.” Yet, offsets *are* acceptable mitigation measures under CEQA (See CEQA Guidelines § 15126.4 (c)(3).) Given that climate impact is a global issue, there is no requirement that mitigation of GHG impact must be through “local” programs. While there may be some carbon registries or projects which do not comply with CEQA, this does not mean that all offsets are inadequate as mitigation measures. The DEIR’s claim that the Golden Door case held that offsets are not valid CEQA mitigation measures is simply wrong, as a matter of law.

D-15

As long as the agency identifies feasible actions to achieve a specific adopted performance standard, even non-local offsets would be sufficiently effective under CEQA standards, regardless of where they are located in the world. Nonetheless, contrary to the claims in the DEIR, there are also many offset projects which are currently operating in California, including projects which are relevant to the Project’s operations such as the Truck Stop Electrification project in California (Project ID ACR133), and those that reduce industrial process emissions such as the reclaimed hydrofluorocarbon project by Anew Environmental, LLC (Project ID ACR777), among others.⁵ Such offset programs are just examples of which the City could consider as feasible carbon offsets to reduce the Project’s GHG impact.

D-16

⁵ American Carbon Registry (ACR), list of offset projects, available at <https://acr2.apx.com/myModule/rpt/myrpt.asp?r=111> (Accessed April 8, 2024).

City of Meniffee
CEQA Comments on CADO Meniffee Industrial Project

Page 5
April 12, 2024

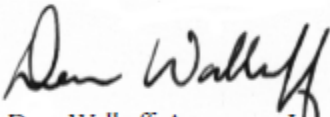
Conclusion

Although the City identified the Project's GHG impact as cumulatively significant and unavoidable, it failed to give specific reasons for why further mitigation would be infeasible under CEQA. The DEIR violates CEQA because it does not propose mitigation to the fair share extent, nor does it adequately justify why further mitigation would be infeasible, despite concluding that the significant GHG impact will be less cumulatively significant and unavoidable.

D-17

Please put me on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2.

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 dw@aenv.org

Responses to Comment Letter D – Advocates for the Environment

Dean Wallraff, Executive Director

D1 This comment contains introductory statements and a short overview of the Project. Comment is noted for the record and no further response is required.

D2 The commenter states that the City should use a net-zero GHG significance threshold. The comment also makes unsubstantiated statements that it is more affordable to construct new buildings to be net-zero now than to retrofit an old building in the future to meet the same standard. The commenter also references California’s policy to achieve net-zero GHG emissions no later than 2045 (presumably AB 1279). It should be noted that the State has not adopted a net-zero GHG threshold (or any GHG threshold) for individual development projects. The State’s policy to achieve net-zero GHG emissions by 2045 requires CARB to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable CO₂ removal solutions and carbon capture, utilization, and storage (CCUS) technologies. As discussed in Draft EIR pages 4.7-29 – 4.7-20, the Project would not conflict with the CARB Scoping Plan following compliance with all applicable regulations and mitigation measures discussed in the Draft EIR.

As noted by the commenter, the State has regulations in place to reduce GHG emissions. The Project will comply with all requirements as required by law. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project’s environmental effects, no further response is warranted.

D3 The commenter states that two of the largest mixed-use developments in the history of California have moved forward as net-zero communities after losing CEQA lawsuits. However, the 2022 CARB Scoping Plan notes that projects that have agreed to net zero GHG emissions such as “...the Newhall and Tejon Ranch projects do not necessarily represent the type of development that California most needs to simultaneously tackle the housing and climate crises...”. The 2022 CARB Scoping Plan notes that a number of key State actions should be accounted for in local target-setting, including zero-emission light-duty vehicles (relevant to transportation electrification); smart growth/VMT reduction (relevant to vehicle miles traveled reduction); and new and existing residential and commercial buildings (relevant to building decarbonization).¹

The 2022 CARB Scoping Plan does not recommend a net-zero GHG threshold for individual development projects, noting that such thresholds may make it more difficult to achieve statewide goals by prohibiting or complicating projects that are needed to support the State’s climate goals, like infill development or solar arrays.² The Scoping Plan also cautions using net-zero targets and specifically notes that jurisdictions considering a net-zero target should carefully

¹ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*, Page 15, November 2022.

² California Air Resources Board, *2022 Scoping Plan, Appendix D*, page 18, November 2022.

consider the implications it may have on emissions in neighboring communities and beyond. Appendix D page 18 of the Scoping Plan states the following:

Jurisdictions should also avoid creating targets that are impossible to meet as a basis to determine significance. For example, a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be considered potentially significant. This may lead to undue burdens and frustrate project approval processes, which may be particularly problematic for residential development in climate-smart, infill areas. In addition, some jurisdictions have more land capacity to remove and store carbon, while others host GHG-emitting facilities that serve necessary functions and will take time to transition to new technology (e.g., municipal wastewater treatment plants, landfills, energy generation facilities).

Local governments have the discretion to adopt targets that apply to their jurisdictions as long as those targets are supported by substantial evidence.³ The IS/MND uses a GHG threshold developed by SCAQMD, which is based on substantial evidence as explained in the Draft EIR Section 4.7: Greenhouse Gas Emissions pages 4.7-18. Moreover, the Draft EIR has identified a significant and unavoidable impact based on the City's 3,000 MTCO₂e threshold even after mitigating GHG emissions to the maximum extent feasible. Were the City to adopt a net-zero threshold, the impact would remain the same, significant and unavoidable with regards to GHG emissions, and the type and extent of mitigation that the Project is already deploying would be the same. Accordingly, a net-zero threshold would not change the EIR's conclusions.

The Project is a speculative warehouse and is not comparable to the projects identified by the commenter. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects; therefore, no further response is warranted.

- D4** The commenter urges the City to adopt net-zero as the GHG significance threshold, but does not make a specific comment with regard to the Draft EIR analysis. It should be noted that CARB Scoping Plan Appendix D (Local Actions) does not recommend a net-zero project level threshold. Specifically, the CARB Scoping Plan Appendix D states: "... a net-zero target...may lead to undue burdens and frustrate project approval processes..." (page 18). Additionally, the measures and recommendations within Scoping Plan Appendix D are focused on residential and mixed-use development projects and not industrial or warehouse projects (see Scoping Plan page 21). As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted.

³ Cal. Code Regs., tit. 14, § 15183.5.

- D5** Refer to Response D4, above. The commenter expresses their hope that the City will require the Project to meet net-zero requirements. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project’s environmental effects; therefore, no further response is warranted.
- D6** The commenter summarizes their view of the Draft EIR GHG analysis, threshold, and mitigation. The comment does not raise any specific issue with respect of the adequacy of the Draft EIR. Responses to comments specific to the Draft EIR analysis are provided below.
- D7** The commenter disagrees with the Draft EIR analysis that additional mitigation is not feasible. As shown in Table 4.7-3 Project Greenhouse Gas Emissions and discussed on page 4.7-23, the majority of the Project emissions (79 percent) are from vehicle emissions which are regulated by State and Federal standards, and the Project has no control over these standards. As engine efficiency increases and the vehicle fleet shifts to low or zero-emission vehicles (including achieving 100 percent zero emission vehicle sales in 2035 and implementing the Advanced Clean Fleets regulation), these emissions will decrease. In addition, the identified mitigation measures will reduce area and indirect sources of the GHG emissions by 35 percent.
- D8** Refer to Response D7, above. The commenter notes that the Project has identified a significant and unavoidable GHG impact because mitigated GHG emissions exceed the City’s threshold and suggests that more mitigation should have been included. As discussed in the Draft EIR, all feasible mitigation measures have been applied to the Project. However, the majority of the Project’s emissions are from mobile sources, which the Project has no authority to regulate. Mobile source emissions would decline in the future due to statewide measures, as well as cleaner technology and fleet turnover. Several of the State’s plans and policies would contribute to an increasing reduction over time in mobile source emissions from the Project. These include the following as summarized:
- **CARB’s Advanced Clean Truck Regulation:** CARB’s Advanced Clean Truck Regulation requires truck manufacturers to transition from diesel trucks and vans to electric zero emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission.
 - **Executive Order N-79-20:** Executive Order N-79-20 establishes the goal for all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, to be zero-emission by 2035 and all medium and heavy-duty vehicles to be zero emission by 2045. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment “requiring increasing volumes” of new zero-emission vehicles (ZEVs) “towards the target of 100 percent.”
 - **CARB’s Mobile Source Strategy:** CARB’s Mobile Source Strategy takes an integrated planning approach to identify the level of transition to cleaner mobile source technologies needed to achieve all of California’s targets by increasing the adoption of ZEV buses and trucks.

- **CARB’s Sustainable Freight Action Plan:** This plan improves freight system efficiency, uses near-zero emissions technology, and deployment of ZEV trucks. It applies to all trucks accessing the Project site and may include existing trucks or new trucks that are part of the statewide goods movement sector.
- **CARB’s Emissions Reduction Plan for Ports and Goods Movement:** CARB’s plan identifies measures to improve goods movement efficiencies such as advanced combustion strategies, friction reduction, waste heat recovery, and electrification of accessories.
- **South Coast Air Quality Management District Rule 2305 (Warehouse Indirect Source Rule):** Rule 2305 requires warehouse operators to track annual vehicle miles traveled associated with truck trips to and from the warehouse. These trip miles are used to calculate the warehouses WAIRE (Warehouse Actions and Investments to Reduce Emissions) Points Compliance Obligation. WAIRE Points are earned based on emission reduction measures and warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. Warehouse operators that do not earn a sufficient number of WAIRE points to satisfy the WAIRE Points Compliance Obligation would be required to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

While these measures are not directly applicable to the Project, any commercial activity associated with goods movement would be required to comply with these measures as adopted. The Project would not obstruct or interfere with efforts to increase ZEVs or State efforts to improve system efficiency. As such, the Project would not interfere with their implementation. Furthermore, the Project would not impede the State’s progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The Project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan (see Draft EIR pages 4.7-6 through 4.7-8).

- D9** The comment states that the Project should include fair-share mitigation. The Draft EIR includes numerous mitigation measures to reduce GHG emissions (see Draft EIR pages 4.7-25 through 4.7-27 and ES-14 through ES-16). Specifically, **MM GHG-1** requires the Project to install a solar photovoltaic (PV) system or offset an equivalent amount of energy demand through the purchase of renewable energy or implementation of alternative renewable measures. **MM GHG-2** prohibits the Project from including cold storage equipment for warehouse purposes. **MM GHG-3** requires the facility operator to provide tenants with information on incentive programs such as the Moyer program and SmartWay program to increase transportation efficiency. **MM GHG-4** requires EV-ready infrastructure and EV charging stations in employee parking lots. **MM GHG-5** requires the Project to divert 75 percent of waste from landfills and **MM GHG-6** requires landscape equipment to be 100 percent electric. **MM GHG7** also requires the site plan to designate an area of the site for three future truck charging stations and install electrical conduit. Additionally Draft EIR Air Quality **MMs AQ-2** through **AQ-5** would also reduce GHG emissions by limiting engine idling, implementation of a transportation demand management (TDM) program, requiring all forklifts to be zero emissions, and posting signage with instructions that reduce emissions.

As described above, continued emissions reductions would occur from current and future State and federal regulations (see Response D7 and D8, above). Additionally, as described on Draft EIR page 4.7-23, the Project would be subject to SCAQMD Rule 2305, the Warehouse Indirect Source Rule, which would facilitate the acquisition of near-zero emission and/or zero emission on-road trucks, zero emission cargo handling equipment, solar panels, or zero emission charging and fueling infrastructure.

D10 The comment attempts to quantify the Project's lifetime GHG emissions. However, the comment incorrectly assumes the Project's annual emissions would remain the same for the entire Project lifetime. The purpose of the EIR's GHG analysis is to disclose the potential effects of the Project on the existing environment and, as such, the analysis provided in the EIR serves as a snapshot in time. As described above and in Responses D7, D8, and D9 emissions would decrease in future years due to implementation of current and future regulations. CEQA precludes the EIR from speculating as to what the Project's emissions may be 30 years in the future. Therefore, using the commenters calculations as "a good starting point" for assessing Project impacts is not appropriate because the available analytical models cannot presently quantify all Project-related emissions in those future years due to the technological shifts anticipated and the unknown parameters of the regulatory framework in the future.

D11 The commenter suggests that the City should require the Project to commit to ZEVs to the maximum extent feasible. However, mitigation measures need to be both feasible and fully enforceable. The City cannot regulate the fleet of vehicles accessing the Project, all vehicles accessing the Project are regulated by the State and federal government and it is assumed that all vehicles are registered in the State of California or legally registered in another State. As ZEVs become more accessible, charging stations will be added as needed based on the locations identified in MM GHG-4 and MM GHG-7. In addition, the Project must comply with CALGreen and SCAQMD Rule 2305.

The commenter does not provide any evidence that the suggested mitigation measures are feasible either for the City to monitor or for the Project Applicant to implement. This is particularly true with respect to zero emission heavy truck technology that is not widely commercially available, and no evidence – let alone substantial evidence – has been provided to show how this type of technology could be utilized by Project users, to the extent it exists today, or that the local electricity supplier (Southern California Edison) has sufficient capacity to supply the total energy and peak loads needed to service a zero emission heavy truck fleet for a building the size of the Project. The commenter also does not provide any evidence that the suggested mitigation measures would actually or substantially reduce the Project's GHG emissions. CEQA does not require adoption of every imaginable mitigation measure. CEQA's requirement applies only to feasible mitigation that will "substantially lessen" a project's significant effects (Public Resources Code Section 21002). As explained by one court: A lead agency's "duty to condition project approval on incorporation of feasible mitigation measures only exists when such measures would [avoid or] 'substantially lessen' a significant environmental effect." (San Franciscans for Reasonable Growth v. City and County of San Francisco (1989) 209 Cal.App.3d 1502, 1519.)

“Thus, the agency need not, under CEQA, adopt every nickel and dime mitigation scheme brought to its attention or proposed in the project EIR.” (Ibid.) Rather, an EIR should focus on mitigation measures that are feasible, practical, and effective (Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 365.). As disclosed in the EIR and supported by substantial evidence in the record, the Project’s EIR includes all feasible mitigation measures that are capable of substantially reducing the Project’s GHG emissions and no revisions to the EIR or additional mitigation measures are required.

D12 The Project would be subject to the stringent water, wastewater, and natural gas efficiency requirements in the CALGreen building code (California Code of Regulations, Title 24, part 11), which has requirements for low-flow fixtures including sinks and toilets and efficient appliances. These reduction measures are not included as mitigation because they are covered under CALGreen building code and therefore are not considered mitigation. **MM AQ-4** requires that all forklifts and yard trucks be electrically powered. The emissions shown in Table 4.7-3 conservatively assume the electricity used to power these vehicles does not come from a renewable source in order to analyze a worst-case scenario. The comment incorrectly states that the Project is only required to be “solar ready”. In fact, **MM GHG-1** requires a minimum of 20 percent of the building’s power needs to be provided by solar (or to offset an equivalent amount of energy demand through the purchase of renewable energy or implementation of alternative renewable measures).

D13 The commenter suggests additional mitigation measures such as renewable energy systems, batteries, solar water heaters, automatic light switches, and suggests requiring the Project to achieve LEED certification.

Energy use (both natural gas and electricity) makes up only 2 percent of the Projects GHG emissions. As noted before, Draft EIR **MM GHG-1** requires a renewable energy system. At least 20 percent of the Project’s energy needs will be provided by solar and includes battery energy storage consistent with SCE’s Rule 21. Although the Project is not mitigated to include solar water heaters or automatic light switches, these features are covered under the CALGreen building code, with which the Project must comply. In addition, LEED certification of a building does not guarantee significant GHG reductions beyond what is required by CALGreen.

D14 The commenter suggests that the City require the Applicant to enter into an agreement to buy clean power to offset the remaining building usage (however, as stated previously, please note that the Project’s energy usage only contributes 2 percent of the total GHG emissions). This measure was considered but the demand for these programs is greater than what can be provided, as a result the electricity needed could not be provided. However, as noted previously, the State has regulations to provide clean energy by 2045. As a result, Project related emissions will decrease in the future.

D15 The comment suggests adding carbon offsets as a mitigation measure. Although it is possible to purchase carbon offsets, even offset credits purchased from CARB-approved offset project registries have been determined in certain circumstances to not adequately assure that purchased offset credits accurately and reliably represent actual emissions reductions, or to not guarantee that such reductions are not already required by law. This is due to the fact that “over-crediting” can occur based on the generation of credits from actions that would have happened regardless of the offset program. For example, a pair of studies published in 2019 and 2021 examined California’s forest carbon offsets program and found that it was likely to have overstated its total emission reductions by 80 percent or more.^{4,5} If an offset program generates credits from reductions that would have happened regardless of the offset program, and this causes the protocols to generate more credits than actual reductions in emissions, the emitter’s emissions are not truly offset,⁶ and therefore would not be considered adequate mitigation under CEQA.

In addition, it should be noted that the vast majority of emissions that would be generated by the Project, including mobile emissions and energy emissions, are subject to the California Cap and Trade program, which places an economy-wide “cap” on major sources of GHG emissions, such as refineries, power plants, industrial facilities and transportation fuels. For example, “‘Fuel suppliers’ are responsible for the carbon pollution from fuels under the Cap-and-Trade Program” and thus must acquire “allowances” to cover all carbon pollution from such fuels.⁷ They may also purchase certain approved offsets to fulfill up to eight percent of their compliance obligation.⁸ Given that more than 96 percent of the emissions that would be generated by the Project are covered by Cap and Trade and thus are already subject to a regulatory program that includes offsets, the City finds it would be inappropriate and infeasible to use offsets to mitigate such emissions. Rather, mitigation measures should focus on reducing emissions from the Project.

As noted in Responses D7 and D8, above, the Project would not conflict with State goals for GHG reduction. As discussed in the Draft EIR, all feasible mitigation measures have been applied to the Project. The majority of the Project’s emissions are from mobile and energy sources. These emissions are addressed by State policies and regulations and would decline in the future, in line with State reduction targets.

The Draft EIR includes numerous mitigation measures to reduce GHG emissions (see Draft EIR pages 4.7-25 through 4.7-27). The Project would reduce energy emissions through on-site renewable/solar energy, prohibiting cold storage to minimize energy consumption and GHG emissions, requiring trucks to participate in efficiency programs, providing EV infrastructure and

⁴ Haya, Barbara. POLICY BRIEF: The California Air Resources Board’s U.S. Forest offset protocol underestimates leakage. May 2019. Website: https://gspp.berkeley.edu/assets/uploads/research/pdf/Policy_Brief-US_Forest_Projects-Leakage-Haya_4.pdf.

⁵ Badgley, G., Freeman, J., Hamman, J. J., Haya, B., Trugman, A. T., Anderegg, W. R. L., & Cullenward, D. (2022). Systematic over-crediting in California’s forest carbon offsets program. *Global Change Biology*, 28, 1433– 1445. Website: <https://doi.org/10.1111/gcb.15943>.

⁶ Stockholm Environment Institute and Greenhouse Gas Management Institute. Carbon Offset Guide. How Carbon Offset Programs Address Additionality. Website: <https://www.offsetguide.org/high-quality-offsets/additionality/high-quality-offsets-additionality-how-carbon-offset-programs-address-additionality/>.

⁷ https://ww2.arb.ca.gov/sites/default/files/cap-and-trade/guidance/faq_fuel_purchasers.pdf

⁸ <https://law.justia.com/cases/california/court-of-appeal/2020/d075328.html>

charging stations, facilitation of future truck charging stations, electric cargo handling equipment, solid waste reduction, and zero emission landscape equipment, among others. The Project mitigation focuses on providing infrastructure to facilitate shifts in vehicle types and energy sources envisioned by the State in the future.

D16 Refer to Response D15, above.

D17 The comment provides general closing remarks. Responses to specific comments are provided above; no further response is required.

Comment Letter E – South Coast Air Quality Management District
Danica Nguyen, Air Quality Specialist, CEQA-IGR
Sam Wang, Program Supervisor, CEQA-IGR

From: [Danica Nguyen](#)
To: [Ryan Fowler](#)
Cc: [Sam Wang](#)
Subject: Technical Data Request: Proposed CADO Menifee Warehouse Project
Date: Wednesday, March 20, 2024 4:59:51 PM

You don't often get email from dnguyen1@aqmd.gov. [Learn why this is important](#)

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ryan Fowler,

South Coast AQMD staff received the Draft Environmental Impact Report (EIR) for the Proposed CADO Menifee Warehouse Project (South Coast AQMD Control Number: RVC240313-05). The public commenting period is from 03/13/2024 to 04/27/2024.

Upon reviewing the files provided as part of the public review period, I was able to access the DEIR and its appendices via the City's website.

Please provide all technical documents related to air quality, health risk, and GHG analyses, electronic versions of all emission calculation files, and air quality modeling and health risk assessment files (complete files, not summaries) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including the following:

- CalEEMod Input Files (.csv or .json files);
- EMFAC output files (not PDF files);
- All emission calculation spreadsheet file(s) (not PDF files) used to calculate the Project's emission sources (i.e., truck operations);
- AERMOD Input and Output files, including AERMOD View file(s) (.isc);
- Any HARP Input and Output files and/or cancer risk calculation files (excel file(s); not PDF) used to calculate cancer risk and chronic and acute hazards from the Project;
- Any files related to post-processing done outside AERMOD to calculate pollutant-specific concentrations (if applicable).

You may send the files mentioned above via a Dropbox link, which may be accessed and downloaded by South Coast AQMD staff by COB on Wednesday, 03/27/2024. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses promptly. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.

If you have any questions regarding this request, please don't hesitate to contact me.

Regards,

Danica Nguyen

Air Quality Specialist, CEQA-IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

E1

E2

E3



SENT VIA E-MAIL:

April 17, 2024

rfowler@cityofmenifee.us

Ryan Fowler, Principal Planner
City of Menifee
Community Development Department
29844 Haun Road
Menifee, California 92586

**Draft Environmental Impact Report (EIR) for the Proposed
CADO Menifee Industrial Warehouse Project (Proposed Project)
(SCH No.: 2022040622)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Menifee is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments organized by topic of concern.

South Coast AQMD Staff's Summary of Project Information in the DEIR

Based on the Draft EIR, the Proposed Project consists of demolishing two existing residential structures and developing an approximately 700,037 square feet (sq. ft) industrial warehouse building on a 40.03 gross-acre site.¹ The Proposed Project would contain 98 dock doors, with 49 dock doors on the southern and northern portions of the building.² The Proposed Project is located north of Corsia Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road in Menifee.³ Based on the aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residential) is within 100 ft north of the Proposed Project site. The Proposed Project's construction is anticipated to occur over approximately 14 months, beginning in 2024.⁴

E4

South Coast AQMD Staff's Comments on the DEIR

Potential of Inappropriate Vehicle Fleet Mixes to Evaluate Proposed Project's Air Quality Impacts from Mobile Sources

The Proposed Project's operational emissions from mobile sources may have been underestimated using inappropriate vehicle fleet mixes in the Draft EIR. According to Table 4.13-2: Summary of Project Trip Generation, the Proposed Project generates 135 daily truck trips, representing only 3% of the total daily trips.⁵ South Coast AQMD staff believes that the number of trucks assumed

E5

¹ Draft EIR, Page 2-3.

² *Ibid.*

³ *Ibid.* Page 2-1.

⁴ *Ibid.* Page 2-4.

⁵ *Ibid.* Page 4.13-16.

Ryan Fowler

April 17, 2024

in the Draft EIR to serve the proposed industrial uses is too low for warehouse facilities, given that the total industrial use of the Proposed Project is approximately 700,037 sq. ft. For instance, the Fontana Truck Trip Generation Study indicates that 20.4% of the total daily vehicle trips from warehouses greater than 100,000 square feet consist of trucks.⁶ This study is based on traffic counts from warehouses. Thus, it is recommended to re-evaluate the Proposed Project's air quality impacts, assuming a more conservative fleet mix supported by substantial evidence.

E5
Cont.

California Emission Estimator Model (CalEEMod) Versions

According to the Draft EIR and Appendix B1 - Air Quality Assessment, the Proposed Project's emissions calculations are analyzed using the CalEEMod version 2020.4.0.⁷ At the time when the Draft EIR was prepared, the Lead Agency should consider using the latest CalEEMod 2022.1.1 version (first released in May 2022), instead of the previous version. Since the Proposed Project's Notice of Preparation was released on May 2, 2022, South Coast AQMD staff recommends that the Lead Agency quantifies the emissions calculations utilizing the latest CalEEMod version, determines the significant level, and includes the result in the Final EIR.

E6

Additional Recommended Air Quality and Greenhouse Gases Mitigation Measures and Project Design Considerations

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's air quality impacts, South Coast AQMD staff recommends incorporating the following mitigation measures and project design considerations into the Final EIR.

E7

Mitigation Measures for Operational Air Quality Impacts from Mobile Sources

1. Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible.

E8

Note: Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available to use.

2. Require a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.

E9

Note: South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.

⁶ City of Fontana. Truck Trip Generation Study. Available at: <https://tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf>

⁷ Appendix B1 – Air Quality Assessment. CalEEMod Output Files.

Ryan Fowler

April 17, 2024

- | | |
|---|------------|
| <p>3. At a minimum, require the use of a 2010 model year that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. All heavy-duty haul trucks should meet CARB's lowest optional low-NOx standard starting in 2022. Where appropriate, include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document. Include the requirements in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. Regular inspections should be conducted by the Lead Agency to the maximum extent feasible to ensure compliance.</p> | <p>E10</p> |
| <p>4. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.</p> | <p>E11</p> |
| <p>5. Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.</p> | <p>E12</p> |

Mitigation Measures for Operational Air Quality Impacts from Other Area Sources

- | | |
|---|------------|
| <p>1. Maximize the use of solar energy by installing solar energy arrays.</p> <p>2. Use light-colored paving and roofing materials.</p> <p>3. Utilize only Energy Star heating, cooling, and lighting devices and appliances.</p> | <p>E13</p> |
|---|------------|

Design Considerations for Reducing Air Quality and Health Risk Impacts

- | | |
|---|------------|
| <p>1. Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).</p> <p>2. Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.</p> <p>3. Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.</p> <p>4. Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.</p> <p>5. Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.</p> | <p>E14</p> |
|---|------------|

Ryan Fowler

April 17, 2024

Lastly, the South Coast AQMD also suggests that the Lead Agency conduct a review of the following references and incorporate additional mitigation measures as applicable to the Proposed Project in the Final EIR:

1. State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act⁸
2. South Coast AQMD 2022 Air Quality Management Plan,⁹ specifically:
 - a) Appendix IV-A – South Coast AQMD’s Stationary and Mobile Source Control Measures
 - b) Appendix IV-B – CARB’s Strategy for South Coast
 - c) Appendix IV-C – SCAG’s Regional Transportation Strategy and Control Measure
3. United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation¹⁰

E15

South Coast AQMD Air Permits and Role as a Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, etc., air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD. In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Final EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project.

E16

The Final EIR should also include calculations and analyses for construction and operation emissions for the new stationary and portable sources, as this information will also be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD’s webpage at: <http://www.aqmd.gov/home/permits>.

E17

Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the

E18

⁸ State of California Department of Justice. Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. Available at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>

⁹ South Coast AQMD, 2022 Air Quality Management Plan. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan>

¹⁰ US EPA. Mobile Source Pollution - Environmental Justice and Transportation. Available at: <https://www.epa.gov/mobile-source-pollution/environmental-justice-and-transportation>

Ryan Fowler

April 17, 2024

environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

E18
Cont.

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions.

E19

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW:DN
RVC240313-05
Control Number

Responses to Comment Letter E – South Coast Air Quality Management District

Danica Nguyen, Air Quality Specialist, CEQA-IGR

Sam Wang, Program Supervisor, CEQA-IGR

- E1** This comment includes introductory statements and therefore, no further response is warranted.
- E2** This comment includes a public records request for all technical documents related to air quality, health risk, and GHG analyses, electronic versions of all emission calculation files, and air quality modeling and health risk assessment files. As requested by the Commenter, the City sent the requested data files on March 26, 2024.
- E3** As requested by the Commenter, the City sent the requested data files on March 26, 2024. No further response is warranted.
- E4** The commenter provides general introductory and background information as well as a summary of the Project, existing nearby sensitive receptors, and air quality analysis. The City appreciates and values these comments during the EIR participation process. Responses to specific comments are provided below.
- E5** The commenter speculates that the air quality analysis may underestimate mobile emissions by using an inappropriate vehicle fleet mix because only three percent of the total daily trips represent truck trips. However, the air quality analysis is consistent with the TIA, which uses the ITE Code 155b, High-Cube Fulfillment Center Warehouse (Sort) from the ITE Trip Generation Manual 11th Edition to define the Project trip generation and fleet mix. ITE Code 155b is appropriate for a high-cube warehouse (HCW) that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A Fulfillment Center Warehouse (Sort) facility is a fulfillment center that ships out smaller items, requiring extensive sorting, typically by manual means. These types of facilities have a higher overall daily trip generation rate than other warehouses, 6.44 trips per thousand square feet (as opposed to a typical warehouse trip generation rate of 1.71 [ITE 150] trips per thousand square feet), as defined in the ITE Trip Generation Manual 11th Edition. The vehicle fleet mix is set by the ITE Trip Generation Manual 11th Edition as 97 percent of the daily trips are passenger vehicles and three percent are trucks. Accordingly, while the portion of daily trips attributed to trucks may be lower than for other types of warehouses, the overall daily trips of vehicles are higher, resulting in a conservative trip count. Because of the conservative trip count, the Project's TIA analyzes a "worst case scenario" transportation analysis.

As previously stated, the air quality analysis is consistent with the TIA, therefore the fleet mix used to analyze mobile emissions is appropriate. With mitigation, operational emissions, including mobile sources, have been reduced to less than significant.

- E6** The commenter notes that the Air Quality Assessment used CalEEMod version 2020.4 and suggests that the Lead Agency should consider using the latest CalEEMod version 2022.1.1 (released in May 2022) because the NOP was released on May 2, 2022. However, CalEEMod version 2022.1.1 was not released in May 2022. CalEEMod version 2022.1.0 was released on May 27, 2022 while CalEEMod version 2022.1.1 was released on November 17, 2022. Both of these versions of the model were considered “beta” versions because they contained known bugs and errors. Users were not recommended to use CalEEMod until version 2022.1.3 was released on December 21, 2022, when the model was approved for full launch.⁹ Air quality and greenhouse gas modeling for the Project was initially completed in August 2022 with additional modeling completed in October 2022 to incorporate mitigation required by the Health Risk Assessment (HRA). Therefore, all modeling for the Project was completed before CalEEMod 2022 was approved for full release. As a result, CalEEMod version 2020.4 was the best available software at the time the analysis was conducted.
- E7** The commenter states that CEQA requires a Project to implement all feasible mitigation measures and lists five potential measures to reduce mobile source emissions. The specific measures are discussed in the responses below.
- E8** The first measure suggests requiring zero-emission or near zero-emission on-road haul trucks. The suggested measures contained in the comment related to zero- and near-zero emission (ZE and NZE) vehicles are not feasible to implement, because the availability of vehicles equipped with such technology in the Project’s opening year is speculative. Even with adoption of CARB’s Advanced Clean Truck Rule, it will take time for ZE and NZE vehicles to become commercially available and to penetrate the market. For example, CARB’s Staff Report for the Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure (March 26, 2024) explains that the regulation requires manufacturers to sell an increasing percentage of ZE trucks in California. Additionally, by 2035 ZE truck/chassis sales would need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.¹⁰ Based on the regulation’s phase-in, it will take time for fleets to turn over and for the ZE percentages of new truck sales to penetrate the market.

As discussed in Draft EIR page 4.7-29, trucks accessing the Project site would be subject to the Advanced Clean Truck Regulation, CARB’s Mobile Source Strategy, CARB’s Sustainable Freight Action Plan, and CARB’s Emissions Reduction Plan for Ports and Goods Movement. Additionally, trucks are subject to the Heavy-Duty Low NO_x Omnibus Regulation and SCAQMD’s Rule 2305 – WAIRE Program. As noted in the comment, these regulations are required for all trucks. These suggested mitigation measures are already part of the existing regulatory environment and would not be considered mitigation under CEQA. For example, CARB already regulates truck emissions with the Advanced Clean Truck Regulation, the Mobile Source Strategy (including the low-NO_x engine emissions standard), the Sustainable Freight Action Plan, and the Emissions Reduction Plan

⁹ <https://caleemod.com/release-notes>

¹⁰ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/acf22/isor2.pdf>

for Ports and Goods Movement, among others. As these regulations are already required, they do not represent CEQA mitigation for the Project.

- E9** The second measure suggests requiring a phase-in schedule to incentivize the use of cleaner trucks. As noted in Response E8, the availability of such technology during in the Project’s opening year and during its operation is speculative; accordingly, development of a phase-in schedule is not reasonable or feasible. **MM GHG-3** requires the Project to provide information on incentive programs, such as the Carl Moyer Program, to anyone interested in purchasing cleaner trucks. This program provides funding to replace 2013 or later model year engines.
- E10** The third measure suggests requiring the use of a 2010 model year that meets CARB’s 2010 engine emission standards. The CARB Truck and Bus Regulation required trucks to be upgraded to 2010 or new model year engines. The Truck and Bus regulation has been in effect since December 2008 and the final deadline for the last replacement phase of the regulation was January 1, 2023. As this regulation is already required, it does not represent CEQA mitigation for the Project.
- E11** The fourth measure suggests limiting the number of trucks allowed to access the Project to levels analyzed in the Final CEQA document. The City disagrees with the suggestion that the Final EIR should include a limit on the daily number of trucks allowed at the Project to levels that were analyzed in the EIR and would require re-evaluating impacts through CEQA should daily truck trips from the Project be anticipated to exceed those levels. The analysis is based on a set of realistic, but conservative, set of assumptions regarding the magnitude of potential activities. The Project’s air quality and GHG analysis is consistent with TIA which assumed a high number of passenger vehicles (4,373 daily trips) which also generate emissions; therefore, Project emissions are not tied strictly to truck trips. Therefore, the City does not anticipate total emissions (combined passenger vehicle and truck trips) to exceed those modeled in the EIR, and future re-evaluation is not necessary.
- E12** The fifth measure suggests providing EV charging stations and electrical hookups for truckers to plug in onboard auxiliary equipment. **MM GHG-4** requires EV ready infrastructure and EV charging stations in employee parking lots. **MM GHG-2** prohibits the Project from including cold storage and trucks would not include refrigeration units that would need to be plugged in. **MM GHG-7** requires electrical conduit for future electric trucks. Therefore, the Project would be consistent with this recommended measure.
- E13** The commenter lists three potential mitigation measures to reduce operational air quality impacts from other sources.
- 1) Maximize the use of solar energy by installing solar energy arrays.
Draft EIR MM GHG-1 requires the installation of solar photovoltaic (PV) panels. Therefore, the Project would be consistent with this recommended measure.

2) Use light-colored paving and roofing materials.

California's Title 24, Part 6 Building Energy Efficiency Standards includes cool roof requirements for new and existing buildings. These requirements are in the following sections of the 2022 Title 24, Part 6 standards:

- Section 10-113(a, b) (Mandatory Certification and Labeling of Roofing Product Reflectance and Emittance)
- Section 110.8(i) (Mandatory Insulation, Roofing Products & Radiant Barriers)
- Section 140.1 (Performance Approach: Energy Budgets (Nonresidential))
- Section 140.2 (Prescriptive Approach (Nonresidential))
- Section 140.3(a)1 (Prescriptive Requirements for Building Envelopes (Nonresidential))

Therefore, since Title 24, Part 6 Building Energy Efficiency Standards applies to the Project, the Project would be consistent with this recommended measure. Additionally, the Project's truck courts would be paved with concrete, which is light-colored. The increased stiffness of concrete makes it able to withstand heavier wheel loads without risk of rutting.

3) Utilize only Energy Star heating, cooling, and lighting devices and appliances.

2022 Title 24, Part 6 Building Energy Efficiency Standards include requirements to meet or exceed Energy Star standards. Therefore, since these standards apply to the Project, the Project would be consistent with this recommended measure.

E14 The commenter lists 5 design considerations to reduce air quality and health risk impacts.

1) Clearly mark truck routes with trailblazer signs.

The City's Industrial Good Neighbor Policies, which the Project is required to and has been designed to comply with, also require truck traffic to be routed to impact the least amount of sensitive receptors with the usage of traffic control features and signage. Therefore, the Project would be consistent with this recommended measure.

2) Design truck entrances and exits so they are not facing sensitive receptors and will not drive past them to enter or exit the site.

The City's Industrial Good Neighbor Policies also require truck traffic to be routed to impact the least amount of sensitive receptors, (e.g., access locations, use of traffic control features, signage). Sufficient landscape buffers and walls are also required to be provided on-site to screen sensitive receptors from truck access, parking, and storage. The Industrial Good Neighbor Policies also require check-in gates and/or guard booths are required to be positioned with a minimum of 150 feet inside the property line for on-site truck queuing. An additional 75 feet of on-site queuing is required to be added for every 20 loading docks beyond 40 up to 300 feet. Multiple lanes (minimum lane width of 12 feet) are permitted to achieve the required on-site truck queuing. The general queuing and spill-over of trucks onto surrounding public streets are prohibited. The Project is required to and has been designed to comply with these policies, and therefore, the Project would be consistent with this recommended measure.

- 3) Design the truck check-in point inside the Project to ensure no trucks are queuing outside.
As described above, the City's Industrial Good Neighbor Policies include requirements for truck-check-in points and queuing. Therefore, the Project would be consistent with this recommended measure.
- 4) Design the Project such that truck traffic inside the Project is as far from sensitive receptors as possible.
As described above, the City's Industrial Good Neighbor Policies require truck traffic to be routed to impact the least amount of sensitive receptors, (e.g., access locations, use of traffic control features, signage). Therefore, the Project would be consistent with this recommended measure.
- 5) Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Project site.
The Project is required to provide adequate on-site parking in accordance with the City's parking standards. The City's Industrial Good Neighbor Policies also require facilities to provide adequate on-site parking and queuing for trucks/trailers away from sensitive receptors and prohibit commercial truck and/or trailer parking on the public road right-of-way or adjacent to sensitive receptors. Therefore, the Project would be consistent with this recommended measure.

E15 The commenter provides a list of documents to review and suggests adding any applicable mitigation measures. These documents have been reviewed; however, additional mitigation measures are also not necessary to address air quality impacts since the Project has incorporated mitigation measures to reduce air quality impacts to less than significant. Additional mitigation measures with respect to greenhouse gas impacts are not feasible. Greenhouse gas impacts remain significant and unavoidable as a result of mobile source emissions, which are beyond the purview of the Project, even with mitigation. However, State and federal regulations will continue to improve vehicle efficiency and will contribute to the phasing out of combustion engines for zero emission vehicles, resulting in a decrease in mobile emissions over time.

E16 The commenter states that if the Project requires the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, etc., air permits from SCAQMD will be required, and the role of SCAQMD would change from a Commenting Agency to a Responsible Agency under CEQA. However, the Project is speculative and no end user has been identified. Therefore, the Project has no plans at this time to install emergency generators or other permitted stationary equipment. Emissions from emergency generators were included in the GHG analysis as seen in Table 4.7-3 in order to analyze a worst-case scenario. Following construction of the Project any future tenant that requires the use of a generator or stationary equipment with an internal combustion engine would be required to obtain permits from SCAQMD prior to installation.

SCAQMD typically acts as lead agency for its own projects or permit projects filed with the SCAQMD where the SCAQMD has primary approval authority over the project. The SCAQMD is not a lead agency for land use projects such as shopping malls, housing tracts, commercial or industrial parks, sports stadiums, etc. For these types of projects, the SCAQMD has no jurisdictional approval authority.¹¹

As previously stated, the Project is speculative and there are no known permitted stationary sources identified as part of the Project. Therefore, SCAQMD would remain a Commenting Agency and is not considered a Responsible Agency.

E17 The commenter states that the EIR should include calculations for construction and operation emissions of new stationary and portable equipment. As previously stated, the Project is speculative and does not include any such permitted equipment. Following construction of the Project any future tenant that requires the use of a generator or stationary equipment with an internal combustion engine would be required to obtain permits from SCAQMD.

E18 Refer to Response E1 through Response E17 above. The issues raised in these comments have been addressed in detail, and the City's responses have been provided in good faith, and contain reasoned analysis, without resort to unsupported conclusory statements.

The comment requests that the City comply with CEQA when responding to SCAQMD's comments. As requested, the City's responses to SCAQMD's comments will be sent to the SCAQMD as part of the Final EIR distribution prior to certification of Final EIR. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment is included here to provide a complete record of the SCAQMD's letter. The comment will become part of the administrative record and will be considered by the decision-makers.

E19 The comment includes conclusionary statements and therefore, no further response is warranted.

¹¹ <https://www.aqmd.gov/home/rules-compliance/ceqa/frequently-asked-questions>.

Comment Letter F – Riverside County Department of Waste Resources
Katherine Avila, Urban/Regional Planner II



SENT VIA EMAIL ONLY
rfowler@cityofmenifee.us

April 24, 2024

Ryan Fowler, Principal Planner
City of Menifee (City), Community Development Department
29844 Haun Road
Menifee, CA 92586

RE: Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Proposed "CADO Menifee Industrial Warehouse Project", Tentative Parcel Map (TPM) No. PLN22-0041, and Plot Plan No. PLN 21-0370.

Dear Mr. Fowler,

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOA addressing a DEIR for the proposed "CADO Menifee Industrial Warehouse" Project (Project). The Project includes various applications to allow for the construction of a 700,037 square foot warehouse/industrial building with 10,000 square feet of office space and 690,037 square feet of warehouse space on a 36.8 net acre (40.03 gross acre) site.

The RCDWR would like to reiterate and/or provide the following comments for your consideration while preparing the Project's Final EIR:

1. The following information can be useful in the analysis of the solid waste impacts:

- a) The waste hauler may utilize the El Sobrante, Lamb Canyon, and/or the Badlands Landfill for disposal. Updated descriptions of the local landfills, inclusive of 2022-2023 information, are provided below:

El Sobrante Landfill:

The El Sobrante Landfill is located east of Interstate 15 and Temescal Canyon Road to the south of the City of Corona and Cajalco Road at 10910 Dawson Canyon Road. The landfill is owned and operated by USA Waste of California, a subsidiary of Waste Management, Inc., and encompasses 1,322 acres, of which 645 acres are permitted for landfill operation. The El Sobrante Landfill has a total disposal capacity of approximately 209.9 million cubic yards and can receive up to 70,000 tons per week (tpw) of refuse. USA Waste must allot at least 28,000 tpw for County refuse. The landfill's permit allows a maximum of 16,054 tons per day (tpd) of waste to be accepted into the landfill, due to the limits on vehicle trips. If needed, 5,000 tpd must be reserved for County waste, leaving the maximum commitment of Non-County waste at 11,054 tpd. Per the 2022 Annual Report, the landfill had a remaining in-County disposal

Ryan Fowler, Principal Planner
City of Menifee (City)
DEIR – CADO Menifee Industrial Warehouse Project
April 24, 2024
Page 2

capacity of approximately 48.7 million tons. In 2023, the El Sobrante Landfill accepted a daily average of 10,341 tons with a period total of approximately 3,184,914 tons. The landfill is expected to reach capacity in approximately 2057.

F2
Cont.

Lamb Canyon Landfill:

The Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), south of Interstate 10 and north of Highway 74. The landfill is owned and operated by Riverside County. The landfill property encompasses approximately 1,189 acres, of which 703.4 acres encompass the current landfill permit area. Of the 703.4-acre landfill permit area, approximately 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 500 tpd for beneficial reuse. The site has an estimated total disposal capacity of approximately 21.1 million tons. As of January 1, 2024 (beginning of day), the landfill has a total remaining capacity of approximately 6.7 million tons. The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2032. From January 2023 to December 2023, the Lamb Canyon Landfill accepted a daily average of 2,049 tons with a period total of approximately 627,127 tons. Landfill expansion potential exists at the Lamb Canyon Landfill site.

F3

Badlands Landfill:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, with a total disturbance area of 278 acres, of which 150 acres are for refuse disposal. Landfill expansion potential exists at the Badlands Landfill site. Under the 2022 Solid Waste Facility Permit (SWFP), the permitted disturbance area increases from 278 acres to 811 acres, and the refuse disposal area increases from 150 acres to 409 (in multiple stages). The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 300 tpd for beneficial reuse. The site has an estimated total capacity of approximately 68.6 million tons. As of January 1, 2024 (beginning of day), the landfill had a total remaining disposal capacity of approximately 49.8 million tons. Under the 2022 SWFP, the landfill would have a remaining disposal capacity estimated to last, at a minimum, until approximately 2059. From January 2023 to December 2023, the Badlands Landfill accepted a daily average of 2,848 tons with a period total of approximately 874,450 tons.

F4

2. As indicated in previous correspondence (see attached), you may wish to consider incorporating the following measures to help reduce the Project's anticipated solid waste impacts and enhance efforts to comply with the State's mandate (AB 75) of 50% solid waste diversion from landfilling¹:

F5

- The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green

F6

¹ A.B. 75, Chapter 764, 1999-2000 Strom-Martin, (Cal. 1999).

Ryan Fowler, Principal Planner
City of Menifee (City)
DEIR – CADO Menifee Industrial Warehouse Project
April 24, 2024
Page 3

waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.

F6
Cont.

- Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.
- Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.
- Demonstrate compliance with SB 1383 which establishes regulations to reduce organics waste disposal and went into effect on January 1, 2022.² This law establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants caused by organics waste disposal.

F7

F8

Thank you for including RCDWR in the review process. Please continue to include the RCDWR in future transmittals. Please email me at kaavila@rivco.org if you have any questions regarding the above comments.

F9

Sincerely,



Katherine Avila
Urban/Regional Planner II

Cc: Kinika Hesterly, RCDWR

DM# 330033

² A.B 1383, Chapter 395, 2015-2016 Lara, (Cal. 2016).



SENT VIA EMAIL ONLY
rfowler@cityofmenifee.us

May 16, 2022

Ryan Fowler
Principal Planner
City of Menifee
29844 Haun Road
Menifee CA, 92586

RE: Notice of Preparation (NOP) and Public Scoping Meeting Notice for a Draft Environmental Impact Report (DEIR) for the Proposed CADO Menifee Industrial Warehouse Project (Project)

Dear Mr. Fowler:

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOP addressing a DEIR for the Project in the City of Menifee (City). The Project includes various development applications to allow a concrete tilt-up industrial building and associated improvements. The Project is located in the Economic Development Corridor- Northern Gateway zone in the City of Menifee and is bordered by a scattering of existing rural residential homes, proposed future industrial sites, and vacant land. The RCDWR offers the following comments for your consideration while preparing the Project's DEIR.

1. Build-out of the Project may have the potential to increase the amount of waste that could adversely affect solid waste facilities. To assess waste impacts, the DEIR should include the projected maximum amount of waste generated from build-out of the Project, using appropriate waste generation factors.

Note- CalRecycle's website may be helpful to determine the Project's waste generation:
<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

2. The following information can be useful in the analysis of the solid waste impacts:
 - a) Solid waste generated within the Project area is collected by Waste Management Inc. (WMI), with the bulk of recyclable waste and green waste delivered to the Moreno Valley Solid Waste Recycling and Transfer Facility (MVTs) for processing. The MVTs is located at 17700 Indian Street in Moreno Valley. It is permitted for a 2,500-tpd operation.
 - b) The City's waste hauler can use the El Sobrante Landfill, Lamb Canyon Landfill, and Badlands Landfill for disposal of the City's residual waste. Descriptions of the local landfills are provided below:

El Sobrante Landfill:

The El Sobrante Landfill is located east of Interstate 15 and Temescal Canyon Road to the south of the City of Corona and Cajalco Road at 10910 Dawson Canyon Road. The landfill is

14310 Frederick Street • Moreno Valley, CA 92553 • (951) 486-3200 • Fax (951) 486-3205 • Fax (951) 486-3230

www.rcwaste.org

Printed on recycled paper

F10

Ryan Fowler
Principal Planner
NOP DEIR – CADO Menifee Industrial Warehouse Project
May 16, 2022
Page 2

owned and operated by USA Waste of California, a subsidiary of Waste Management, Inc., and encompasses 1,322 acres, of which 645 acres are permitted for landfill operation. The El Sobrante Landfill has a total disposal capacity of approximately 209.9 million cubic yards and can receive up to 70,000 tons per week (tpw) of refuse. USA Waste must allot at least 28,000 tpw for County refuse. The landfill's permit allows a maximum of 16,054 tons per day (tpd) of waste to be accepted into the landfill, due to the limits on vehicle trips. If needed, 5,000 tpd must be reserved for County waste, leaving the maximum commitment of Non-County waste at 11,054 tpd. Per the 2021 Annual Report, the landfill had a remaining in-County disposal capacity of approximately 50.1 million tons.¹ In 2021, the El Sobrante Landfill accepted a daily average of 10,749 tons with a period total of approximately 3,321,315 tons. The landfill is expected to reach capacity in approximately 2057.

Lamb Canyon Landfill:

The Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), south of Interstate 10 and north of Highway 74. The landfill is owned and operated by Riverside County. The landfill property encompasses approximately 1,189 acres, of which 703.4 acres encompass the current landfill permit area. Of the 703.4-acre landfill permit area, approximately 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 500 tpd for beneficial reuse. The site has an estimated total disposal capacity of approximately 20.7 million tons.² As of January 1, 2022 (beginning of day), the landfill has a total remaining capacity of approximately 7.5 million tons³. The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2032.⁴ From January 2021 to December 2021, the Lamb Canyon Landfill accepted a daily average of 2,054 tons with a period total of approximately 632,755 tons. Landfill expansion potential exists at the Lamb Canyon Landfill site.

Badlands Landfill:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, with a total permitted disturbance area of 278 acres, of which 150 acres are permitted for refuse disposal. The landfill is currently permitted to receive 4,500 tpd of MSW for disposal and 300 tpd for beneficial reuse. The site has an estimated total capacity of approximately 20.5 million tons⁵. As of January 1, 2022 (beginning of day), the landfill had a total remaining disposal capacity of approximately 3.4 million tons.⁶ The current landfill remaining disposal

¹ 2021 El Sobrante Landfill Annual Report- Based on 125,193,774 tons remaining capacity (40% for in-county waste).

² GASB 18_2021 – Engineering Estimate for total landfill capacity

³ GASB 18_2021 & SiteInfo

⁴ SWFP # 33-AA-0007

⁵ GASB 18_2021 – Engineering Estimate for total landfill capacity

⁶ GASB 18_2021 & SiteInfo

F10
Cont.

Ryan Fowler
Principal Planner
NOP DEIR – CADO Meniffee Industrial Warehouse Project
May 16, 2022
Page 3

capacity is estimated to last, at a minimum, until approximately 2022.⁷ From January 2021 to December 2021, the Badlands Landfill accepted a daily average of 2,821 tons with a period total of approximately 871,816 tons. Landfill expansion potential exists at the Badlands Landfill site.

3. Additionally, you may wish to consider incorporating the following measures to help reduce the Project's anticipated solid waste impacts and enhance the City's efforts to comply with the State's mandate of 50% solid waste diversion from landfilling:

- The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
- Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.
- Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.
- AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
 - Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
 - Subscribe to a recycling service with waste hauler.
 - Provide recycling service to tenants (if commercial or multi-family complex).
 - Demonstrate compliance with requirements of California Code of Regulations Title 14.

For more information, please visit:
<http://www.rcwaste.org/business/recycling/mcr>

F10
Cont.

⁷ SWFP # 33-AA-0006

Ryan Fowler
Principal Planner
NOP DEIR – CADO Menifee Industrial Warehouse Project
May 16, 2022
Page 4

- AB 1826 requires businesses and multifamily complexes to arrange for organic waste recycling services. Businesses subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:
 - Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
 - Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.
- Demonstrate compliance with SB 1383 which establishes regulations to reduce organics waste disposal and went into effect on January 1, 2022. This law establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants caused by organics waste disposal.

F10
Cont.

Thank you for allowing us the opportunity to comment on the NOP. We would appreciate an electronic copy of the Draft EIR for review and comment when available. Please continue to include the RCDWR in future transmittals. Please contact me at khesterl@rivco.org or (951) 486-3283 if you have any questions regarding the above comments.

Sincerely,



Kinika Hesterly
Urban/Regional Planner IV

PD# 293253

***Responses to Comment Letter F – Riverside County Department of Waste Resources
Katherine Avila, Urban/Regional Planner II, and Kinika
Hesterly, Urban/Regional Planner IV***

- F1** This comment contains introductory statements and a brief overview of the Project. The City appreciates and values these comments during the EIR participation process. Responses to specific comments are provided below.
- F2** Draft EIR Table 4.15-5: Landfill Information lists the El Sobrante Landfill's maximum permitted throughput (tons per day), remaining capacity in cubic yards, maximum permitted capacity in cubic yards, and ceased operation date. The Project's estimated 11,885 pounds (5.9 tons) of waste per day represents 0.04 percent of El Sobrante Landfill's maximum daily throughput. Therefore, the Project's solid waste disposal needs would be accommodated by the El Sobrante Landfill or the Badlands Landfill discussed further below in Response to Comment F4.
- F3** The Draft EIR anticipated that solid waste from the Project site would ultimately end up in either El Sobrante Landfill or Badlands Landfill. As concluded in Draft EIR Section 4.15 page 4.15-17, the Project's solid waste disposal needs could be accommodated at one or a combination of the disposal facilities discussed in Responses to Comments F2 and F4. However, the availability for the Project to utilize the Lamb Canyon Landfill has been noted.
- F4** Draft EIR Table 4.15-5: Landfill Information lists the Badlands Sanitary Landfill's maximum permitted throughput (tons per day), remaining capacity in cubic yards, maximum permitted capacity in cubic yards, and ceased operation date. The Project's estimated 11,885 pounds (5.9 tons) of waste per day represents 0.012 percent of Badlands Sanitary Landfill's maximum daily throughput. Therefore, the Project's solid waste disposal needs would be accommodated by the Badlands Landfill.
- F5** As discussed in Draft EIR Section 4.15 page 4.15-18, the Project would be constructed in compliance with § 5.408.1, the more stringent of the code sections at 65 percent diversion. Furthermore, **MM GHG-5** would require that the Project divert a minimum of 75-percent of landfill waste during operations. Refer to Responses to Comments F6 through F8.
- F6** The Project's landscape irrigation and maintenance would be conducted in conformance with Menifee MC Section 15.04.060 Landscape Irrigation and Maintenance which includes but not limited to routine inspection, adjustments, and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning, weeding in all landscape areas and removing any obstruction to irrigation devices. Additionally, the Project's landscaping would be comprised of drought-tolerant, low-growing shrubs and ground cover pursuant to Menifee MC, Title 9: Planning and Zoning (also refer to as the Menifee Development Code), Section 9.195.040 Landscape Requirements.

- F7** Comment has been noted. As further discussed in Draft EIR Section 4.8, Hazards and Hazardous Materials, all contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility under SCAQMD Rule 1166.
- F8** As discussed in Section 4.15, Utilities and Service Systems, the Project is required to comply with all City, State, and Federal regulations regarding waste disposal required at the time of Project approval.
- F9** The City thanks the Commenter for their letter on the Project's Draft EIR. No further response is warranted.
- F10** The Commenter's letter on the Project's Notice of Preparation (NOP) has been noted. The Commenter's comments made on the NOP were taken into consideration during the Draft EIR's environmental impact analysis pertaining to solid waste. The comments contained herein are the same as those addressed by responses F1-F9. Accordingly, refer to responses above and Draft EIR Sections 4.8, Hazards and Hazardous Materials, and 4.15, Utilities and Service Systems for more information.

Comment Letter G – City of Perris – Development Services Department Planning Division
Patricia Brenes, Planning Manager



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
135 N. "D" Street, Perris, CA 92570-2200
TEL: (951) 943-5003 FAX: (951) 943-8379

April 26, 2024

Ryan Fowler
City of Menifee
Community Development Department
29844 Haun Road
Menifee, CA 92586

**SUBJECT: CITY OF PERRIS COMMENTS ON THE DRAFT ENVIRONMENTAL
IMPACT REPORT (EIR) PREPARED FOR THE CADO MENIFEE
INDUSTRIAL WAREHOUSE PROJECT - PLOT PLAN NO. PLN21-0370 AND
TENTATIVE PARCEL MAP NO. PLN22-0041**

Dear Mr. Fowler:

The City of Perris appreciates the opportunity to comment on the Draft EIR prepared for the proposed CADO Menifee Industrial Warehouse Project ("Project") consisting of a 700,037-square-foot industrial building on 36.81 net acres, located approximately 700 feet south of Ethanac Road between Wheat Street and Bryers Road within the City of Menifee. The Green Valley Specific Plan (GVSP) planning area is within the limits of the City of Perris and is located north of Ethanac Road across from the project site. The GVSP is a master-planned community totaling 1,269 acres of land envisioned to be developed with 3,460 single family detached homes, 750 multi-family units, 42.3 acres of business and professional office space, 72.7 acres of commercial retail, 108.7 acres of industrial, 24 acres for three school sites, and 51.1 acres of public parks.

G1

The City of Perris has expressed concerns with the proposed Project on the agency transmittal and during the NOP comment period. After reviewing the Draft EIR and technical reports, the City believes the Project has not adequately addressed the potential environmental impacts related to air quality, project alternatives, energy, greenhouse gas emissions, land use, noise, and transportation. Thus, the City continues to have concerns with the Project as detailed in the comments provided below.

G2

Draft EIR

Project Description

1. The proposed project is generically described as an approximately 700,037-square-foot industrial warehouse building. Several of the potential impacts evaluated in the Draft EIR, such

G3

Page 2 of 8

as air quality, energy, greenhouse gas emissions, noise, and transportation are based in part on the trip generation numbers provided in the Traffic Study prepared for the project. The Traffic Study trip generation rates are based on the building being used as a high-cube fulfillment center (ITE land use 155). However, use of the building as a high-cube fulfillment center is not specified anywhere within the Draft EIR. In fact, page 1-1 of the Draft EIR states that the proposed building's end user is speculative in nature. Therefore, it cannot be assured that the building would only be operated as a high-cube fulfillment center if the project is approved.

G3
Cont.

As pointed out in CARE CA's NOP comments for the project (included in Appendix A to the Draft EIR), different types of industrial warehouse use have unique operational characteristics that result in different types/levels of environmental impacts. For instance, fulfillment centers typically have higher employee ratios and therefore cause increased vehicular trip generation impacts with fewer heavy-duty truck related effects. Distribution centers and parcel hubs, on the other hand, create more truck-related impacts but typically have substantially fewer employees and reduced passenger vehicle impacts. Meanwhile, cold storage warehouses demand more energy and create more greenhouse gas emissions than non-refrigerated warehouses along with increased truck-related impacts including use of transportation refrigerated units (TRUs) during project operation.

G4

The Draft EIR had the opportunity to specify the use that is being evaluated and did not do so. Unless the EIR specifically states that the building would be restricted to non-refrigerated uses, it should be revised to evaluate the potential impacts associated with the possible operation of all or some portions of the building as a refrigerated facility. This is particularly important to the City of Perris because residents of the GVSP area to the immediate north of Ethanac Road would be affected by the project. Additionally, while the GVSP is included in the list of cumulative projects identified in the Draft EIR, the project fails to adequately analyze the reasonably foreseeable environmental impacts on the future residents of the residential units planned for construction within the GVSP throughout the Draft EIR.

G5

2. Page 4.13-25 of the Transportation and Traffic section of the Draft EIR shows that the project would cause traffic signal warrants to be met at the intersections of Wheat Street and Ethanac Road and Byers Road and Ethanac Road. The required signals should be provided by the project and identified in the Project Description. Because these intersections are shared with the City of Perris, the City of Perris will be a Responsible Agency under CEQA for the approval of the intersection construction and implementation.

G6

3. Table 4.13 of the Transportation and Traffic section of the Draft EIR section shows that the westbound left turn lane at Byers Road and Ethanac Road would need to be extended to 350 feet to accommodate the truck traffic associated with the project. However, this improvement is not identified as part of the off-site project improvements in the Project Description and should be included as such. Because the northern traffic lanes and the median are located within the City of Perris, the City of Perris will be a Responsible Agency under CEQA for the approval of the turn lane construction and implementation.

G7

Page 3 of 8

Air Quality

4. As discussed above, the proposed project could generate more traffic than what is assumed in the Draft EIR if any portions of the proposed building are occupied by refrigerated uses. This would result in greater operational air pollutant emissions than what are identified in the Draft EIR. In addition, the trucks traveling to and from the refrigerated uses would have TRUs which would be an additional source of air pollutants. G8
5. The evaluation of diesel particulate health risk impacts appears to be based on the emissions generated by mobile sources within the project site and experienced at nearby existing receptor locations. However, this analysis needs to confirm the evaluation of, or be revised to evaluate, the emissions from the diesel sources at the project site and traveling along the roadways between the project site and I-215. In addition, the analysis needs to identify the potential health risk impacts to the residents of the GVSP area to the immediate north of Ethanac Road. G9

Project Alternatives

6. Section 6.0 of the Draft EIR considers and analyzes only two alternatives to the project; No Project Alternative and Reduced Square Feet on Two Buildings Alternative. The EIR is to include a range of reasonable alternatives in compliance with the CEQA Guidelines, section 15126.6. An EIR is required to assess a no-project alternative under the CEQA Guidelines; as such, analyzing only one additional alternative in the Draft EIR fails to consider a reasonable range of potentially feasible alternatives. G10

Energy

7. As discussed above, the proposed project could also generate more traffic than what is assumed in the Draft EIR if any portions of the proposed building are occupied by refrigerated uses. In addition, the trucks traveling to and from the refrigerated uses would have TRUs. The energy evaluation should be revised to address these additional energy demands. G11

Greenhouse Gas Emissions

8. The Draft EIR utilizes 3000 MTCO₂e as a threshold of significance throughout the Greenhouse Gas Analysis. However, 3000 MTCO₂e is not supported with substantial evidence as a threshold of significance for greenhouse gas emissions, as required by CEQA Guidelines sections 15064(b) and 15064.7(c). G12
9. As discussed above, the proposed project could also generate more traffic than what is assumed in the Draft EIR if any portions of the proposed building are occupied by refrigerated uses. In addition, the trucks traveling to and from the refrigerated uses would have TRUs. Each of these sources would result in greater operational greenhouse gas emissions than what are identified in the Draft EIR. G13

Page 4 of 8

Land Use Inconsistency with Surrounding Areas

10. The proposed industrial development is incompatible with the residential development in the City of Menifee on the north side of Kuffel Road, south side of McLaughlin Road, south side of Ethanac Road, and west of Goetz Road, as well as the residential development in the City of Perris on the north side of Ethanac Road. Although there are some industrial zones in the GVSP area, they are located adjacent to the Perris Valley Airport north of the San Jacinto River, which has land use density limitations. All the development in the GVSP area south of the San Jacinto River to Ethanac Road is residential, with some commercial development towards the I-215 Freeway. Therefore, no industrial development in the City of Perris is allowed to utilize Ethanac Road as a truck route due to the sensitivity of residential land uses along this roadway. As such, all of the truck traffic along Ethanac Road west of Case Road would be associated with industrial development within the City of Menifee.

G14

Noise

11. The City of Perris' noise ordinance is not assessed as part of the project's noise generation, despite the Project's proximity to sensitive receptors within the City of Perris. This is of particular concern due to the anticipated increase in cumulative and incremental traffic noise along Ethanac Road, which is directly south of the anticipated residential development within the GVSP area.

G15

Transportation and Traffic

Traffic Study Scope Concerns

12. The preparation of the site-specific Traffic Study for the CADO Menifee Industrial Warehouse Project is premature in that the overall traffic study for the Menifee Economic Development Corridor (MEDC) needs to be completed first in order to master plan the entire MEDC area, which includes the CADO Menifee Industrial Warehouse Project. A more comprehensive review of the entire area along Ethanac Road needs to be completed before site-specific studies can be prepared for individual projects. This is of particular concern because the Traffic Study identified a number of roadways and intersections improvements that need to occur to accommodate cumulative development – most of which is within the MEDC area but the mechanisms and timing for the necessary improvements have not been identified.

G16

13. Sixteen (16) out of the twenty-eight (28) study area intersections analyzed in the Traffic Study are located within the City of Perris. For these intersections, along with any study roadway segments, the City of Perris will be a Responsible Agency under CEQA for the approval of any improvements and Perris' traffic impact criteria must be utilized (see Appendix A). This includes a comparison of Existing to Existing Plus Project conditions to determine whether the proposed project would have a direct or cumulative impact. If the project has a direct impact, then the project will be responsible for completing the required improvements unless a funding mechanism can be identified (e.g., TUMF fees, DIF fees, completed by other development, etc.). The failure to utilize the City of Perris' traffic impact criteria for the intersections and roadway segments within or shared with its jurisdiction means that the City of Perris cannot

G17

- utilize the City of Menifee's EIR to approve any identified improvements. A separate subsequent environmental review by the City of Perris would be required. G17 Cont.
14. Trucks should avoid traveling on Ethanac Road west of Barnett Road and Case Road due to the proximity to residential land uses within the Green Valley Specific Plan area north of Ethanac Road in the City of Perris. Additionally, the existing median on Ethanac Road is within the Perris city limits and was not designed for truck queuing. Extending the westbound left turn pocket at Byers Road to 350 feet in length would allow queuing of two (2) trucks. Queuing for additional trucks would impact the through travel lanes along Ethanac Road. G18
15. It is our understanding that the Master Plan for the MEDC will be providing roadway connections for trucks that will not impact City of Perris roadways. This must be considered as part of the Traffic Study and the analysis should be revised accordingly. G19
16. The Traffic Study will need to clearly identify what improvements are necessary, whether they have a direct or indirect impact on the project, and how they will be implemented. Again, direct impacts will be determined for City of Perris intersections and roadway segments based upon the City of Perris traffic criteria. G20
17. Table 4.13 of the Transportation and Traffic section of the Draft EIR shows that the westbound left turn lane at Byers Road and Ethanac Road would need to be extended to 350 feet to accommodate the truck traffic associated with the project. This is not identified as part of the off-site project improvements in the Project Description. As such, the City of Perris has no idea of when this necessary improvement will be implemented. Any left-turning trucks that cannot enter the turn lane without stopping would impede the left westbound traffic lane. Because the northern traffic lanes and the median are located within the City of Perris, the City of Perris will be a Responsible Agency under CEQA for the approval of the turn lane construction and implementation. The City of Perris considers any potential blocking of a traffic lane by trucks to substantially increase hazards due to a dangerous intersection (Impact 4.13-3). This is a potentially significant impact that is not identified on page 4.13-14 of the Draft EIR. The Draft EIR needs to be revised to evaluate this impact. Unless the westbound left turn lane is extended prior to project operation, the impact will be significant and unavoidable and, because the impact would occur entirely within the City of Perris, this is not an impact that can be overridden by the City of Menifee. G21

Specific Traffic Study Comments

18. Title Page. The traffic study needs to be signed and stamped by the PE/TE in responsible charge of the study. G22
19. Page 1 – Introduction, First Paragraph. The study will also need to follow City of Perris intersection/roadway segment analysis requirements and impact criteria. This would include an evaluation of Existing versus Existing Plus Project impacts to determine whether the project has a direct or indirect impact on the deficient transportation facilities. G23
20. Pages 4 & 5 – Study Locations. The traffic study shall identify whether the intersections and roadway segments are located within the City of Menifee, Perris, or both. G24

Page 6 of 8

21. Page 6 – Figure 3A. Existing Lane Configuration and Traffic Control. Study Intersection #13 actually consists of two separate (offset) intersections (Barnett Road & Case Road). As listed and detailed in the Draft DEIR, Study Intersection #13 appears to have been analyzed as a single, aligned intersection. Both intersections should be analyzed separately (from a LOS and queuing standpoint), and the recommended improvements should involve realigning Barnett Road with Case Road (and other associated intersection improvements if necessary). The project shall pay a fair share contribution towards this realignment, or 100% of the cost if the project directly impacts these intersection(s). G25
22. Page 10 – Roadway Capacity Requirements. For segments located within the City of Perris, the maximum two-way traffic volume capacity should be based upon City of Perris requirements identified in the City's General Plan. G26
23. Page 15 – Existing Traffic Volumes. Counts taken in October 2021 would still be influenced by the coronavirus pandemic and stay-at-home orders. Therefore, newer traffic counts should be provided at those locations. Also, it is unclear how the 2021 and 2022 counts were grown to reflect Existing (Year 2023) traffic conditions. The City of Perris utilizes a 3% per year annual growth rate for transportation facilities within the City of Perris. G27
24. Page 21 – Figure 7: Project Trip Distribution. The project distribution needs to be updated to show both the passenger vehicle and truck turning percentages at each intersection. Currently, it is unclear how project traffic enters/exits the project site. No trucks should be allowed on Ethanac Road west of Barnett Road and Case Road, Goetz Road north of Ethanac Road, or on Murietta Road north of Ethanac Road for the reasons stated on item #14 above. G28
25. Page 28 – Table 4 – Summary of Intersection Operations – Existing Plus Project. This table needs to include what jurisdiction each study intersection is located within to determine which intersections are considered directly impacted per City of Perris criteria. G29
26. Page 32 - Table 6: Summary of Cumulative Projects. The City of Perris Planning Department will need to review and confirm that the list of cumulative projects is comprehensive and accurate. G30
27. Page 47 - Storage Capacity at Left-Turn Pockets. The City of Perris is concerned about the project's impact to queuing/progression along Ethanac Road at the I-215 interchange. A simulation analysis should be conducted to identify any queuing deficiencies, and if applicable, improvements should be identified. G31
28. Page 47 - Recommended Improvements. For direct project impacts of City of Perris transportation facilities, the project shall be 100% responsible that all necessary improvements are installed to mitigate these impacts (or via some other defined improvement program) prior to project occupancy. It is also unclear how these improvements would be implemented and who would be responsible for providing the required improvements. Additional detail is needed on the funding mechanisms that will be utilized to make these required improvements. G32

Page 7 of 8

29. Table 13 – Summary of Roadway Segment Analysis with Improvements – Opening Year 2024

Cumulative Plus Project shows that the recommended configuration for Ethanac Road is a 6-Lane Urban Arterial. This is generally consistent with the City of Perris General Plan Circulation Element which classifies this roadway as a 6-lane Expressway. The segment of Ethanac Road from Goetz Road to Barnett Road is shared by the cities of Perris and Menifee.

G33

30. Several years ago, Ethanac Road was only a 2-lane Primary Arterial and the City of Perris consulted with the City of Menifee regarding roadway and median improvements along of Ethanac Road to accommodate future development in the area – particularly the GVSP area. The City of Menifee chose not to participate in the improvement process. Since that time, the City of Perris has improved the segment of Ethanac Road from Goetz Road to Barnett Road as a 4-lane Primary Arterial with a median. The westbound two lanes, the median, and the northern eastbound lane are all located within the City of Perris and the northern lanes have been constructed to the ultimate width from the roadway centerline. Only the southern eastbound lane is located within the City of Menifee. This means that the ultimate expansion of Ethanac Road to a 6-lane Urban Arterial or Expressway, including the relocation and reconstruction of the roadway median, will be the responsibility of the City of Menifee. All expansion will occur along the southern side of Ethanac Road and would likely require the removal of the existing homes along the southern side of Ethanac Road. Because the overall traffic study for the MEDC has not been prepared, it is not known if this expansion has been considered in the current proposal for development within the MEDC area.

G34

CEQA.

31. Please provide future notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”) under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law which includes: notices of any public hearing held pursuant to CEQA, and notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

G35

Property Owners Notification

32. Due to nearby sensitive uses, it is requested that property owner notification within 1,200-feet of the project site is provided to ensure that all individuals who the development may impact are provided an opportunity to comment. It is recommended that in the future notices include a comment period ending on a weekday to allow the public and agencies the maximum allowable time to comment on a project. The comment period for this project ended on Saturday, April 27, 2024; thus, comments related to this project had to be sent a day early.

G36

Page 8 of 8

The City of Perris thanks you for considering these comments. Please feel free to contact me at (951) 943-5003, ext. 355 or pbrenes@cityofperris.org, if you have any questions or would like to discuss the above concern in further detail. G37

Sincerely,



Patricia Brenes
Planning Manager

Attachments: City of Perris Response to Agency Transmittal - Dated December 22, 2021
City of Perris Response to NOP – Dated May 16, 2022

cc: Clara Miramontes, City Manager
Wendell Bugtai, Assistant City Manager
Robert Khuu, City Attorney
John Pourkazemi, City Engineer
Kenneth Phung, Director of Development Services



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
135 N. "D" Street, Perris, CA 92570-2200
TEL: (951) 943-5003 FAX: (951) 943-8379

December 22, 2021

Ryan Fowler
City of Menifee
Planning Division
29714 Haun Road
Menifee, CA 92586

SUBJECT: City of Perris initial comments for the Capstone Industrial Project - Menifee Planning Case No. Plot Plan No. PLN21-0370 and Development Code Update No. PLN21-0260 (i.e., the application filed with the Northern Gateway Commerce Center I and II project for the Menifee North Economic Development Corridor Plan)

Dear Mr. Fowler:

The City of Perris appreciates the opportunity to comment on the "Capstone Industrial" ("Proposed Project") proposal to construct an industrial building totaling 700,037 sq. ft. on a 36.8 gross acre project site located approximately 300-feet south of Ethanac Road between Wheat Street and Bryers Road within the City of Menifee. The Proposed Project is located just south of Ethanac Road adjacent to the Green Valley Specific Plan (GVSP) within Perris limits. The GVSP is a master-planned community totaling 1,269 acres of land envisioned to have 3,460 single-family detached homes, 750 multi-family units, 42.3 acres of business and professional office space, 72.7 acres of commercial retail, 108.7 acres of industrial, 24 acres for three school sites, and 51.1 acres of public parks.

G38

Although there are some industrial zones in the GVSP, they are located adjacent to the Perris Valley Airport north of the San Jacinto River, which has land use density limitations. All the development in the GVSP south of the San Jacinto River to Ethanac Road is residential, with some commercial development towards the I-215 Freeway. Therefore, no industrial development in the City of Perris is allowed to utilize Ethanac Road as a truck route due to the sensitivity of residential land uses along this roadway.

Page 2 of 4

There are two single-family residential tracts in the GVSP totaling 314 single-family dwelling units nearing construction completion along Ethanac Road. In addition, there are six residential tracts comprised of 1,241 residential units, which are anticipated to start next year in phases.

The City is significantly concerned with the proposed Project as it is out of character with the surrounding residential areas in Menifee and the City of Perris. The City provides the below comments in light of the Project's proximity to the City of Perris residential neighborhood and concerns with potential truck traffic on Ethanac Road:

1. **California Environmental Quality Act (CEQA).** The Project needs to address the cumulative impact of all the proposed projects within a 1.5-mile radius of the proposed site to analyze, mitigate, and disclose all environmental impacts from the Proposed Project pursuant to the California Environmental Quality Act (CEQA). Perris staff is aware of Northern Gateway Commerce Centers I & II Industrial project (i.e., 2.4M SF in two industrial buildings) and the Barnett Warehouse Project (i.e., 250K SF industrial) in the Menifee North Economic Development Corridor (Menifee North EDC) Plan that should be incorporated into the CEQA analysis. The CEQA document should particularly evaluate how the Project will address mitigating impacts of the Project on being close to residential land uses land use compatibility, truck circulation, traffic impacts, and noise impacts. In addition, a health risk assessment, as further identified in this letter, is required.
2. **Land Use Inconsistency with Surrounding Areas / Development Code Update No. PLN21-0260** - The proposed industrial development is incompatible with the residential development in both the City of Perris and Menifee on the south side of McLaughlin Road, north of Ethanac Road, and west of Goetz Road, which is designated for residential development. The appropriate land use would be Business Park Development which is identified in the Menifee North EDC Plan, which would be more compatible with the residential land uses nearby. Therefore, the City is concerned with the development code update to create an industrial overlay to include development standards and a map amendment to add the boundary to the overlay, which is being processed with the Northern Gateway Centers I and II project that would apply to this property. Because the Northern Gateway Centers I and II project timing could be slower than this Project, the proposed Project should also include the same Development Code application to accurately reflect the proposed Project.
3. **Truck Circulation Route** – The developer should be required to prepare a Truck Circulation Plan. According to the site layout, it is presumed the developer proposing to utilize Ethanac Road as truck access. However, any truck access should be on McLaughlin Road to Barrett Avenue to Ethanac Road to access the I-215 Freeway due to proximity to residential land uses on the north side of Ethanac Road. In addition, it should be noted that the existing median on Ethanac Road is within Perris City limits and is not designed for truck queuing.

G38
Cont.

Page 3 of 4

4. **Case Road and Barnett Avenue Alignment.** With the truck route noted above, Barnett Avenue and Case Road will need to align, as envisioned in the City's of Perris Circulation Element. Also, as the east side of Barnett Avenue is in the City of Perris, it should be built to a secondary arterial street designation of 94-ft right-of-way (r-o-w) to be consistent with the designation on Case Road.

5. **Traffic Impact Analysis/Truck Route.** The City of Perris has concerns related to traffic impacts to the Freeway interchange at I-215 and Ethanac Road. The Traffic Impact Analysis should include the following:

- Evaluation of intersections/road segments in the City of Perris: Ethanac Road and Case Road/Barrett Avenue, and I-215 freeway and Ethanac Road (on-ramp and off-ramp).
- Determine the fair share contribution to the Ethanac Road at the I-215 Interchange.
- Evaluate all truck routes and traffic counts during AM and PM peak times.
- Incorporate a truck route enforcement plan as part of the TIA, which includes: on-site signage (provide a depiction of signage) of truck routes and truck driver/dispatcher education on truck routes.

G38
Cont.

Upon completion of the Draft Traffic Impact Analysis, please provide the City with a copy to review and comment.

6. **Noise.** An acoustical/noise analysis shall be prepared to mitigate noise impacts from the Project resulting from construction and operation in proximity to the residential development surrounding the site along Ethanac Road and Barnett Avenue.
7. **Health Risk Assessment Study.** A Health Risk Assessment is required under the *Sierra Club v. City of Fresno* case to evaluate health impacts on nearby residents.
8. **CEQA.** Please provide future notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA") under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law which includes: notices of any public hearing held pursuant to CEQA, and notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

The City of Perris thanks you for considering these comments. Please feel free to contact me at (951) 943-5003, ext. 257, if you have any questions or would like to discuss the above concern in further detail.

Page 4 of 4

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kenneth Phung', with a long horizontal flourish extending to the right.

Kenneth Phung
Director of Development Services

Cc: Clara Miramontes, City Manager
Eric Dunn, City Attorney
Stuart McKibbin, City Engineer



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
135 N. "D" Street, Perris, CA 92570-2200
TEL: (951) 943-5003 FAX: (951) 943-8379

May 16, 2022

Ryan Fowler
City of Menifee
Planning Division
29714 Haun Road
Menifee, CA 92586

SUBJECT: City of Perris Comments on the Notice of Preparation for the Cado Industrial Project - Menifee Planning Case No. Plot Plan No. PLN21-0370 and Tentative Parcel Map No. 22-041.

Dear Mr. Fowler:

The City of Perris appreciates the opportunity to comment on the Notice of Preparation (NOP) for the "Cado Industrial" ("Proposed Project") proposal to construct an industrial building totaling 700,037 sq. ft. on a 36.8 gross acre project site located approximately 300-feet south of Ethanac Road between Wheat Street and Bryers Road within the City of Menifee. The Proposed Project is located just south of Ethanac Road adjacent to the Green Valley Specific Plan (GVSP) within Perris limits. The GVSP is a master-planned community totaling 1,269 acres of land envisioned to have 3,460 single-family detached homes, 750 multi-family units, 42.3 acres of business and professional office space, 72.7 acres of commercial retail, 108.7 acres of industrial, 24 acres for three school sites, and 51.1 acres of public parks.

G39

The NOP comment letter reiterates many of the comments provided during the agency transmittal period on December 22, 2021, stating that the City of Perris is significantly concerned with the proposed Project as the following concerns will need to be addressed:

1. **California Environmental Quality Act (CEQA).** The Project needs to address the cumulative impact of all the proposed projects within a 1.5-mile radius of the proposed site to analyze, mitigate, and disclose all environmental impacts from the Proposed Project pursuant to the California Environmental Quality Act (CEQA). Perris staff is aware of Northern Gateway

Page 2 of 5

Commerce Centers I & II Industrial projects (i.e., 2.4M SF in two industrial buildings), the Barnett Warehouse Project (i.e., 250K SF industrial), and the McLaughlin Warehouse Project (i.e., 276,682 SF Industrial) in the Menifee North Economic Development Corridor (Menifee North EDC) Plan that should be incorporated into the CEQA analysis. The CEQA document should particularly evaluate how the Project will address mitigating impacts of the Project on being close to residential land uses land use compatibility, truck circulation, traffic impacts, and noise impacts. In addition, a health risk assessment, as further identified in this letter, is required.

2. **Land Use Inconsistency with Surrounding Areas** - The proposed industrial development is incompatible with the residential development in both the City of Perris and Menifee on the south side of McLaughlin Road, north of Ethanac Road, and west of Goetz Road, which is designated for residential development. Although there are some industrial zones in the GVSP, they are located adjacent to the Perris Valley Airport north of the San Jacinto River, which has land use density limitations. All the development in the GVSP south of the San Jacinto River to Ethanac Road is residential, with some commercial development towards the I-215 Freeway. Therefore, no industrial development in the City of Perris is allowed to utilize Ethanac Road as a truck route due to the sensitivity of residential land uses along this roadway.

There are two single-family residential tracts in the GVSP totaling 314 single-family dwelling units nearing construction completion along Ethanac Road. In addition, there are six residential tracts comprised of 1,241 residential units, which are anticipated to start next year in phases.

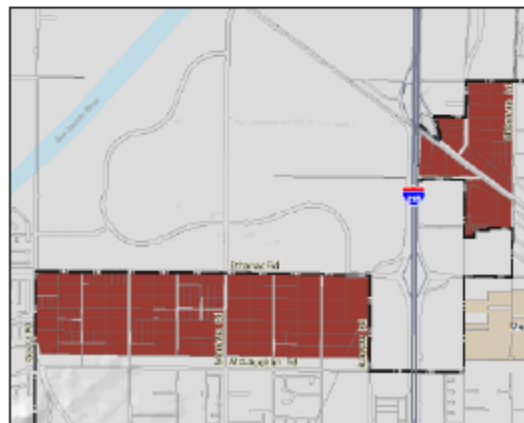
3. **Menifee Economic Developer Corridor Zoning.** The appropriate land use would be Business Park Development which is identified in the Menifee North EDC Plan (see YELLOW highlight below from the North EDU zoning map), which would be more compatible with the residential land uses nearby.

EXHIBIT LU-B2B: EDC NORTHERN GATEWAY (594 ACRES)

Preferred Mix of Land Uses

Residential	5%
Industrial	95%

Envisioned as an employment center at Menifee's northern gateway that focuses on providing opportunity for business park development and more traditional industrial (less office) than envisioned for the Southern Gateway (Scott Road) EDC area. Limited residential development may be appropriate between new business park uses and existing single-family homes, or in places where residential projects have already been approved. Emphasis should be on job creation and creating connections to regional transportation corridors, including I-215 and the railroad.



G39
Cont.

Page 3 of 5

Below is an example of the Business Park Development architecture and site plan that has been proposed in Perris as an example.



G39
Cont.

4. **Truck Circulation Route** – The developer should be required to prepare a Truck Circulation Plan. According to the site layout, it is presumed the developer proposing to utilize Ethanac Road as truck access. However, any truck access should be on McLaughlin Road to Barrett Avenue to Ethanac Road to access the I-215 Freeway due to proximity to residential land uses on the north side of Ethanac Road. In addition, it should be noted that the existing median on Ethanac Road is within Perris City limits and is not designed for truck queuing.
5. **Case Road and Barnett Avenue Alignment.** With the truck route noted above, Barnett Avenue and Case Road will need to align, as envisioned in the City's of Perris Circulation Element. Also, as the east side of Barnett Avenue is in the City of Perris, it should be built to a secondary arterial street designation of 94-ft right-of-way (r-o-w) to be consistent with the designation on Case Road.
6. **Traffic Impact Analysis/Truck Route.** The City of Perris has concerns related to traffic impacts to the Freeway interchange at I-215 and Ethanac Road. The Traffic Impact Analysis should include the following:

Page 4 of 5

- Evaluation of intersections/road segments in the City of Perris: Ethanac Road and Case Road/Barrett Avenue, and I-215 freeway and Ethanac Road (on-ramp and off-ramp).
- Determine the fair share contribution to the Ethanac Road at the I-215 Interchange.
- Evaluate all truck routes and traffic counts during AM and PM peak times.
- The Ethanac Road interchange and the truck access route shall operate at an acceptable level with the opening day projection.
- Incorporate a truck route enforcement plan as part of the TIA, including on-site signage (provide a depiction of signage) of truck routes and truck driver/dispatcher education on truck routes.

Upon completion of the Draft Traffic Impact Analysis, please provide the City with a copy to review and comment.

7. **Noise.** An acoustical/noise analysis shall be prepared to mitigate noise impacts from the Project resulting from construction and operation in proximity to the residential development surrounding the site along Ethanac Road and Barnett Avenue.
8. **Health Risk Assessment Study.** A Health Risk Assessment is required under the *Sierra Club v. City of Fresno* case to evaluate health impacts on nearby residents.
9. **CEQA.** Please provide future notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA") under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law which includes: notices of any public hearing held pursuant to CEQA, and notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
10. **1,200-Foot Property Owners Notification.** Due to nearby sensitive uses, it is requested that property owner notification within 1,200-feet of the project site is provided to ensure that all individuals who the development may impact are provided an opportunity to comment.

The City of Perris thanks you for considering these comments. Please feel free to contact me at (951) 943-5003, ext. 257, if you have any questions or would like to discuss the above concern in further detail.

Sincerely,



Kenneth Phung
Director of Development Services

G39
Cont.

***Responses to Comment Letter G – City of Perris, Development Services Department Planning Division
Patricia Brenes, Planning Manager***

- G1** This comment includes introductory statements, a brief description of the Project, and a description of the Green Valley Specific Plan (GVSP) planning area. Comments have been noted and no further response is warranted.
- G2** The commenter states that the Project EIR has not adequately addressed the potential environmental impacts related to air quality, project alternatives, energy, greenhouse gas emissions, land use, noise, and transportation. This portion of the comment does not raise specific concerns and therefore no further responses is warranted. Responses to the City of Perris' specific concerns regarding the inadequacy of the Draft EIR are provided below.
- G3** The Project is analyzed as a high cube fulfillment center, which from a traffic perspective is a worst- case scenario. Fulfillment Center Warehouse (Sort) facility has a higher overall daily trip generation rate than other industrial uses, 6.44 trips per thousand square feet (as opposed to a typical warehouse trip generation rate of 1.71 [ITE 150] trips per thousand square feet), as defined in the ITE Trip Generation Manual 11th Edition. Because of the conservative trip count, the Project's TIA analyzes a "worst case scenario" transportation analysis and therefore the analysis accounts for impacts that would be caused by other types of warehouses. Additionally, because ITE 155 was used to determine the trip generation rate (which was reasonable to get a most conservative transportation analysis), that same trip rate was used in the Air Quality, Greenhouse Gas, Health Risk, and Noise Assessments so all studies would have a consistent baseline.
- G4** As noted throughout the Draft EIR (and in particular, in Section 4.2, Air Quality, and Section 4.8, Greenhouse Gas Emissions), the Project does not include cold storage. Therefore, the analysis modeled the warehouses as unrefrigerated, and the Project would not include emissions from transport refrigeration units (TRUs). Pursuant to **MM GHG-2**, the City will confirm the Project does not include cold storage equipment for warehousing purposes. Additionally, the Project would be conditioned to not allow for refrigerated uses.
- G5** Refer to Responses G3 and G4, above, regarding the fact that the Project does not include cold storage. The remainder of the comment claims that the Draft EIR fails to adequately analyze the reasonably foreseeable environmental impacts on the future residents within the GVSP. This comment is general in nature and does not identify specific deficiencies in the Draft EIR's analysis. Therefore, no response can be provided.
- G6** Under CEQA Guidelines Section 15064.3, automobile delay no longer is considered an environmental impact under CEQA, and therefore this comment does not raise concerns within the scope of CEQA. The analysis included in the Draft EIR concerning LOS, including traffic signal warrants, was provided for informational purposes only for the City's use in evaluating the Project and considering conditions of approval outside of CEQA's framework.

Notwithstanding that this comment raises issues outside the scope of CEQA, the following response is provided. Based on the analysis in the TIA, as described in more detail in the Draft EIR Section 4.13: Transportation pages 4.13-21 it is recommended that the northbound shared lane on Wheat Street at Ethanac Road (intersection #9) be modified to be right-in-right-out (RIRO) access. With this improvement, the intersection operates at an acceptable level of service (LOS). Therefore, no other improvements are recommended at intersection #9 in order to meet the City's LOS standards. Also based on the analysis in the TIA, it is recommended that a traffic signal be installed at the intersection of Ethanac Road at Byers Road (intersection #10). The implementation of these improvements to address automobile delay will be based on direct discussion between City staff and the Applicant and would be imposed via the Conditions of Approval process, not through CEQA.

- G7** Additionally, under CEQA Guidelines Section 15064.3, automobile delay no longer is considered an environmental impact under CEQA, and therefore this comment does not raise concerns within the scope of CEQA.

The analysis included in the Draft EIR concerning this proposed improvement was provided for informational purposes only for the City's use in evaluating the Project and considering conditions of approval outside of CEQA's framework. The implementation of this improvement would be based on direct discussion between City staff and the Applicant and would be imposed via the Conditions of Approval process, not through CEQA. Pursuant to CEQA Guidelines Section 15124, a Project description should not supply extensive detail beyond that needed for evaluation and review of the environmental impact. Since this improvement would be imposed outside of CEQA and was provided for information purposes pursuant to automobile delay, the Project Description does not need to be updated to include this proposed improvement. Nevertheless, any improvements to portions of intersections or roadways shared with the City of Perris would be coordinated between the City of Menifee and City of Perris prior to final offsite engineering for the Project. Additionally, the improvements associated with the proposed Project are not considered intensive construction work that would expand the scope of project construction impacts already discussed thoroughly in the Draft EIR.

- G8** The commenter states that the Project could generate more traffic than what is assumed if any portion of the building is occupied by refrigerated uses. **MM GHG-2** prohibits the Project from including cold storage. In addition, City has conditioned the site to prohibit cold storage. Therefore, the Project would not include additional truck traffic or additional emissions from TRUs, and as such, the Draft EIR did not need to analyze the potential effect of refrigerated trucks.
- G9** The commenter states that health risk impacts appear to be based on the emissions generated by mobile sources within the project site and states that the analysis needs to confirm the evaluation of sources traveling along roadways and I-215. The commenter also states that the analysis needs to identify potential impacts to residents north of Ethanac Road.

As shown in the HRA appendix (see Draft EIR Appendix B2), diesel emission sources include trucks traveling down Wheat Street, Byers Road, Ethanac Road and the on-ramps and off-ramps accessing I-215. In addition, the HRA includes diesel emissions from on-site truck circulation, truck idling, and heavy construction equipment used during Project construction. The Project does not involve any other potential diesel sources onsite. Modeling for the HRA extends approximately 603 feet north of Ethanac Road which includes the GVSP area identified by the commenter. The HRA analyzed the receptor of maximum exposure, which is identified as a house along Kuffel Road, and determined that impacts would be less than significant with the imposition of **MM HRA-1**, which requires the use of Tier 4 construction equipment or incorporation of CARB Level 3 Verified Diesel Emission Control Strategy. As a result, health risks for all other receptors (which are at a greater distance than the receptor of maximum exposure) have been determined to be less than this, including residents in the GVSP located north of Ethanac Road. Accordingly, the Draft EIR already analyzes the subjects raised by this comment and no further analysis is needed.

- G10** Review of CEQA Guidelines Section 15126.6 requires that a project range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not *consider every conceivable alternative* to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. The City deemed that having two alternatives for the Project provides an adequate range of alternatives pursuant to CEQA Guidelines Section 15126.6 because those were the alternatives determined which could reduce the Project's significant effects while still meeting most of the basic Project objectives.
- G11** The commenter states that if the Project includes refrigerated uses it would consume more energy than what was analyzed in the EIR. As stated previously, **MM GHG-2** prohibits the Project from including cold storage. In addition, City has conditioned the site to prohibit cold storage. Accordingly, the additional requested analysis is not needed.
- G12** The commenter notes that the EIR uses the 3,000 MTCO₂e threshold for GHG significance but states that this threshold is not supported by substantial evidence. As discussed in Draft EIR page 4.7-15, the City utilized SCAQMD's 3,000 MTCO₂e recommended threshold in the Draft EIR because SCAQMD's thresholds are supported with substantial evidence from an expert agency. Based on the supporting analysis outlined in SCAQMD's draft GHG guidance and meeting notes, the 3,000 MTCO₂e per year threshold would capture 90 percent of GHG emissions from projects in the region. This type of market capture analysis captures a substantial fraction of the GHG emissions from future development to accommodate for future population and job growth and excludes small development projects that would contribute a relatively small fraction of the cumulative statewide GHG emissions.

The City thus relies on use of the 3,000 MTCO₂e per year threshold to evaluate the potential for the Project to result in a significant GHG emissions impact under CEQA because it has been recommended by SCAQMD and SCAQMD is an expert agency in the Southern California region. Further, the SCAQMD provides substantial evidence that the thresholds are consistent with policy goals and 2050 GHG emissions reduction targets set by the State. Specifically, the thresholds were set at levels that capture 90 percent of the GHG emissions from the above-described uses, consistent with EO S-3-05 target of reducing GHGs to 80 percent below 1990 levels by 2050.

G13 Refer to Response G8, above. The commenter states that if the Project includes refrigerated uses it would generate more GHG than what was analyzed in the EIR. As stated previously, **MM GHG-2** prohibits the Project from including cold storage. In addition, City has conditioned the site to prohibit cold storage.

G14 This comment contends that the Project's warehouse use is not compatible with the GVSP and residential land uses in the surrounding area. This comment does not raise any specific reasons why a warehouse use cannot be compatible with nearby areas that are used for residential purposes. Notwithstanding the lack of specificity of this comment, the following information is provided.

As shown in Draft EIR Table 2-2 (page 2-2), the Project site and surrounding area has a land use and zoning designation of Economic Development Corridor-Northern Gateway (EDC-NG), respectively. The EDC-NG designation allows for the development of industrial uses, and therefore the proposed industrial uses are permitted within the site and surrounding area. In regards to the Project's impacts to the residential land uses located in the City of Perris, the Project will comply with the City's Industrial Good Neighbor Policies which requires that warehouse, logistics, and distribution to minimize impacts to sensitive uses, protect of public health, safety, and welfare by regulating the design, location and operation of facilities; and protect neighborhood character of adjacent communities. As further discussed in Draft EIR Section 4.2, Air Quality, the Project's localized emissions during construction and operational activity would be less than significant with the implementation of **MMs AQ-1** through **AQ-3**. (pages 4.2-26 through 4.2-29). Additionally, CO hotspots would not be experienced at any vicinity intersections resulting from 4,508 additional vehicle trips attributable to the Project and less than significant impacts were determined. As shown in Draft EIR Table 4.2-14, the Project's HRA determined that with implementation of **MM HRA-1**, impacts concerning carcinogenic risk from Diesel Particulate Matter would be reduced below SCAQMD's maximum cancer risk threshold (page 4.2-34). Lastly, as discussed in the Draft EIR at page 4.2-21, Ethanac Road is designated as a truck corridor in the City of Menifee's General Plan. As such, trucks utilizing Ethanac Road for access is appropriate.

G15 The commenter states that the City of Perris' noise ordinance is not assessed as part of the Project's noise analysis. Because the Project is located within the City of Menifee, standards developed by the City of Menifee were utilized to analyze impacts. This is common practice in CEQA documents throughout California. In any event, the City of Perris and the City of Menifee both use 60 dBA as the normally acceptable standard for residential single-family land uses based

on land use compatibility. As shown in Table 4.11-11 of the Draft EIR, 60 dBA is identified as the normally acceptable standard and the greatest increase in traffic noise along Ethanac Road would not be perceptible over existing conditions and therefore would not result in a significant impact. As a result, noise impacts from the Project would remain the same, regardless of which City's standards were used.

G16 Acknowledged. This comment does not raise a deficiency with the Draft EIR's analysis and therefore no technical response is warranted. It should be noted that a global Traffic Study for the Menifee Economic Development Corridor (MEDC) area, including the addition of a truck corridor south of Ethanac Road, is currently being prepared in coordination with the City of Menifee and the City of Perris. The Project Traffic Study analyzes trucks utilizing Ethanac Road as a worst-case scenario for recommended improvements along Ethanac Road. The Project Traffic Study also analyzes both Project-specific and cumulative impacts with the inclusion of Cumulative Project traffic in the surrounding area. Therefore, the Project Traffic Study includes an area-wide analysis.

G17 As noted in Response to Comment G6, under CEQA Guidelines Section 15064.3, automobile delay no longer is considered an environmental impact, and therefore this comment does not raise concerns within the scope of CEQA. The analysis included in the Draft EIR concerning LOS was provided for informational purposes only for the City's use in evaluating the Project and considering conditions of approval outside of CEQA's framework.

Notwithstanding that this comment raises issues outside the scope of CEQA, the following response is provided. Based on the City of Perris *LOS Standards and Traffic Criteria for Traffic Studies* (not dated), below are the current City of Perris LOS standards and criteria:

Level of Service Standards

The City of Perris has established the following standards regarding minimum acceptable level LOS:

- LOS "D" along all City maintained roads (including intersections) and LOS "D" along I-215 and SR-74 (including intersections with local streets and roads). An exception to the local road standard is LOS "E" at intersections of any Arterials and Expressways with SR-74, the Ramona-Cajalco Expressway, or at I-215 freeway ramps.
- LOS "E" may be allowed within the boundaries of the Downtown Specific Plan Area to the extent that it would support transit-oriented development and walkable communities. Increased congestion in this area will facilitate an increase in transit ridership and encourage development of a complementary mix of land uses within a comfortable walking distance from light rail stations.

Thresholds of a Traffic Impact

The City of Perris standards include that a project would be considered to have a project-related effect based on the following criteria:

- A project-related traffic effect is considered direct when a study intersection operates at an acceptable Level of Service for existing conditions (without the project) and the addition of 50 or more AM or PM peak hour project trips causes the intersection delay to increase by 2 seconds or more and causes the intersection to operate at an unacceptable Level of Service for existing plus project conditions.
- A project-related traffic effect is considered direct when a study intersection operates at an unacceptable Level of Service for existing conditions (without the project) and the addition of 50 or more AM or PM peak hour project trips causes the intersection delay to increase by 2 seconds or more.
- A cumulative effect is considered direct when a study intersection is forecast to operate at an acceptable Level of Service without the project and with the addition of 50 or more AM or PM peak hour project trips causes the intersection delay to increase by 2 seconds or more and causes the intersection to operate at an unacceptable Level of Service.
- A cumulative effect is considered an indirect traffic effect when a study intersection is forecast to operate at an unacceptable Level of Service with the addition of cumulative/background traffic and the project contributes 50 or more AM or PM peak hour project trips and causes the intersection delay to increase by 2 seconds or more.

Based on review of the study intersections, below are study intersections located within Caltrans right-of-way (ROW) or located entirely or a majority within the City of Perris:

1. Goetz Road at Case Road (City of Perris)
2. Murrieta Road at Case Road (City of Perris)
3. Goetz Road at Mapes Road (City of Perris)
4. I-215 SB Ramps/SR-74 at Bonnie Drive (Caltrans)
5. I-215 NB Ramps at SR-74 (Caltrans)
6. Goetz Road at Fieldstone Drive (City of Perris)
7. Goetz Road at Ethanac Road (City of Perris)
13. Barnett Road/Case Road at Ethanac Road (City of Perris)
14. I-215 SB Ramps at Ethanac Road (Caltrans)
15. I-215 NB Ramps at Ethanac Road (Caltrans)
16. Trumble Road at Ethanac Road (City of Perris)

Based on review of the City of Perris significance criteria and applicable intersections located within or adjacent to the City of Perris, the recommended improvements noted in the Project Traffic Study at deficient study intersections and roadway segments would cause the study locations to operate at an acceptable LOS, would more than offset the project-related effect, and would address the City of Perris significance criteria.

- G18** Ethanac Road is currently a truck route. As noted in Response to Comment G16, a global Traffic Study for the MEDC area, including the addition of a truck corridor south of Ethanac Road, is currently being prepared in coordination with the City of Menifee and the City of Perris. Since the global Traffic Study for the MEDC area has not been completed, the Project Traffic Study analyzes trucks utilizing Ethanac Road as a worst-case scenario for recommended improvements along Ethanac Road. The analysis for this Project cannot speculate about alternative truck routes that might later be identified.

Based on the findings in the Project Traffic Study, a 350-foot westbound left-turn pocket is adequate to accommodate the anticipated westbound left-turn volumes at the intersection of Ethanac Road at Byers Road under Opening Year 2024 Cumulative Plus Project with Improvement conditions. Any improvements to portions of intersections or roadways shared with the City of Perris would be coordinated between the City of Menifee and City of Perris prior to final engineering for the Project. See Response to Comment G21 regarding how there are no safety impacts with the 350-foot westbound left-turn pocket due to Ethanac Road being generally straight and flat with good visibility, long sight distance, no visual obstructions, and no sharp curves.

- G19** See Response to Comment G18.

- G20** See Response to Comment G17.

- G21** Refer to Response to Comment G7. The implementation of this improvement is based on direct discussion between City staff and the Applicant via the Conditions of Approval process as a means to address traffic congestion, not through CEQA since traffic congestion is no longer a significant impact under CEQA. The Applicant will construct the 350-foot westbound left-turn pocket as a Condition of Approval for the Project. Because this improvement addresses a topic outside of CEQA and does not involve significant construction that would impact any of the analyses or conclusions in the EIR, mention of this off-site improvement is not required to be included in the Project Description. However, any improvements to portions of intersections or roadways shared with the City of Perris would be coordinated between the City of Menifee and City of Perris prior to final engineering for the Project.

Ethanac Road is generally a straight and flat road with good visibility, long sight distance, no visual obstructions, and no sharp curves. As a result, there is no safety impact from vehicles or trucks queuing in the westbound left-turn pocket at the intersection of Ethanac Road at Byers Road, whether or not the 350-foot westbound left-turn pocket is built. Therefore, there is no evidence that traffic congestion, if it were to occur, would create hazards due to geometric design features.

- G22** As shown in Section 3.0, Errata to the Draft EIR, A P.E. stamp and signature has been added to the Project Traffic Study title page.

- G23** See Response to Comment G17.

- G24** The study locations on pages 4 and 5 of the Project Traffic Study have been updated accordingly.
- G25** This comment calls for a LOS and queuing analysis for Barnett Road/Case Road at Ethanac. In the first instance, traffic congestion no longer a significant impact for purposes of CEQA, and therefore a LOS and queuing analysis are outside the scope of the EIR. Notwithstanding that further response to this comment is not required, the intersection of Barnett Road/Case Road at Ethanac Road operates as one intersection and should be analyzed as one for analysis purposes. Based on the Project Traffic Study, the intersection would operate at an acceptable Level of Service with the addition of Project traffic. Therefore, no recommended improvements are required for the proposed project at the noted intersection.
- G26** See Response to Comment G17. The recommended improvements noted in the Project Traffic Study at deficient roadway segments would cause the study locations to operate at an acceptable LOS, would more than offset the Project-related effect, and would address the City of Perris roadway capacity criteria.
- G27** The traffic data collection and volume development approach for the Project Traffic Study was determined based on consultation with City of Menifee staff during the Traffic Scoping Agreement process. Traffic counts and Level of Service (LOS) results under Existing Conditions for the Project Traffic Study were compared with traffic counts and LOS results from more recent traffic studies with overlapping study intersections, which had more recent traffic counts (February 2023). It was observed that the traffic counts for the Project Traffic Study were comparable to the traffic counts in the more recent traffic studies. The LOS results under Existing Conditions between the Project Traffic Study and more recent traffic studies generally remained the same. Therefore, the traffic counts in the Project Traffic Study are considered reasonable.
- G28** Detailed turning movement percentages at each study intersection for both passenger car and truck project trips is provided in Appendix F of the Project Traffic Study. No Project trucks were assumed to use Goetz Road north of Ethanac Road or Murrieta Road north of Ethanac Road.
- Ethanac Road is currently a truck route. As noted in Response to Comment G16, a global Traffic Study for the MEDC area, including the addition of a truck corridor south of Ethanac Road, is currently being prepared in coordination with the City of Menifee and the City of Perris. Since the global Traffic Study for the MEDC area has not been completed, the Project Traffic Study analyzes trucks utilizing Ethanac Road as a worst-case scenario for recommended improvements along Ethanac Road. The analysis for this Project cannot speculate about alternative truck routes that might later be identified.
- G29** Table 4 has been updated accordingly. As noted earlier, based on review of the City of Perris significance criteria and applicable intersections located within or adjacent to the City of Perris, the recommended improvements noted in the Project Traffic Study at deficient study intersections and roadway segments would cause the study locations to operate at an acceptable

LOS, would more than offset the Project-related effect, and would address the City of Perris significance criteria.

G30 The Traffic Scoping Agreement, including a list of Cumulative Projects (including development projects within the City of Perris) as noted on Table 6, was sent to the City of Perris. The City of Perris did not provide comments on the Traffic Scoping Agreement. It should be noted that the City of Perris provided a NOP Comment Letter (dated May 16, 2022), which include comments regarding Transportation, but did not provide comments with regards to cumulative projects within the City of Perris to be included as part of the Traffic Study.

G31 As noted in Response to Comment G6, under CEQA Guidelines Section 15064.3, automobile delay no longer is considered an environmental impact, and therefore this comment does not raise concerns within the scope of CEQA. The analysis included in the Draft EIR concerning LOS was provided for informational purposes only for the City's use in evaluating the Project and considering conditions of approval outside of CEQA's framework.

Notwithstanding that this comment raises issues outside the scope of CEQA, the following response is provided. The recommended improvements at the Ethanac Road/I-215 interchange were based on the DRAFT Preliminary Engineering Study Report for Ethanac Road Gap Closure Report (Revised January 2016). Queuing and progression for improvements along Ethanac Road at the I-215 interchange would be reviewed during the design and implementation phase for interchange improvements in the future.

G32 As noted in Response G6, under CEQA Guidelines Section 15064.3, automobile delay no longer is considered an environmental impact under CEQA, and therefore this comment does not raise concerns within the scope of CEQA. The analysis included in the Draft EIR concerning LOS, including traffic signal warrants, was provided for informational purposes only for the City's use in evaluating the Project and considering conditions of approval outside of CEQA's framework.

Notwithstanding that this comment raises issues outside the scope of CEQA, the following response is provided. The Project Traffic Study only provides recommended improvements to study intersections and roadway segments that would cause the deficient study locations to operate at an acceptable LOS and would more than offset the Project-related effect. The implementation of improvements is based on direct discussion between City staff and the Applicant and would be imposed via the Conditions of Approval process. Any improvements to portions of intersections or roadways shared with the City of Perris would be coordinated between the City of Menifee and City of Perris prior to final engineering for the Project. The developer/property owner shall pay fair share costs for off-site improvements as detailed in the Project Traffic Study prior to issuance of a certificate of occupancy. The fair share cost estimates shall be based on conceptual exhibits prepared by the developer, reviewed and approved by the Public Works Director / City Engineer.

G33 Acknowledged, and no further response is warranted.

- G34** Acknowledged. As noted in Response to Comment G18, a global Traffic Study for the MEDC area, including the addition of a truck corridor south of Ethanac Road, is currently being prepared in coordination with the City of Menifee and the City of Perris. The Project Traffic Study analyzes trucks utilizing Ethanac Road as a worst-case scenario for recommended improvements along Ethanac Road.
- G35** The City will provide all future notices of the Project to the Commenter. No further response is warranted.
- G36** Comments regarding the property owner notification within 1,200 feet have been noted. The Notice of Availability (NOA) for the Project met the 45-day review period requirements under CEQA Guidelines Section 15202(d). Letters received within that review period, regardless ending on a Saturday, are included within this FEIR.
- G37** This comment includes conclusionary statements and therefore, no further response is warranted.
- G38** The Commenter's letter of initial comments on the Project have been noted.
- G39** The Commenter's letter of comments on the Notice of Preparation have been noted. The environmental issues brought up in the Commenter's NOP were taken into consideration during the Draft EIR's environmental impact analysis.

Comment Letter H – Blum Collins & Ho LLP
Gary Ho

BLUM, COLLINS & HO LLP
ATTORNEYS AT LAW
AON CENTER
707 WILSHIRE BOULEVARD
SUITE 4800
LOS ANGELES, CALIFORNIA 90017 (213) 572-
0400

April 26, 2024

Ryan Fowler, Principal Planner
City of Menifee
29844 Haun Road
Menifee, CA 92586

VIA EMAIL TO:
rfowler@cityofmenifee.us

***SUBJECT: COMMENTS ON CADO MENIFEE INDUSTRIAL PROJECT EIR (SCH NO.
2022040622)***

Dear Mr. Fowler,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed CADO Menifee Industrial Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

H1

1.0 Summary

The project proposes the construction and operation of one 700,037 square foot warehouse/industrial building with 10,000 square feet of office space and 690,037 square feet of warehouse space on a 36.8 net acre site. The building is constructed as a cross-dock fulfillment center with 49 truck/trailer loading docks on the north side and 49 on the south side of the building, for a total of 98 loading docks. The project site provides 499 passenger car parking spaces and 245 truck/trailer parking spaces.

H2

2.0 Project Description

The EIR does not include a floor plan, detailed elevations, or a conceptual grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. Additionally, the EIR nor any figures within it include information about the required cut and/or fill material during the grading phase. Providing

H3

Ryan Fowler
April 26, 2024
Page 2

the grading plan and earthwork quantity notes is vital as it is necessary to calculate the truck hauling trips due to soil import/export during the grading phase of construction. Additionally, Exhibit 2-6: Conceptual Elevations does not include the building height or any relevant information for review. A revised EIR must be prepared to include wholly accurate and adequate floor plan, grading plan, elevations and project narrative for public review.

H3
Cont.

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0¹, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065042731) ranks significantly worse in several environmental factors compared to the rest of the state overall. The proposed project's census tract (6065042731) and surrounding community, including residences to the south and north, bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 91st percentile for ozone burden, the 51st percentile for particulate matter (PM) 2.5 burden, and the 74th percentile for traffic impacts. All of these environmental factors are typically attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure².

H4

The census tract also ranks in the 67th percentile for drinking water, which indicates that it ranks with the worst quality drinking water in the state. Poor communities are exposed to contaminants in their drinking water more often than people in other parts of the state³.

H5

Further, the census tract is a diverse community including 60% Hispanic, 6% African-American, and 2% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 79% of the census tract residents over age 25 has not attained a high school diploma. The community also has a high rate of poverty, meaning 47% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford

H6

¹ CalEnviroScreen 4.0 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

² OEHHA Ozone <https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone>

³ OEHHA Drinking Water <https://oehha.ca.gov/calenviroscreen/drinking-water>

Ryan Fowler
April 26, 2024
Page 3

healthy living and working conditions, nutritious food and necessary medical care⁴. Poor communities are often located in areas with high levels of pollution⁵. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution⁶. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 78th percentile for incidence of cardiovascular disease and 49th percentile for incidence of asthma.

H6
Cont.

Additionally, the census tract adjacent to the project site (6065042901 (north)) is identified as an SB 535 Disadvantaged Community⁷. This indicates that cumulative impacts of development and environmental impacts in the immediate vicinity are disproportionately impacting this community. The negative environmental, health, and quality of life impacts resulting from a saturation of the warehousing and logistics industry in the community have become distinctly inequitable. A revised EIR must be prepared to include the specific analysis of each environmental impact on the Disadvantaged Community, including cumulative analysis and irreversible environmental effects.

H7

The State of California lists three approved compliance modeling softwares⁸ for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

H8

4.10 Land Use and Planning

Table 4.10-3: Project Compatibility with SCAG Connect SoCal Strategies finds that the project is consistent with the goals of Connect SoCal, resulting in less than significant impacts. In finding consistency with SCAG's goals, the EIR does not provide any meaningful evidence to support this conclusion, in violation of CEQA's requirements for meaningful disclosure. For example, the EIR

H9

⁴ OEHHA Poverty <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

⁵ Ibid.

⁶ Ibid.

⁷ OEHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

⁸ California Energy Commission 2022 Energy Code Compliance Software
<https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1>

Ryan Fowler
April 26, 2024
Page 4

concludes the project is consistent with Goal 5 to reduce greenhouse gas emissions because, “The Project is located within an urban area in proximity to existing truck routes and freeways. Location of the Project is within a developed area and would reduce trip lengths. This would reduce GHG and air quality emissions,” which is directly in contrast with the EIR’s determination that the project will result in significant and unavoidable GHG emissions impacts. Due to errors in modeling and modeling without supporting evidence, as noted throughout this comment letter and attachments, and the EIR’s determination that the project will have significant and unavoidable impacts to Greenhouse Gas Emissions, the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The EIR must be revised to include finding of significance due to inconsistency with the RTP/SCS.

H9
Cont.

The EIR does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Further, Table 4.10-4: Consistency with the City’s General Plan includes consistency analysis that is erroneous and misleading to the public and decision makers. The project has significant potential to conflict with many of these items due to its significant and unavoidable impacts to Greenhouse Gas Emissions. The EIR is inadequate as an informational document and a revised EIR must be prepared with a consistency analysis with all General Plan policies, including but not limited to the following:

1. Goal S-7: A community that has protected its sensitive structures, functions, and populations from the risks associated with climate change.
2. Policy S-7.1: Continue to require environmental analysis for proposed projects which may produce harmful levels of greenhouse gas.
3. Policy EJ-3.6: Continue to collaborate with the South Coast Air Quality Management District (SCAQMD), California Air Resources Board (CARB), utility providers, Southern California Association of Governments (SCAG), Western Riverside Council of Governments (WRCOG) and nonprofit organizations, neighborhoods groups, and other community organizations to improve air quality, food availability, renewable energy systems, sustainable land use and reduce greenhouse gas emissions (GHGs).
4. Policy C-1.2: Require development to mitigate its traffic impacts and achieve a peak hour Level of Service (LOS) D or better at intersections, except at constrained intersections at close proximity to the I-215 where LOS E may be permitted.

H10

Additionally, the EIR concludes that the project is consistent with “Policy C-5.3: Support efforts to reduce/eliminate the negative environmental impacts of goods movement” because “Where feasible, mitigation measures are implemented to reduce potentially significant unavoidable

H11

Ryan Fowler
April 26, 2024
Page 5

impacts to less than significant levels,” and provides a reference to reincorporate each chapter of analysis in the EIR. This is erroneous and misleading to the public and decision makers because it omits the fact that the project will have significant and unavoidable impacts to Greenhouse Gas Emissions. The EIR must be revised to include information regarding the project’s significant and unavoidable impacts to Greenhouse Gas Emissions for analysis in this section and a finding of significance due to the project’s inconsistency with this policy.

H11.
Cont.

Appendix K: Traffic Study concludes the following intersections will operate at deficient levels:

1. #9 - Wheat Street at Ethanac Road
2. #10 - Byers Road at Ethanac Road
3. #11 - Murrieta Road at Ethanac Road
4. #12 - Evans Road at Ethanac Road
5. #14 - I-215 SB Ramps at Ethanac Road
6. #15 - I-215 NB Ramps at Ethanac Road
7. #16 - Trumble Road at Ethanac Road
8. #17 - Sherman Road at Ethanac Road
9. #19 - Murrieta Rd at McLaughlin Road
10. #20 - Murrieta Road at Rouse Road
11. #21 - Murrieta Road at Chambers Avenue
12. #25 - I-215 SB Ramps at McCall Boulevard
13. #26 - I-215 NB Ramps at McCall Boulevard

H12

Appendix K provides a list of improvements that will allegedly mitigate significant and unavoidable impacts to the intersections to less than significant levels. It must be noted that many of the deficient roadways and intersections are either completely or partially under control by other agencies/jurisdictions. For example, the north side of Ethanac Road from Goetz Road to Sherman Road is under the jurisdiction of Perris, meaning that intersections #9 - #12 and #16- #17 are not wholly controlled by the lead agency. Further, intersections #14, #15, #25, and #26 are Caltrans facilities. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Perris or Caltrans facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. The improvements required are not part of an existing DIF/TUMF program for the applicable agency and therefore are not planned to occur at all or by any certain date, whether by

H13

Ryan Fowler
April 26, 2024
Page 6

Perris or Caltrans. Any improvements recommended or fees paid to mitigate impacts for Perris or Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Perris or Caltrans has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B because it is not consistent with the following General Plan Policy:

1. Policy C-1.2: Require development to mitigate its traffic impacts and achieve a peak hour Level of Service (LOS) D or better at intersections, except at constrained intersections at close proximity to the I-215 where LOS E may be permitted.

The EIR does not meaningfully discuss or analyze the project's compliance with the General Plan's Land Use Buildout Scenario. Exhibit LU-4 Land Use Buildout Summary within the General Plan Land Use Element⁹ projected a 0.40 FAR within EDC-NG and 25,020,987 square feet of non-retail development within all EDC areas. The EIR does not provide any information or analysis on the buildout conditions of the General Plan. The proposed project has a FAR of 0.43, which is greater than the assumption of the tiered environmental analysis. The EIR has not provided evidence that the growth generated by the proposed project was anticipated by the General Plan, RTP/SCS, or AQMP. A revised EIR must be prepared to include this analysis.

4.13 Transportation and Traffic

Appendix K: Traffic Study concludes the following intersections will operate at deficient levels:

1. #9 - Wheat Street at Ethanac Road
2. #10 - Byers Road at Ethanac Road
3. #11 - Murrieta Road at Ethanac Road
4. #12 - Evans Road at Ethanac Road
5. #14 - I-215 SB Ramps at Ethanac Road
6. #15 - I-215 NB Ramps at Ethanac Road
7. #16 - Trumble Road at Ethanac Road
8. #17 - Sherman Road at Ethanac Road
9. #19 - Murrieta Rd at McLaughlin Road
10. #20 - Murrieta Road at Rouse Road
11. #21 - Murrieta Road at Chambers Avenue
12. #25 - I-215 SB Ramps at McCall Boulevard

⁹ Menifee General Plan Land Use Element

https://www.cityofmenifee.us/DocumentCenter/View/14701/FINAL_Land-Use-Element_11322

Ryan Fowler
April 26, 2024
Page 7

13. #26 - I-215 NB Ramps at McCall Boulevard

Appendix K provides a list of improvements that will allegedly mitigate significant and unavoidable impacts to the intersections to less than significant levels. It must be noted that many of the deficient roadways and intersections are either completely or partially under control by other agencies/jurisdictions. For example, the north side of Ethanac Road from Goetz Road to Sherman Road is under the jurisdiction of Perris, meaning that intersections #9 - #12 and #16- #17 are not wholly controlled by the lead agency. Further, intersections #14, #15, #25, and #26 are Caltrans facilities. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Perris or Caltrans facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, *Save our Peninsula Comm. v. Monterey County Bd. Of Supers.* (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. The improvements required are not part of an existing DIF/TUMF program for the applicable agency and therefore are not planned to occur at all or by any certain date, whether by Perris or Caltrans. Any improvements recommended or fees paid to mitigate impacts for Perris or Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Perris or Caltrans has not been provided. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold A and Land Use and Planning Impact Threshold B because it is not consistent with the following General Plan Policy:

1. Policy C-1.2: Require development to mitigate its traffic impacts and achieve a peak hour Level of Service (LOS) D or better at intersections, except at constrained intersections at close proximity to the I-215 where LOS E may be permitted.

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a fulfillment center, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's total operational VMT generated is not consistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse

H16.
Cont.

H17

Ryan Fowler
April 26, 2024
Page 8

gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

H17
Cont.

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the available maneuvering and queueing space for trucks/trailers at the intersection of the project driveways and the adjacent streets. There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include truck turning templates overlaid on the Site Plan for review, analysis, and comment by the public and decision makers in order to provide an adequate and accurate environmental analysis.

H18

Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

H19

5.3 Growth Inducing Impacts

The EIR has not provided an adequate or accurate cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. SCAG's Connect SoCal Demographics and Growth Forecast¹⁰ notes that the City will add 15,400 jobs between 2016 - 2045. Utilizing the EIR's calculation of 860 employees, the project represents 5.5% of the City's employment growth from 2016 - 2045. A single project accounting for this amount of the projected employment growth over 29 years represents a significant amount of growth. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will

H20

¹⁰ SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020
https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579

Ryan Fowler
April 26, 2024
Page 9

exceed SCAG's employment growth forecast for the City. For example, other recent industrial projects¹¹ such as Menifee Commerce Center (2,885 employees), Menifee Commerce Center Phase II (1,962 employees), Northern Gateway Commerce Center (2,267 employees), Ares Warehouse on Murrieta (952 employees), Capstone Industrial (1,205 employees), Wheat Warehouse (151 employees), Corsica Business Park (477 employees), Trumble and Watson Warehouse (571 employees), McLaughlin San Jacinto Warehouses (846 employees), Mapes and Sherman Warehouse (478 employees), United Carports Warehouse (105 employees), Motte Business Center (1,964 employees), and Ethanac and Barnett Warehouse (440 employees) combined with the proposed project will cumulatively generate 15,408 employees, which is 100.5% of the City's employment growth forecast over 29 years accounted for by only 15 industrial projects submitted since 2020. This exceeds the projected growth forecast for the City. This number increases exponentially when the City's commercial development activity and other projects since 2016 are added to the calculation. A revised EIR must be prepared to include a cumulative analysis on this topic in order to provide an adequate and accurate environmental analysis.

H20
Cont.

The EIR does not include any information regarding the buildout conditions of the City's General Plan in order to provide an adequate and accurate environmental analysis. Exhibit LU-4 Land Use Buildout Summary within the General Plan Land Use Element¹² projected a 0.40 FAR within EDC-NG and 25,020,987 square feet of non-retail development within all EDC areas. The EIR does not provide any information or analysis on the buildout conditions of the General Plan, which is necessary to ensure that the proposed project is within the General Plan EIR's analysis, particularly since the EIR tiers from the General Plan EIR. The proposed project has a FAR of 0.43, which is greater than the assumption of the tiered environmental analysis. The EIR has not provided evidence that the growth generated by the proposed project was anticipated by the General Plan, RTP/SCS, or AQMP. A revised EIR must be prepared to include this analysis.

H21

6.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.)

H22

¹¹ Data for all listed projects via City of Menifee Land Development Projects Map <https://cityofmenifee.maps.arcgis.com/apps/insight/minimalist/index.html?appid=55fc56d4eee94e588a28a958cebac908> and Accela Menifee <https://aca-prod.accela.com/MENIFEE/Cap/CapHome.aspx?module=Planning&TabName=Planning&TabList=Home%7C0%7CPermits%7C1%7CEngineering%7C2%7CPlanning%7C3%7CFire%7C4%7CCurrentTabIndex%7C3>

¹² Menifee General Plan Land Use Element https://www.cityofmenifee.us/DocumentCenter/View/14701/FINAL_Land-Use-Element_11322

Ryan Fowler
April 26, 2024
Page 10

The alternatives chosen for analysis include the CEQA required “No Project” alternative and only one other - Reduced Square Feet on Two Buildings Alternative. The EIR does not evaluate a reasonable range of alternatives as only one alternative beyond the required No Project alternative is analyzed. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project’s significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that reduces all of the proposed project’s significant and unavoidable impacts to less than significant level, and/or a mixed-use project that provides affordable housing and exclusively local-serving commercial uses that may reduce VMT, GHG emissions, and improve Air Quality.

H22
Cont.

7.4 Effects Found Not to be Significant: Population and Housing

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impact to population and housing. The EIR states that “Given that the current unemployment rate for Riverside County is approximately 4.0 percent (as of October 2022), it is reasonably assured that the jobs would be filled by people living in the City, unincorporated County area, and surrounding communities, such as Perris and Murrieta. Additionally, the Project is consistent with the Southern California Association of Government’s (SCAG) regional growth assumptions.” The EIR relies upon the unemployment rates for the entire Riverside County area to provide employees for the project, but does not provide evidence that the specific workforce listed is qualified for or interested in industrial work to substantiate this claim. Relying on the unemployed workforce population of the surrounding region will increase project related VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances. Additionally, an unemployment rate less than 5% is considered full employment and does not substantiate the EIR’s claims that impacts will be less than significant.

H23

SCAG’s Connect SoCal Demographics and Growth Forecast¹³ notes that the City will add 15,400 jobs between 2016 - 2045. Utilizing the EIR’s calculation of 860 employees, the project represents 5.5% of the City’s employment growth from 2016 - 2045. A single project accounting for this amount of the projected employment growth over 29 years represents a significant amount of growth. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects “in the pipeline” to determine if the project will exceed SCAG’s employment growth forecast for the City. For example, other

H24

¹³ SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020
https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579

Ryan Fowler
April 26, 2024
Page 11

recent industrial projects¹⁴ such as Menifee Commerce Center (2,885 employees), Menifee Commerce Center Phase II (1,962 employees), Northern Gateway Commerce Center (2,267 employees), Ares Warehouse on Murrieta (952 employees), Capstone Industrial (1,205 employees), Wheat Warehouse (151 employees), Corsica Business Park (477 employees), Trumble and Watson Warehouse (571 employees), McLaughlin San Jacinto Warehouses (846 employees), Mapes and Sherman Warehouse (478 employees), United Carports Warehouse (105 employees), Motte Business Center (1,964 employees), and Ethanac and Barnett Warehouse (440 employees) combined with the proposed project will cumulatively generate 15,408 employees, which is 100.5% of the City's employment growth forecast over 29 years accounted for by only 15 industrial projects submitted since 2020. This exceeds the projected growth forecast for the City. This number increases exponentially when the City's commercial development activity and other projects since 2016 are added to the calculation. A revised EIR must be prepared to include a cumulative analysis on this topic in order to provide an adequate and accurate environmental analysis.

H24
Cont.

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

H25

Sincerely,



Gary Ho
Blum, Collins & Ho LLP

Attachment: SWAPE Analysis

¹⁴ Data for all listed projects via City of Menifee Land Development Projects Map <https://cityofmenifee.maps.arcgis.com/apps/instant/minimalist/index.html?appid=55fc56d4eee94e588a28a958cebac908> and Accela Menifee <https://aca-prod.accela.com/MENIFEE/Cap/CapHome.aspx?module=Planning&TabName=Planning&TabList=Home%7C0%7CPermits%7C1%7CEngineering%7C2%7CPlanning%7C3%7CFire%7C4%7CCurrentTabIndex%7C3>



Technical Consultation, Data Analysis and
Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.
(949) 887-9013
mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

April 18, 2024

Gary Ho
Blum, Collins & Ho LLP
707 Wilshire Blvd, Ste. 4880
Los Angeles, CA 90017

Subject: Comments on the CADO Menifee Industrial Warehouse Project (SCH No. 2022040622)

Dear Mr. Ho,

We have reviewed the March 2024 Draft Environmental Impact Report ("DEIR") for the CADO Menifee Industrial Warehouse Project ("Project") located in the City of Menifee ("City"). The Project proposes to construct 700,037-square-feet ("SF") of warehouse space, including 10,000-SF of office space and 744 parking spaces, on the 40.03-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential greenhouse gas impacts that the project may have on the environment.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would result in net annual greenhouse gas ("GHG") emissions of 6,272-metric tons of carbon dioxide equivalents per year ("MT CO₂e/year") (see excerpt below) (p. 4.7-22, Table 4.7-3).

H26

Table 4.7-3: Project Greenhouse Gas Emissions

Emissions Source	MTCO ₂ e per Year	
	Unmitigated	Mitigated
Area and Indirect Sources		
Construction Amortized Over 30 Years	59	59
Area Source ¹	0.04	0.02
Energy – Electricity ²	65	52
Energy – Natural Gas	76	76
Off-road (Forklifts and Yard Trucks) ³	969	521
Emergency Backup Generator	20	20
Waste ⁴	331	82
Water and Wastewater	491	491
Subtotal	2,011	1,301
Mobile Sources		
Warehouse Trucks	1,810	1,810
Warehouse Passenger Cars ⁵	3,202	3,161
Subtotal	5,012	4,971
TOTAL	7,023	6,272
Threshold	3,000	3,000
Exceeds Threshold?	Yes	Yes

H26
Cont.

The DEIR concludes that the Project would result in a significant-and-unavoidable GHG impact, stating:

“Since mitigated future mobile source emissions would continue to exceed the 3,000 MTCO₂e threshold and no additional feasible mitigation beyond MMs AQ-2 through AQ-5 and MMs GHG-1 through GHG-7 are available to further reduce emissions, this impact would remain significant and unavoidable” (p. 4.7-22).

As discussed, the DEIR concludes that the Project exceeds SCAQMD’s GHG threshold of 3,000 MT CO₂e for non-industrial projects, and claims there are no further available, implementable mitigation measures beyond MM AQ-2 through MM AQ-5 and MM GHG-1 through MM GHG-7. However, while we agree that the Project would result in a significant GHG impact, the DEIR’s assertion that this impact is *significant-and-unavoidable* is incorrect. According to the California Environmental Quality Act guidelines, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Here, while the DEIR identifies mitigation measures MM AQ-2 through AQ-5 and MM GHG-1 through MM GHG-7, it fails to implement *all* feasible and available mitigation measures. We propose additional, feasible mitigation measures below that the Project can identify and incorporate into a revised EIR.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant GHG impacts that should be mitigated further. In an effort to reduce emissions, the Project should consider the implementation of the following mitigation measures found in the California Department of Justice Project Best Practices document.¹

- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer’s recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the

H26
Cont.

¹ “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.” State of California Department of Justice, September 2022, available at: <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>, p. 8 – 10.

affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.

- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation.

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to the maximum extent feasible. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

Attachment A



Technical Consultation, Data Analysis and
Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.
(949) 887-9013
mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 – 2003);

H26
Cont.

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

H26
Cont.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

H26
Cont.

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

H26
Cont.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

- principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

H26
Cont.

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and Hagemann, M., 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

H26
Cont.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and Hagemann, M.F. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

H26
Cont.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

H26
Cont.

Attachment B



Technical Consultation, Data Analysis and
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

2656 29th Street, Suite 201
Santa Monica, California 90405
Attn: Paul Rosenfeld, Ph.D.
Mobil: (310) 795-2335
Office: (310) 452-5555
Fax: (310) 452-5550
Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

H26
Cont.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Phumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution*. 233, 171.

Remy, L.L., Clay T., Byers, V., Rosenfeld P. E. (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. Rosenfeld, P., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., Rosenfeld, P. E., Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermol and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & Rosenfeld, P.E. (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., Rosenfeld, P. (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Saugeit, IL. *Procedia Environmental Sciences*. 113-125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., Rosenfeld, P.E. (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & Rosenfeld, P.E. (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & Rosenfeld, P.E. (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

H26.
Cont.

Wu, C., Tam, L., Clark, J., Rosenfeld, P. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and Rosenfeld, P.E. (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and Rosenfeld, P.E. (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, Rosenfeld, P.E. (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., Rosenfeld, P.E. (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

H26
Cont.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and P. Rosenfeld. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; Rosenfeld, P.E. (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; Rosenfeld, P.E. (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., Rosenfeld, P. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

H26
Cont.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. *The 23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., Rosenfeld P.E., Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., Rosenfeld P.E., Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation. 2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

H26
Cont.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., Paul Rosenfeld, Ph.D. and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference Orlando, FL*.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington.

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

H26.
Cont.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

H26
Cont.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

H26
Cont.

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

H26
Cont.

In the Circuit Court of Cook County Illinois

Joseph Ruepke vs. BNSF

Case No. 2019 L 007730

Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska

Steven Gillett vs. BNSF

Case No. 4:20-cv-03120

Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County

James Eadus vs. Soo Line Railroad and BNSF

Case No. DV 19-1056

Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al.cvs. Cerro Flow Products, Inc.

Case No. 0i9-L-2295

Rosenfeld Deposition 5-14-2021

Trial October 8-4-2021

In the Circuit Court of Cook County Illinois

Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,

Case No. 18-L-6845

Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois

Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail

Case No. 17-cv-8517

Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa

Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.

Case No. CV20127-094749

Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division

Robinson, Jeremy et al vs. CNA Insurance Company et al.

Case No. 1:17-cv-000508

Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino

Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.

Case No. 1720288

Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse

Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.

Case No. 18STCV01162

Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri

Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.

Case No. 1716-CV10006

Rosenfeld Deposition 8-30-2019

H26
Cont.

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido” Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 019-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warm Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

H26
Cont.

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

H26
Cont.

Responses to Comment Letter H – Blum, Collins & Ho LLP

Gary Ho, Matt Hagemann and Paul Rosenfeld

- H1** This comment includes introductory statements. No further response is warranted.
- H2** This comment includes a summary of the Project’s description. No further response is warranted.
- H3** A floor plan, detailed elevations, and conceptual grading plan are included in the Project’s Planning Application. The colored elevations in the EIR depict the conceptual building based on the detailed elevations submitted during the planning application process. A floor plan and detailed elevations were not included in the Draft EIR, nor are they required to be included, since it is not necessary to fulfill the purpose of the Draft EIR to provide information of the Project’s environmental impacts caused during construction and operations of the Project. Section 2.0 of the Draft EIR page 2-3 sets forth the Project’s height, floor area, parking spaces, and other detailed project information, including a Project narrative. In any event, the comment does not state which specific pieces of Project information are missing from the EIR and how that missing information renders the EIR’s analysis deficient. Accordingly, no further response is warranted. Information regarding the Project’s soil import/export has been provided in **Section 3.0, Errata to the Draft EIR** of this FEIR.
- H4** The commenter states the Draft EIR does not include relevant environmental justice issues and references CalEnviroScreen pollution burden results. However, CalEnviroScreen is discussed in Appendix B2 (Health Risk Assessment) and the environmental justice factors are disclosed on pages 11-12. CEQA does not require consideration of potential implications to environmental justice or socioeconomics as a specific resource, further, environmental justice is not listed within the “Environmental Factors Potentially Affected” in Appendix G, Environmental Checklist Form, to the CEQA Guidelines. This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.
- H5** The commenter states that the Project area ranks 67th in drinking water and states that poor communities are exposed to more contaminants in their drinking water. The Draft EIR evaluates water quality impacts in Section 4.9 and impacts were determined to be less than significant with mitigation incorporated. Also, refer to Response H4. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project’s environmental effects; therefore, no further response is warranted.
- H6** The commenter states that the Project community is 60 percent Hispanic, 6 percent African American, and 2 percent Asian American; 79 percent of residents over 25 don’t have a high school diploma; and 47 percent of the households have an income less than the poverty level. Refer to Response H4. Because the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.

H7 The commenter states that the census tract adjacent to the Project site is identified as a SB 535 Disadvantaged Community. Refer to response H4. SB 535 established initial requirements for minimum funding levels to “Disadvantaged Communities” (DACs). The legislation also gives California EPA the responsibility for identifying those communities, stating that the designation of disadvantaged communities must be based on “geographic, socioeconomic, public health, and environmental hazard criteria.” These funds must be used for programs that further reduce greenhouse gas emissions. SB 535 does not include project-specific requirements or prohibit developments in proximity to the designated communities. Because the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.

H8 The commenter states that CalEEMod is not listed as an approved Title 24 compliance energy modeling software. With specific regard to the use of CalEEMod for the purposes of modeling energy consumption, the Lead Agency has historically and successfully employed CalEEMod for this purpose. Further, the SCAQMD, the Responsible Agency for air quality considerations, endorses use of CalEEMod to provide a “uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operational from a variety of land use projects.” Through the use of CalEEMod, SCAQMD integrates air quality and energy impact analyses.¹² To ensure consistency of and accuracy of analyses in support of SCAQMD policies, the Lead Agency has determined that CalEEMod is appropriate for CEQA modeling of both air quality impacts and energy consumption.

The energy modeling protocols cited by the commenter (CBECC-Com, EnergyPro, and IES VE) are used for the performance approach (energy budget) method for demonstrating compliance with the Title 24 Energy Standards. The analysis in EIR Section 4.5 discloses the amount of energy that the Project would require, and is not intended or required to demonstrate compliance for Title 24 energy standard performance.

Additionally, the EIR discloses the Project’s electricity consumption, natural gas consumption, and transportation fuel consumption and determined that the Project’s energy consumption would not be inefficient or wasteful as the Project will be required to comply with the Title 24 Nonresidential Building Energy Efficiency Standards and CALGreen standards published by the CEC, which contain stringent mandatory standards for mechanical systems, lighting (indoor and outdoor), and appliances to minimize energy use. Therefore, the Project used the appropriate model to calculate and disclose the Project’s energy use, and also demonstrated that the Project would be required to comply with 2022 Title 24 Building Energy Efficiency and CALGreen Standards. The findings and conclusions of the EIR are not affected; no revisions are necessary.

H9 The Draft EIR does contain an analysis of the Project’s compatibility with the RTP/SCS strategies, as noted in Table 4.10-3 of the Land Use Section, which begins on page 4.10-6 of the Draft EIR and Table 4.7-4 of the GHG Section, which begins on page 4.7-28 of the Draft EIR. As shown in these tables, the Project would be consistent with the stated goals of the Connect SoCal RTP/SCS.

¹² <https://www.aqmd.gov/caleemod/home>.

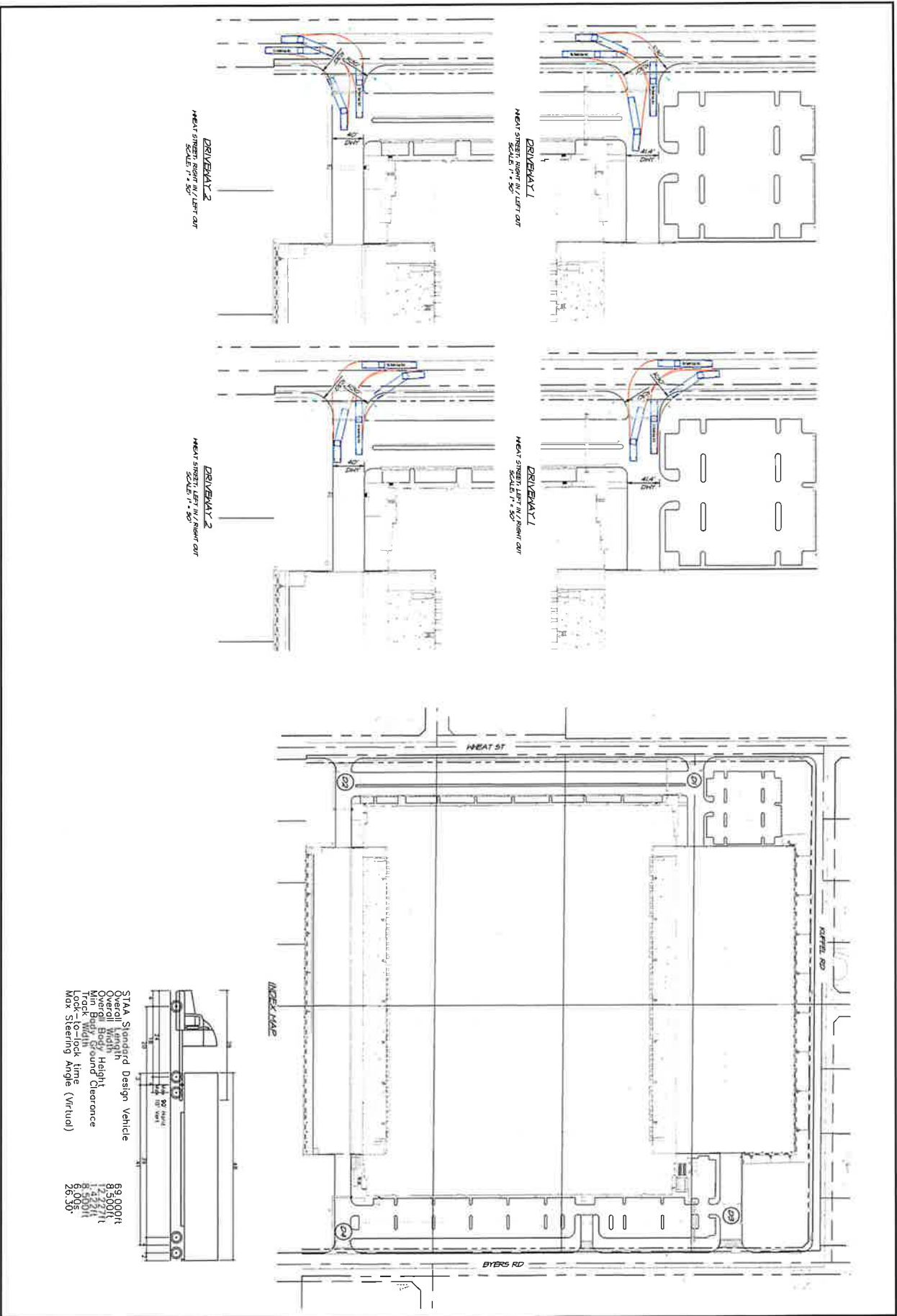
Additionally, as noted throughout the Draft EIR, the Project is also consistent with the City of Menifee zoning and land use designations for the Project site. However, despite consistency with the above plans, the Project emissions still exceed the numerical GHG threshold of 3,000 MTCO₂e per year, resulting in a significant and unavoidable impact.

- H10** The City respectfully disagrees that the Draft EIR does not provide a consistency analysis with applicable goals, policies, and regulations for the Project. Goal S-7 and Policy S-7.1 refer to climate change and GHG emissions. Consistent with Goal S-7 and Policy S-7.1 a GHG Emissions Assessment was prepared to identify and inform the City of GHG impacts. Policy EJ-3.6 refers to continuing to collaborate with SCAQMD, CARB, SCAG, and WRCOG. The Project would not interfere with the City's ability collaborate with agencies and the Draft EIR shows that the Project is consistent with all applicable agency policies. Policy C-1.2 refers to traffic impacts from peak-hour level of service (LOS) however, LOS is no longer analyzed under CEQA and therefore this Draft EIR is not required to analyze LOS.
- H11** Commenter states that the Project is not consistent with "Policy C-5.3: Support efforts to reduce/eliminate the negative environmental impacts of goods movement" because it omits the fact that the Project will have a significant and unavoidable impact on GHG emissions. However, the Draft EIR clearly states that the Project will result in a significant and unavoidable impact related to GHG. The Project is consistent with Policy C-5.3 because it lowers truck VMT by adding local warehouses so that products are stored closer to where they are needed and reducing vehicle trips. Additionally, the Draft EIR has identified all feasible mitigation measures to minimize GHG impacts (see Draft EIR pages 4.7-24 through 4.7-27).
- H12** Under CEQA Guidelines Section 15064.3, automobile delay no longer is considered an environmental impact under CEQA, and therefore this comment does not raise concerns within the scope of CEQA. The analysis included in the Draft EIR concerning these proposed improvements was provided for informational purposes only for the City's use in evaluating the Project and considering conditions of approval outside of CEQA's framework. The implementation of these improvements would be based on direct discussion between City staff and the Applicant and would be imposed via the Conditions of Approval process, not through CEQA. Further, the Project's land use impacts are based in part upon determining compliance with the City's General Plan. The Project Applicant is proposing to improve roadways along the Project's frontage per the City of Menifee General Plan. All roadway improvements associated with the Project would be consistent with the City of Menifee General Plan Circulation Element. Any improvements to portions of intersections or roadways shared with the City of Perris would be coordinated between the City of Menifee and City of Perris prior to final offsite engineering for the Project.
- H13** Refer to Response H12 above.
- H14** Refer to Response H12 above. As stated above, the Menifee GP Policy C-1.2 does not fully apply as LOS is no longer considered an environmental impact under CEQA and therefore, a project isn't required to provide mitigation measures to reduce impacts concerning LOS. Nevertheless, the Project provided recommended improvements that would maintain LOS within the study

intersections identified in the Draft TIA Appendix K and discussed in Section 4.13.7 for informational purposes (pages 4.13-20 through 4.13-24).

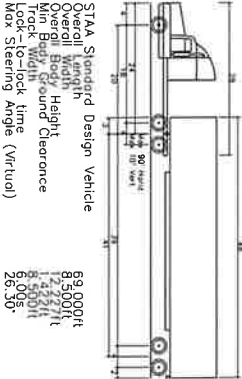
- H15** As noted throughout the Draft EIR, the EIR prepared for the Project is considered a Project EIR, and not a Program EIR. As such, the analysis contained within the Draft EIR focuses on Project and Project plus cumulative project buildout. All technical studies prepared as part of the Draft EIR are specific to the Project itself, and therefore represents a worst case scenario. Also pertaining to commenter's issues regarding FAR, Exhibit LU-4 also states in the Notes section that citywide build-out levels historically do not achieve the maximum allowable density/intensity on every parcel, and on average are lower than allowed by the Menifee GP. However, the build-out estimates in the Menifee GP assume variations in the build-out intensity. Therefore, if based on the average, as it states, in some instances the FAR will be higher than the 0.40 FAR. In addition, the GP allows for a maximum of 1.0 FAR. Additionally, pursuant to Menifee GP FEIR, land assumptions were not site specific and the EDC land use designation was generally envisioned for a mixture of residential, commercial, office, industrial, entertainment, educational, recreational uses, and/or other uses. Accordingly, the Project is not inconsistent with the GP buildout scenario.
- H16** This is a copy and paste of Comments H12 through H14 above.
- H17** Based on the State Office of Planning and Research (OPR) Technical Advisory (page 4), " 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project," where automobile refers to passenger vehicles, specifically cars and light trucks. A VMT Study was prepared for the Project, which noted that the Project would cause a less-than-significant VMT/transportation impact. Therefore, no mitigation measures are required for the Project. Additionally, the ITE Code 155b (High-Cube Fulfillment Center-Sort) was utilized to calculate trips generated by the proposed Project. Given the type of potential clients assumed for the future building, it was determined by the City of Menifee to be the best and highest use for calculating Project trips.
- H18** The Project will construct the ultimate half-width cross-section of Byers Road and Wheat Street along the project frontage, consistent with City of Menifee Road Improvement Standards and Specifications (Design Standards, 2019). Also, site access, including curb radii, driveway width, and truck turn design, will be designed consistent with City Design Standards to provide adequate maneuvering and queuing space for trucks/trailers on-site, as well as at the intersection of project driveways and adjacent streets. A copy of the project site plan with applicable truck-turning templates is provided as an attachment to this FEIR. As shown in the truck-turning templates, driveways, truck turning would be sufficient at a 45-foot radius and the Project is subject to the following condition:
- Condition #149. Driveways - Final driveway geometrics may be modified in final engineering as approved by the Public Works Director / City Engineer. Driveways shall meet current standard radii on all existing and proposed commercial drive approaches used as access to the proposed development. The developer shall adhere to all City standards and regulations for access and ADA guidelines.

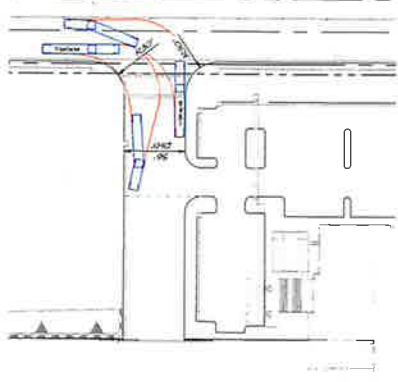
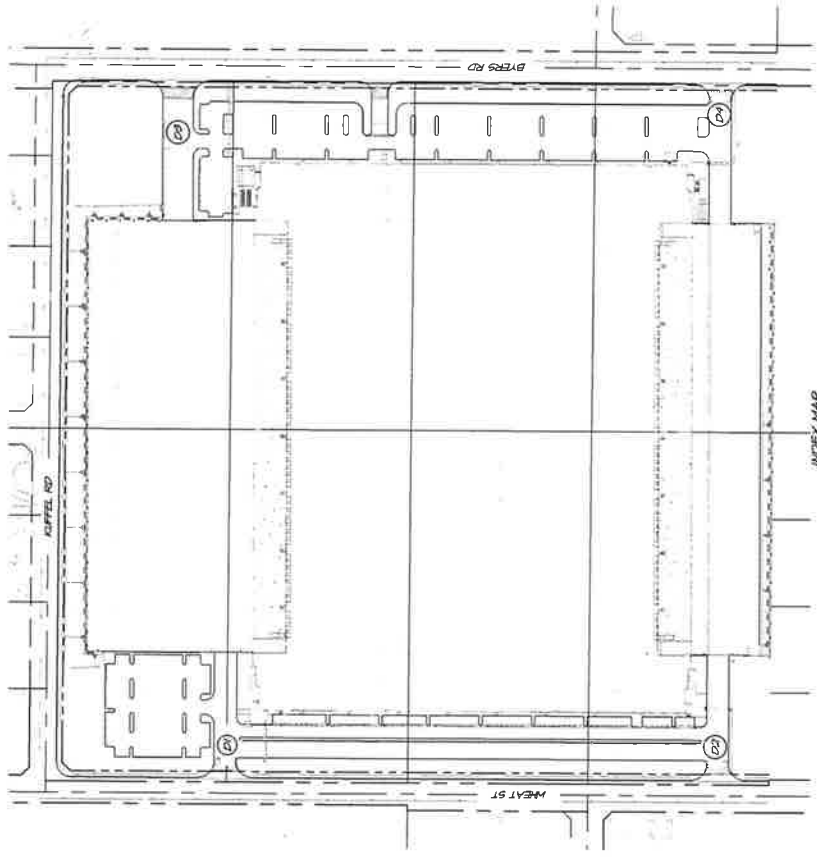
As noted in discussion 4.13-4 of the Draft EIR, in compliance with Riverside County Fire Department (RCFD) access requirement, adequate emergency access would be provided by the Project. It should be noted that the roadways serving the project site are generally straight and flat. The project driveways have been designed so that adequate sight distance for drivers entering and exiting the site is maintained. Based on the items noted in this response and Section 4.13.5 of the Draft EIR, the Project would improve sight distance and safety conditions in the area and would not create hazards due to geometric design features.



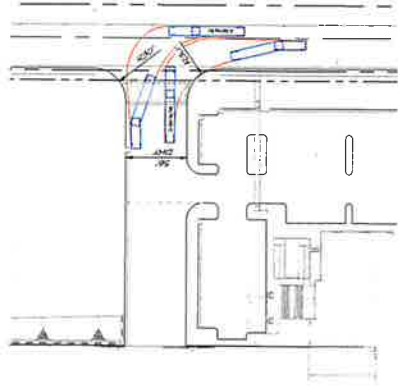
Source: Albert A. Webb Associates. (2024). Truck Turning Exhibit

Exhibit 1: Conceptual Truck Turning - Part 1
City of Menifee
CADO Menifee Industrial Warehouse Project

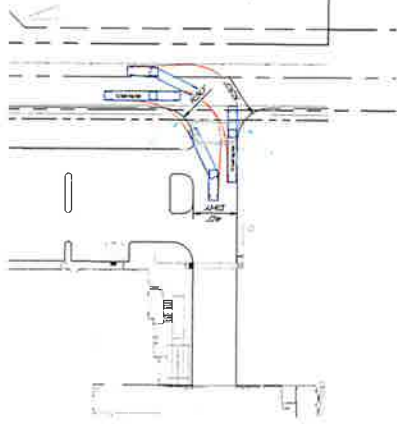




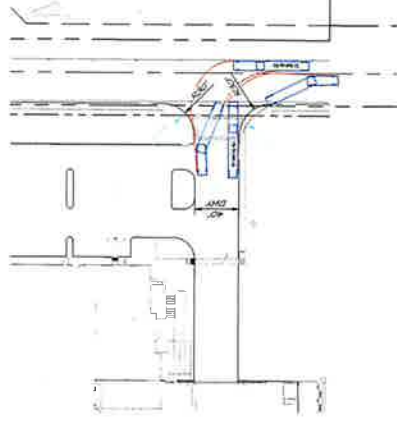
DRIVEWAY 2
BYERS ROAD, RIGHT IN / LEFT OUT
SCALE: 1" = 50'



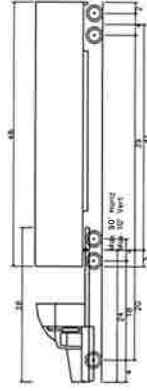
DRIVEWAY 2
BYERS ROAD, LEFT IN / RIGHT OUT
SCALE: 1" = 50'



DRIVEWAY 4
BYERS ROAD, RIGHT IN / LEFT OUT
SCALE: 1" = 50'



DRIVEWAY 4
BYERS ROAD, LEFT IN / RIGHT OUT
SCALE: 1" = 50'



STAA Standard Design Vehicle	
Overall Length	69.00ft
Overall Width	8.50ft
Overall Body Height	12.22ft
Wheelbase	13.00ft
Front Overlap	8.50ft
Lock-to-lock time	6.00s
Max Steering Angle (Virtual)	26.30°

Source: Albert A. Webb Associates. (2024). Truck Turning Exhibit

Exhibit 2: Conceptual Truck Turning - Part 2

City of Menifee
CADO Menifee Industrial Warehouse Project



Kimley-Horn

Not to Scale

H19 The roadways serving the project site are generally straight and flat, with no visual obstructions. Therefore, there is no evidence that driver visibility will be inadequate and the commenter has not provided evidence otherwise. Accordingly, no further analysis of sight distance is warranted.

H20 The City respectfully disagrees that the Draft EIR does not include a meaningful discussion of potential growth inducing impacts. Section 15126 of the CEQA Guidelines requires that an EIR address the “growth inducing” effects of the Project. Pursuant to § 15126.2(d) of the Guidelines, a project would be considered to have a growth-inducing effect if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing;
- Remove obstacles to population growth;
- Tax existing community services or facilities, requiring the construction of new facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

As discussed in detail in Draft EIR Chapter 5, Other CEQA Considerations, the Project would not induce growth. Although the Project would potentially induce an increase of 860 employees within the City, the proposed industrial use is accounted for within the Menifee GP, as the Project would be consistent with the planned Economic Development Corridor – Northern Gateway land use. Furthermore, employment growth from the Project would not directly induce population growth by 860 persons. Refer to Response to Comment H24 below for more information.

For the reasons discussed in the Draft EIR, the Project’s employee base is expected to come from within the city or immediately surrounding region and would not require new housing; would have no effect on stimulating population growth; and provides sufficient infrastructure to meet its needs concurrent with development.

H21 Refer to Response H15 above.

H22 Review of CEQA Guidelines Section 15126.6 requires that a project provide a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. The City deemed that having two alternatives for the Project provides an adequate range of alternatives pursuant to CEQA Guidelines Section 15126.6 and feasible for the Project Applicant. Additionally, an alternative is not required to meet all Project objectives and eliminate all of the Project’s significant and unavoidable impacts as incorrectly stated by the Commenter.

H23 Refer to Response to Comment H24 below.

- H24** Although the Project would potentially induce an increase of 860 employees within the City, the proposed industrial use is accounted for within the Menifee GP, as the Project would be consistent with the planned Economic Development Corridor – Northern Gateway land use. Furthermore, employment growth from the Project would not directly induce population growth by 860 persons. Data from the Joint Center for Housing Studies of Harvard University found that approximately 13 percent of Americans move each year, and of those 21 percent move for job-related reasons. 13 percent of 860 is 111 people and 21 percent of 111 people is 23 people. Therefore, the Project could potentially generate 23 new residents in the City Menifee which represents 0.01 percent of the City’s population growth forecast of 129,800 people by 2045.

The Commenter provides no substantial evidence of a significant environmental impact. The Project would not result in cumulative citywide or countywide population and housing impacts. As stated in Draft EIR Section 7.0, Effects Found Not To Be Significant (EFNTBS), it is reasonably assured that the jobs would be filled by people living in the City, unincorporated County area, and surrounding communities, such as Perris and Murrieta due to a high unemployment rate, currently at 5.7 percent for the City of Menifee, and 5.2 percent for the County of Riverside. Furthermore, the Project’s potential employment opportunities would provide much needed employment within the City and support the City’s pursuit in a more balanced jobs-housing ratio.

- H25** This comment includes conclusionary statements, and therefore no further response is warranted.

- H26** Refer to Responses D7, D8, D9, D11, D12, E8, E9, E12, E13, and E14, above. This comment is noted for the record and will be provided to the decision makers for review and consideration.

As discussed on pages 4.2-18 through 4.2-37, within Draft EIR Section 4.2, air quality impacts would be mitigated to less than significant levels. GHG impacts would remain significant despite implementation of all feasible mitigation. The commenter provides a list of various suggested mitigation measures, many of which are already include in the Draft EIR and would be implemented by the Project Mitigation Monitoring and Reporting Program. For example, bullets 1, 3, 4, 8, 9, 11, and 12 are included within Draft EIR **MM AQ-1** (prohibiting off-road diesel equipment from being in the “on” position for more than 10 hours per day), **MM AQ-2** (limiting heavy equipment idling for more than three minutes), **MM AQ-4**, **MM HRA-1** (Tier 4 construction equipment), **MM GHG-1** (rooftop solar/renewable energy), and **MM GHG-4** (EV charging).

Bullets 5 and 10 are not considered mitigation because verifying compliance with construction mitigation is already required to be conducted as part of the Mitigation Monitoring and Reporting Program. Additionally, SCAQMD Rule 2305 (Warehouse Indirect Source Regulation) includes requirements for zero emission truck charging/fueling among other emissions reducing measures.

Additionally, bullets 2, 6, 13, and 14 are associated with reducing air quality emissions (not GHG emissions) and are not required because the Draft EIR already mitigates air quality impacts to a less than significant level.

The commenter also does not provide any evidence that the suggested mitigation measures would actually or substantially reduce the Project's GHG emissions. CEQA does not require adoption of every imaginable mitigation measure. CEQA's requirement applies only to feasible mitigation that will "substantially lessen" a project's significant effects (Public Resources Code Section 21002). As explained by one court: A lead agency's "duty to condition project approval on incorporation of feasible mitigation measures only exists when such measures would [avoid or] 'substantially lessen' a significant environmental effect." (San Franciscans for Reasonable Growth v. City and County of San Francisco (1989) 209 Cal.App.3d 1502, 1519.) "Thus, the agency need not, under CEQA, adopt every nickel and dime mitigation scheme brought to its attention or proposed in the project EIR." (Ibid.) Rather, an EIR should focus on mitigation measures that are feasible, practical, and effective (Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 365.). As disclosed in the EIR and supported by substantial evidence in the record, the Project's EIR includes all feasible mitigation measures that are capable of substantially reducing the Project's GHG emissions and no revisions to the EIR or additional mitigation measures are required.

Section 3.0 Errata to the Draft EIR

3.1 INTRODUCTION TO THE ERRATA

In accordance with Section 15132 of the CEQA Guidelines, the FEIR for the CADO Meniffee Industrial Warehouse Project includes the DEIR, dated March 2024, as well as any proposed revisions or changes to the DEIR.

The changes to the DEIR do not affect the overall conclusions of the environmental document, and instead represent changes to the DEIR to provide clarification, amplification and/or insignificant modifications, as needed as a result of public comments on the DEIR, or due to additional information received during the public review period. These clarifications and corrections do not warrant recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5.

None of the changes or information provided in the comments identify a new significant environmental impact, a substantial increase in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted. In addition, the changes do not reflect a fundamentally flawed or conclusory DEIR.

Changes to the DEIR are listed by Section, page, paragraph, etc. to best guide the reader to the revision. Changes are identified as follows:

- Deletions are indicated by ~~strikeout text~~.
- Additions are indicated by underlined text.

3.2 CHANGES TO THE DRAFT EIR

Page 2-4, 1st Paragraph, After 2nd Sentence

The Project is anticipated to be developed in one phase. Construction for the Project is anticipated to occur over approximately 14 months, beginning in 2024. Additionally, the Project is expected to use tractors, graders, dozers, and scrapers during the grading construction phase; refer to **Exhibit 2-8, Conceptual Grading Plan**. As shown in **Exhibit 2-8**, the Project would have a raw cut of 52,000 cubic yards (C.Y.) and raw fill of 197,000 C.Y. for a raw net import of 145,000 C.Y. The Project's construction schedule is expected to be modeled according to the following timeline:

- Demolition phase is expected to occur between March 1, 2024 to March 31, 2024
- Site preparation is expected to occur between April 1, 2024 to May 15, 2024
- Grading is expected to occur between May 16, 2024 to June 30, 2024
- Building construction and infrastructure is expected to occur between July 1, 2024 to December 31, 2024
- Paving is expected to occur between January 1, 2025 to February 28, 2025
- Architectural Coating is expected to occur between January 1, 2025 to April 30, 2025¹

¹ Ibid. Page 18-19.

Page 4.3-18, 1st Paragraph

In accordance with Section 6.3.2 of the MSHCP, Additional Survey Needs and Procedures, additional surveys may be needed for certain species in order to achieve coverage for these species. The query of the RCA MSHCP Information Map and review of the MSHCP determined that the Project site is located within the designated survey area for burrowing owl as depicted in Figure 6-4 within Section 6.3.2 of the MSHCP. In compliance with conservation goals of Section 6.3.2 of the MSHCP, a focused burrowing owl report was conducted on the Project site. Despite regular disturbance, the ample presence of perching opportunities for predators of burrowing owls, and the presence of free-roaming domestic cats and dogs, the Project site supports suitable foraging habitat and suitable burrows for burrowing owl. ~~In order to comply with the conservation goals of Section 6.3.2 of the MSHCP, a Part B Focused burrowing owl would be conducted during the breeding season prior to development in accordance with MM BIO-2. If burrowing owls are found to occupy the Project site at the time of the focused survey, a relocation plan would need to be written, approved, and implemented prior to site development. If no burrowing owls or sign are found during the focused survey, a relocation plan would need to be written, approved, and implemented prior to site development. If no burrowing owls or sign are found during the focused survey, To ensure that the burrowing owl remain absent from the Project site,~~ a final 30 day pre-construction burrowing owl clearance survey would be required in accordance with ~~MM BIO-3~~ **MM BIO-2** to ensure burrowing owl remains absent from the Project site. No other special-status wildlife species surveys were identified.

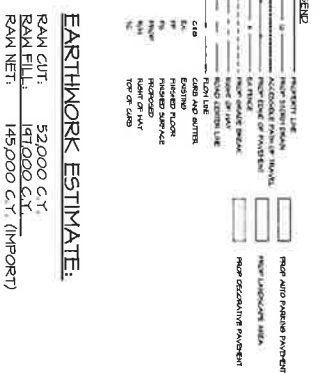
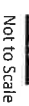


Exhibit 2-8: Conceptual Grading Plan
City of Menifee
CADO Menifee Industrial Warehouse Project



Kimley»Horn

Draft Environmental Impact Report

CADO Meniffee Industrial Warehouse Project

SCH No. 2022040622

Lead Agency



City of Meniffee
29844 Haun Road
Meniffee, CA 92586
(951) 672-6777

CONSULTANT



Kimley-Horn and Associates, Inc.
Kari Cano, Project Manager
3801 University Avenue, Suite 300
Riverside, CA 92501

March 2024

Table of Contents

ES	EXECUTIVE SUMMARY	ES-1
ES.1	Introduction	ES-1
ES.2	Project Location	ES-2
ES.3	Project Description	ES-3
ES.4	Significant Unavoidable Impacts	ES-3
ES.5	Alternatives to the Project	ES-3
ES.6	Areas of Controversy	ES-4
ES.7	Summary of Environmental Impacts and Mitigation Measures	ES-5
1.0	INTRODUCTION AND PURPOSE	1-1
1.1	Purpose of the Environmental Impact Report	1-1
1.2	Compliance with CEQA	1-3
1.3	Notice of Preparation/Early Consultation	1-4
1.4	Lead Agency Information	1-5
1.5	Final EIR	1-5
1.6	Format of the EIR	1-6
1.7	Responsible and Trustee Agencies	1-8
1.8	Incorporation by Reference	1-8
2.0	PROJECT DESCRIPTION	2-1
2.1	Purpose	2-1
2.2	Project Location	2-1
2.3	Surrounding Land Uses	2-2
2.4	Land Use Designations and Zoning	2-2
2.5	Existing Conditions	2-3
2.6	Proposed Project	2-3
2.7	Project Objectives	2-5
2.8	Discretionary Actions and Approvals	2-5
3.0	BASIS OF CUMULATIVE ANALYSIS	3-1
3.1	Introduction	3-1

3.2	Cumulative Projects List	3-2
4.0	ENVIRONMENTAL IMPACT ANALYSIS	4-1
4.0.1	Approach to the Environmental Analysis	4-1
4.0.2	Section Content and Definition of Terms	4-1
4.1	AESTHETICS.....	4.1-1
4.1.1	Introduction.....	4.1-1
4.1.2	Environmental Setting.....	4.1-2
4.1.3	Regulatory Setting	4.1-4
4.1.4	Impact Thresholds and Significance Criteria	4.1-7
4.1.5	Impacts and Mitigation Measures	4.1-9
4.1.6	Cumulative Impacts	4.1-12
4.1.7	Significant Unavoidable Impacts	4.1-13
4.1.8	References.....	4.1-13
4.2	AIR QUALITY.....	4.2-1
4.2.1	Introduction.....	4.2-1
4.2.2	Environmental Setting.....	4.2-1
4.2.3	Regulatory Setting	4.2-5
4.2.4	Impact Thresholds and Significance Criteria	4.2-14
4.2.5	Impacts and Mitigation Measures	4.2-18
4.2.6	Cumulative Impacts	4.2-36
4.2.7	Significant Unavoidable Impacts	4.2-37
4.2.8	References.....	4.2-37
4.3	BIOLOGICAL RESOURCES	4.3-1
4.3.1	Introduction.....	4.3-1
4.3.2	Environmental Setting.....	4.3-1
4.3.3	Regulatory Setting	4.3-4
4.3.4	Impact Thresholds and Significance Criteria	4.3-9
4.3.5	Impacts and Mitigation Measures	4.3-10
4.3.6	Cumulative Impacts	4.3-19

4.3.7	Significant Unavoidable Impacts	4.3-19
4.3.8	References.....	4.3-19
4.4	CULTURAL RESOURCES	4.4-1
4.4.1	Introduction.....	4.4-1
4.4.2	Environmental Setting.....	4.4-3
4.4.3	Regulatory Setting	4.4-8
4.4.4	Impact Thresholds and Significance Criteria	4.4-11
4.4.5	Impacts and Mitigation Measures	4.4-12
4.4.6	Cumulative Impacts	4.4-18
4.4.7	Significant Unavoidable Impacts	4.4-19
4.4.8	References.....	4.4-19
4.5	ENERGY	4.5-1
4.5.1	Introduction.....	4.5-1
4.5.2	Environmental Setting.....	4.5-1
4.5.3	Regulatory Setting	4.5-3
4.5.4	Impact Thresholds and Significance Criteria	4.5-8
4.5.5	Impacts and Mitigation Measures	4.5-8
4.5.6	Cumulative Impacts	4.5-16
4.5.7	Significant Unavoidable Impacts	4.5-17
4.5.8	References.....	4.5-17
4.6	GEOLOGY AND SOILS	4.6-1
4.6.1	Introduction.....	4.6-1
4.6.2	Environmental Setting.....	4.6-1
4.6.3	Regulatory Setting	4.6-4
4.6.4	Impact Thresholds and Significance Criteria	4.6-7
4.6.5	Impacts and Mitigation Measures	4.6-9
4.6.6	Cumulative Impacts	4.6-15
4.6.7	Significant Unavoidable Impacts	4.6-16
4.6.8	References.....	4.6-16

4.7	GREENHOUSE GAS EMISSIONS	4.7-1
4.7.1	Introduction.....	4.7-1
4.7.2	Environmental Setting.....	4.7-1
4.7.3	Regulatory Setting	4.7-3
4.7.4	Impact Thresholds and Significance Criteria	4.7-18
4.7.5	Impacts and Mitigation Measures	4.7-21
4.7.6	Cumulative Impacts	4.7-31
4.7.7	Significant Unavoidable Impacts	4.7-32
4.7.8	References.....	4.7-32
4.8	HAZARDS AND HAZARDOUS MATERIALS.....	4.8-1
4.8.1	Introduction.....	4.8-1
4.8.2	Environmental Setting.....	4.8-1
4.8.3	Regulatory Setting	4.8-6
4.8.4	Impact Thresholds and Significance Criteria	4.8-18
4.8.5	Impacts and Mitigation Measures	4.8-19
4.8.6	Cumulative Impacts	4.8-25
4.8.7	Significant Unavoidable Impacts	4.8-26
4.8.8	References.....	4.8-26
4.9	HYDROLOGY AND WATER QUALITY	4.9-1
4.9.1	Introduction.....	4.9-1
4.9.2	Environmental Setting.....	4.9-1
4.9.3	Regulatory Setting	4.9-7
4.9.4	Impact Thresholds and Significance Criteria	4.9-13
4.9.5	Impacts and Mitigation Measures	4.9-14
4.9.6	Cumulative Impacts	4.9-26
4.9.7	Significant Unavoidable Impacts	4.9-26
4.9.8	References.....	4.9-26
4.10	LAND USE AND PLANNING.....	4.10-1
4.10.1	Introduction.....	4.10-1

4.10.2	Environmental Setting.....	4.10-1
4.10.3	Regulatory Setting	4.10-3
4.10.4	Impact Thresholds and Significance Criteria	4.10-4
4.10.5	Impacts and Mitigation Measures	4.10-5
4.10.6	Cumulative Impacts	4.10-19
4.10.7	Significant Unavoidable Impacts	4.10-19
4.10.8	References.....	4.10-19
4.11	NOISE.....	4.11-1
4.11.1	Introduction.....	4.11-1
4.11.2	Environmental Setting.....	4.11-6
4.11.3	Regulatory Setting	4.11-8
4.11.4	Impact Thresholds and Significance Criteria	4.11-13
4.11.5	Impacts and Mitigation Measures	4.11-15
4.11.6	Cumulative Impacts	4.11-24
4.11.7	Significant Unavoidable Impacts	4.11-27
4.11.8	References.....	4.11-27
4.12	PUBLIC SERVICES.....	4.12-1
4.12.1	Introduction.....	4.12-1
4.12.2	Environmental Setting.....	4.12-1
4.12.3	Regulatory Setting	4.12-2
4.12.4	Impact Thresholds and Significance Criteria	4.12-5
4.12.5	Impacts and Mitigation Measures	4.12-6
4.12.6	Cumulative Impacts	4.12-12
4.12.7	Significant Unavoidable Impacts	4.12-12
4.12.8	References.....	4.12-12
4.13	TRANSPORTATION AND TRAFFIC	4.13-1
4.13.1	Introduction.....	4.13-1
4.13.2	Environmental Setting.....	4.13-1
4.13.3	Regulatory Setting	4.13-2

4.13.4	Impact Thresholds and Significance Criteria	4.13-8
4.13.5	Impacts and Mitigation Measures	4.13-11
4.13.6	Cumulative Impacts	4.13-15
4.13.7	Significant Unavoidable Impacts	4.13-16
4.13.8	References	4.13-26
4.14	TRIBAL CULTURAL RESOURCES	4.14-1
4.14.1	Introduction.....	4.14-1
4.14.2	Environmental Setting.....	4.14-1
4.14.3	Regulatory Setting	4.14-4
4.14.4	Impact Thresholds and Significance Criteria	4.14-8
4.14.5	Impacts and Mitigation Measures	4.14-9
4.14.6	Cumulative Impacts	4.14-11
4.14.7	Significant Unavoidable Impacts	4.14-11
4.14.8	References.....	4.14-12
4.15	UTILITIES & SERVICE SYSTEMS	4.15-1
4.15.1	Introduction.....	4.15-1
4.15.2	Environmental Setting.....	4.15-1
4.15.3	Regulatory Setting	4.15-6
4.15.4	Impact Thresholds and Significance Criteria	4.15-11
4.15.5	Impacts and Mitigation Measures	4.15-12
4.15.6	Cumulative Impacts	4.15-18
4.15.7	Significant Unavoidable Impacts	4.15-19
4.15.8	References.....	4.15-19
5.0	ADDITIONAL CEQA CONSIDERATIONS	5-1
5.1	Significant and Unavoidable Impacts	5- 1
5.2	Significant and Irreversible Environmental Changes	5- 2
5.3	Growth Inducing Impacts.....	5- 4
5.4	Mandatory Significance of Findings	5-6

6.0	ALTERNATIVES	6-1
6.1	Introduction	6-1
6.2	Project Objectives	6-3
6.3	Criteria for Selecting Alternatives	6-3
6.4	Alternatives Removed from Further Consideration	6-4
6.5	Alternatives to the Project	6-5
6.6	Comparison of Project Alternatives	6-5
6.7	Environmentally Superior Alternative	6-16
7.0	EFFECTS FOUND NOT TO BE SIGNIFICANT	7-1
7.1	Introduction	7-1
7.2	Agriculture and Forestry Resources	7-1
7.3	Mineral Resources	7-3
7.4	Population and Housing	7-4
7.5	Recreation	7-5
7.6	Wildfire	7-6
7.7	References	7-7
8.0	EIR CONSULTATION AND PREPARATION	8-1
8.1	Lead Agency	8- 1
8.2	Environmental Document Preparers	8-1
8.3	Technical Study Preparation	8-1

List of Tables

Table ES-1: Summary of Significant Impacts and Proposed Mitigation Measures	ES-6
Table 2-1: Assessor Parcel Numbers	2-1
Table 2-2: Surrounding Land Uses	2-2
Table 3-1: List of Cumulative Projects	3-3
Table 4.2-1: Air Contaminants and Associated Public Health Concerns	4.2-2
Table 4.2-2: Ambient Air Quality Data	4.2-4
Table 4.2-3: Sensitive Receptors	4.2-5
Table 4.2-4: State and Federal Ambient Air Quality Standards	4.2-6

Table 4.2-5: South Coast Air Basin Attainment Status	4.2-10
Table 4.2-6: South Coast Air Quality Management District Emissions Thresholds	4.2-14
Table 4.2-7: Local Significance Thresholds for Construction/Operations	4.2-15
Table 4.2-8: Construction-Related Emissions	4.2-22
Table 4.2-9: Unmitigated Operational Project Emissions	4.2-23
Table 4.2-10: Mitigated Operational Project Emissions	4.2-24
Table 4.2-11: Equipment-Specific Grading Rates	4.2-27
Table 4.2-12: Localized Significance of Construction Emissions	4.2-28
Table 4.2-13: Localized Significance of Operational Emissions	4.2-29
Table 4.2-14: Health Risk Results	4.2-34
Table 4.5-1: Energy Resources Used to Generate Electricity for SCE (2022)	4.5-2
Table 4.5-2: 2021 Consumption By End-Use Sector	4.5-3
Table 4.5-3: Energy Use During Construction	4.5-9
Table 4.5-4: Project Annual Energy Use During Operations	4.5-12
Table 4.7-1: Description of Greenhouse Gases	4.7-2
Table 4.7-2: Construction-Related Greenhouse Gas Emissions	4.7-21
Table 4.7-3: Project Greenhouse Gas Emissions	4.7-22
Table 4.7-4: SCAG Connect SoCal Consistency	4.7-28
Table 4.10-1: Assessor’s Parcel Numbers	4.10-1
Table 4.10-2: Surrounding Land Uses	4.10-2
Table 4.10-3: Project Compatibility with SCAG Connect SoCal Strategies	4.10-6
Table 4.10-4: Consistency with the City’s General Plan	4.10-7
Table 4.11-1: Typical Noise Levels	4.11-2
Table 4.11-2: Definitions of Acoustical Terms	4.11-2
Table 4.11-3: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations	4.11-6
Table 4.11-4: Existing Traffic Noise Levels	4.11-7
Table 4.11-5: Existing Noise Measurements	4.11-9
Table 4.11-6: Sensitive Receptors	4.11-9
Table 4.11-7: Land Use Compatibility for Community Noise Environments	4.11-12

Table 4.11-8: Typical Construction Equipment Noise Levels	4.11-16
Table 4.11-9: Project Construction Noise Levels.....	4.11-18
Table 4.11-10: On-Site Composite Noise.....	4.11-21
Table 4.11-11: Traffic Noise Levels.....	4.11-22
Table 4.11-12: Typical Construction Equipment Vibration.....	4.11-23
Table 4.11-13: Cumulative Off-Site Traffic Noise Levels.....	4.11-26
Table 4.13-1: Project VMT Impact Evaluation – Efficiency Metrics	4.13-13
Table 4.13-2: Summary of Project Trip Generation	4.13-16
Table 4.13-3: Intersection LOS – Opening Year with Improvements	4.13-21
Table 4.13-4: Summary of Roadway Segment Analysis with Improvements Opening Year 2024 Cumulative Plus Project	4.13-23
Table 4.13-5: Roadway Segment and Intersection Fair Share Contributions	4.13-23
Table 4.15-1: Total Retail and Wholesale Water Supply (AFY)	4.15-2
Table 4.15-2: Retail and Wholesale - Normal Year Supply and Demand Comparison	4.15-2
Table 4.15-3: Single Dry Year Supply and Demand Comparison.....	4.15-2
Table 4.15-4: Multiple Dry Years Supply and Demand Comparisons.....	4.15-3
Table 4.15-5: Landfill Information.....	4.15-17
Table 6.0-1: Comparison of Project Alternatives Environmental Impacts with the Project.....	6-17

List of Exhibits

Exhibit 2-1: Regional Vicinity Map.....	2-7
Exhibit 2-2: Local Vicinity Map.....	2-8
Exhibit 2-3: Existing General Plan Land Use Designations.....	2-9
Exhibit 2-4: Existing Zoning	2-10
Exhibit 2-5: Conceptual Site Plan	2-11
Exhibit 2-6: Conceptual Elevations.....	2-12
Exhibit 2-7: Conceptual Landscape Plan.....	2-13
Exhibit 3-1: Location of Cumulative Projects	3-5
Exhibit 4.9-1: Receiving Waterbodies.....	4.9-4
Exhibit 4.11-1: Noise Measurement Locations	4.11-8

Appendices (Provided under separate cover)

Appendix A: NOP and Scoping Meeting

Appendix B: Air Quality Reports

- Appendix B1: Air Quality Assessment
- Appendix B2: Health Risk Assessment

Appendix C: Biological Resources

Appendix D: Phase I Cultural Resources Assessment

Appendix E: Energy Assessment

Appendix F: Geotechnical and Infiltration Evaluation for Proposed Warehouse

Appendix G: Greenhouse Gas Emissions Assessment

Appendix H: Phase I Environmental Site Assessment

Appendix I: Hydrology Reports

- Appendix I1: Preliminary Drainage Study
- Appendix I2: Project Specific Water Quality Management Plan

Appendix J: Acoustical Assessment

Appendix K: Traffic Reports

- Appendix K1: Traffic Study
- Appendix K2: SB 743 VMT Analysis

Appendix L: Water Supply Assessment

ES EXECUTIVE SUMMARY

ES.1 Introduction

The environmental impact report (EIR) process, as defined by the California Environmental Quality Act (CEQA), requires the preparation of an objective, full-disclosure document in order to (1) inform agency decisionmakers and the general public of the direct and indirect potentially significant environmental effects of a proposed action; (2) identify feasible or potentially feasible mitigation measures to reduce or eliminate potentially significant adverse environmental impacts; and (3) identify and evaluate reasonable alternatives to a project. In accordance with State CEQA Guidelines § 15168 (Title 14 of the California Code of Regulations [CCR]), this Draft EIR (State Clearinghouse No. 2022040622) has been prepared for the CADO Menifee Industrial Warehouse Project (Project) and for the City of Menifee (City).

CEQA requires that projects subject to approval by a public agency of the State of California, and that are not otherwise exempt or excluded, undergo an environmental review process to identify and evaluate potential impacts. CEQA Guidelines § 15050 states that environmental review shall be conducted by the Lead Agency, defined in CEQA Guidelines § 15367 as the public agency with principal responsibility for approving a project. The Project is subject to approval actions by the City, which is, therefore the Lead Agency for CEQA purposes. In accordance with CEQA Guidelines § 15123, this section of the Draft EIR provides a brief description of the Project; identifies significant effects and proposed mitigation measures or alternatives that would reduce or avoid those effects; and describes areas of controversy and issues to be resolved.

This Draft EIR serves as a “Project EIR” as defined in § 15161 of the CEQA Guidelines related to the construction and operation of the Project site. The Draft EIR considers the environmental impacts of the Project, as well as the additive effects of growth throughout the County, neighboring areas, and the City of Menifee. These latter impacts are referred to as cumulative impacts. The Draft EIR also evaluates a range of potential feasible alternatives anticipated to reduce significant impacts of the Project including the No Project Alternative and Reduced Square Feet on Two Buildings Alternative. This Draft EIR has been prepared for the City, pursuant to the requirements of CEQA. Pursuant to CEQA Guidelines § 15082, the City circulated a Notice of Preparation (NOP) advising public agencies, special districts, and members of the public who had requested such notice that an EIR for the Project was being prepared. The NOP was distributed on May 2, 2022 to solicit comments related to the implementation of the Project. The NOP was circulated with a minimum 30-day public review period ending on May 31, 2022. This process and the comments submitted in response to the NOP is discussed in **Section 1.0: Introduction**, and **Section ES.6: Areas of Controversy**, below.

After receiving public comments on the NOP, the Project was analyzed for its potential to result in environmental impacts. Impacts were evaluated in accordance with the significance criteria presented in CEQA Guidelines Appendix G, “Environmental Checklist Form,”. The criteria in the Environmental Checklist Form (checklist), was used to determine if the Project would result in, “no impact,” “less than significant impact,” “less than significant impact with mitigation measures,” or “potentially significant impact” to a particular environmental resource. In some instances, a project may use the checklist to provide an initial

discussion of a project and to screen out certain topics from a full discussion in the Draft EIR. This Draft EIR discusses all environmental resources in CEQA Guidelines, Appendix G. A table listing the significant Project impacts and any associated mitigation measures is included at the end of this summary in **Table ES-1: Summary of Significant Impacts and Proposed Mitigation Measures**.

This Draft EIR describes the existing environmental resources on the Project site and in the vicinity of the site, analyzes potential impacts on those resources that would or could occur upon initiation of the Project, and identifies mitigation measures that could avoid or reduce the magnitude of those impacts determined to be significant. The environmental impacts evaluated in this Draft EIR concern several subject areas, including aesthetics, air quality, biological resources, cultural resources, energy/energy conservation, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation, tribal cultural resources, and utilities and service systems. As noted in the preceding paragraph, public comment was received during the NOP process and included written letters provided to the City. In addition to the list of the summary of comments below, a copy of the letters with the NOP is provided in **Appendix A** to this Draft EIR. The comments were used, as intended, to help inform the discussion of this Draft EIR and help determine the scope and framework of certain topical discussions. The Draft EIR will be subject to further review and comment by the public, as well as responsible agencies and other interested jurisdictions, agencies, and organizations for a period of 45 days.

Following the public review period, written responses to all comments received on the Draft EIR will be prepared. Those written responses, and any other necessary changes to the Draft EIR, will constitute the Final EIR and will be submitted to the City of Menifee Planning Commission for their consideration. If the City finds that the Final EIR is “adequate and complete” in accordance with the CEQA Guidelines, the City may certify the EIR. The City of Menifee Planning Commission would also consider the adoption of Findings of Fact pertaining to the EIR, specific mitigation measures, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan (MMRP). Upon review and consideration of the Final EIR, the hearing body would take action concerning the Project.

Regarding the MMRP, CEQA Guidelines § 15097 requires public agencies to set up monitoring and reporting programs to ensure compliance with mitigation measures, which are adopted or made as a condition of project approval and designed to mitigate or avoid the significant environmental effects identified in environmental impact reports. A MMRP incorporating the mitigation measures set forth in this EIR will be considered and acted upon by the City decision-makers concurrent with adoption of the findings of this EIR and prior to approval of the Project.

ES.2 Project Location

The Project site is located approximately 1.5 miles west of Interstate 215 (I-215) and approximately 3.0 miles south of State Highway (SH) 74, within the City of Menifee, County of Riverside (see **Exhibit 2-1: Regional Vicinity Map** in **Section 2.0: Project Description**). The Project is north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road, within the City. The Project site is located in the Economic Development Corridor- Northern Gateway (EDC-NG) of the City and is currently bordered by a scattering of existing rural residential homes (1.5 acres) and outbuildings and vacant land (refer to

Exhibit 2-2: Local Vicinity Map in **Section 2.0: Project Description**). The Project site comprises eight parcels.

ES.3 Project Description

The Project proposes the development of one concrete tilt-up warehouse that includes approximately 700,037 square feet (SF) of industrial warehouse space (including office space) on a total of 40.03 gross-acres. It would include approximately 690,037 SF of warehouse space and 10,000 SF of office space; approximating 700,037 total SF of development. The building would also contain 49 dock doors on the northern portion of the building and 49 dock doors on the southern portion of the building for a total of 98 dock doors. Most dock doors are predominately high dock doors, with several drive thru doors. The height of the proposed building would be 45 feet, 6 inches high and would include 499 automobile parking spaces and 245 truck trailer parking spaces. The Project also includes various discretionary approvals including applications for Tentative Parcel Map No. PLN 22-0041 and Plot Plan No. PLN 21-0370. These actions are described in greater detail in **Section 2.0: Project Description**. Project background and objectives are also discussed in **Section 2.0**.

ES.4 Significant Unavoidable Impacts

The Project's potentially significant impacts are discussed in **Section 4.1: Aesthetics** through **Section 4.15: Utilities and Service Systems** of this Draft EIR. As noted in these sections, most of the potentially significant impacts can be mitigated to a less than significant level through implementation of Project design features, standard conditions, and feasible mitigation measures. There are unavoidable significant impacts associated with Greenhouse Gas (GHG) Emissions.

- Greenhouse Gas Emissions
 - Despite consistency with the California Air Resources Board's 2022 Scoping Plan, and Southern California Association of Government's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) also referred to as the Connect SoCal, incorporation of all feasible mitigation measures and compliance with all applicable local, state, or federal regulations or laws, the Project's operational mitigated mobile source emissions would continue to exceed the SCAQMD MTCO_{2e} threshold.

ES.5 Alternatives to the Project

State CEQA Guidelines § 15126.6(a) requires a Draft EIR to "describe the range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." In response to the potentially significant impacts that were identified, the EIR includes the following alternatives for consideration by decision-makers upon action related to the Project:

Alternative 1: No Project Alternative

The purpose of describing and analyzing a No Project Alternative is to allow decision-makers the ability to compare the impacts of approving the Project with impacts of not approving the Project. The No Project

Analysis is required to discuss the existing conditions (at the time the Notice of Preparation was published on May 2, 2022), as well as what would be reasonably expected to occur in the foreseeable future, if the Project were not approved, based on current plans and consistent with available infrastructure and services.

Under the No Project Alternative, the following would occur:

- The Applicant would not improve the site with the proposed industrial building, and associated infrastructure improvements, and the site would remain predominately undeveloped.

Alternative No. 2: Reduced Square Feet on Two Buildings Alternative

This Alternative assumes the construction of two smaller warehouse buildings totaling approximately 595,031 SF of building space on the same 40.3-acres of land. Each of the two warehouse buildings would be approximately 297,515 SF. Compared to the proposed Project, the total warehouse building space in Alternative 2 would be overall approximately 105,000 SF smaller or (15% smaller) than the proposed Project.

Environmentally Superior Alternative

State CEQA Guidelines requires that an Environmentally Superior Alternative be identified; that is, an alternative that would result in the fewest or least significant environmental impacts. The No Project Alternative is the Environmentally Superior Alternative because it would avoid many of the proposed Project's impacts. If the No Project Alternative is the environmentally superior Alternative, CEQA Guidelines § 15126.6(e)(2) requires that another alternative that could feasibly attain most of the Project's basic objectives be chosen as the Environmentally Superior Alternative. Based on the analysis conducted in **Section 6.0: Alternatives**, Alternative 2 was chosen as the Environmentally Superior Alternative. These alternatives are further discussed in **Section 6.0: Alternatives**.

ES.6 Areas of Controversy

State CEQA Guidelines §15123 (b)(2) and (3) require that this section of the Project EIR identify areas of controversy known to the Lead Agency, issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether, or how to mitigate the significant effects. The following issues of concern have been identified during the review period of the distribution of the Notice of Preparation (NOP) and public meetings:

- Aesthetic Impacts
- Potential development next to residential land uses.
- Comprehensiveness of the Draft EIR.
- Feasibility of mitigation measures.
- Adequate air quality analysis, greenhouse gas emissions analysis, and noise analysis.
- Hydrology/flooding and transportation/traffic issue as they pertain to Project.
- Traffic impacts associated with development

The aforementioned issues have been considered in this Draft EIR, where applicable, in **Sections 4.1: Aesthetics** through **4.15: Utilities and Service Systems**. However, despite the incorporation of Project Design Features, Standard Conditions of Approval, and feasible mitigation measures, significant and unavoidable impacts to greenhouse gas emissions remain.

ES.7 Summary of Environmental Impacts and Mitigation Measures

The following **Table ES-1: Summary of Significant Impacts and Proposed Mitigation Measures** is a summary of significant impacts and proposed mitigation measures associated with the Project as identified in this EIR. Refer to Sections 4.1 through 4.15, for a detailed description of the environmental impacts and mitigation measures for the Project. All impacts of the Project can be mitigated to less than significant levels with the exception of greenhouse gas emissions.

Table ES-1: Summary of Significant Impacts and Proposed Mitigation Measures

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Section 4.1, Aesthetics			
Impact 4.1-1: Would the Project have a substantial adverse effect on a scenic vista?	Less than Significant	No mitigation is required.	N/A
Impact 4.1-2: Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact	No mitigation is required.	N/A
Impact 4.1-3: In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	Less than Significant	No mitigation is required.	N/A
Impact 4.1-4: Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	Less than Significant	No mitigation is required.	N/A
Section 4.2, Air Quality			
Impact 4.2-1: Would the Project, conflict with or obstruct implementation of the applicable air quality plan?	Potentially Significant	<p>MM AQ-1: Prior to the issuance of grading or building permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all unpaved off-site access roads to either be stabilized using a chemical dust suppressant or paved prior to the start of the grading phase of construction.</p> <p>MM AQ-2: The Project's contractors shall be prohibited from idling heavy equipment for more than three minutes and prohibited from being in the "on" position for more than 10 hours per day. The Project's general contractor shall designate an officer to monitor the construction equipment operators on-site for compliance.</p> <p>MM AQ-3: Prior to issuance of tenant occupancy permits (not building shell permits), the Project operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single-occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool,</p>	Less than Significant with Mitigation Incorporated

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
		<p>and transit. The TDM shall include, but is not limited to the following:</p> <ul style="list-style-type: none"> • Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options. • Incorporate bicycle parking and storage, and self-service bicycle repair areas. • Provide on-site meal options in employee break areas as well as kitchen amenities to prepare and/or heat meals. • Provide a ride-matching service (e.g., bulletin boards, website, smartphone application) to connect carpool participants and provide preferential parking for rideshare vehicles to support carpool/vanpool/rideshare transportation modes. • Post Riverside Transit Agency schedules in conspicuous areas. • Reference Riverside Transit Agency schedules when creating employees' operating schedules. <p>MM AQ-4: All outdoor cargo handling equipment (such as yard trucks, hostlers, yard goats, pallet jacks, and forklifts) shall be zero emission (i.e., powered by electricity or other alternative fuels). The warehouse building shall include the necessary charging stations for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.</p> <p>MM AQ-5: Prior to the issuance of a tenant occupancy permit, the Community Development Department shall confirm that all truck access gates and loading docks within the project site shall have posted signage posted that states:</p> <ul style="list-style-type: none"> • Truck drivers shall turn off engines when not in use. • Truck drivers shall shut down the engine after three minutes of continuous idling operation (pursuant to City of Menifee's Industrial Good Neighbor Policies). Once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged. • Telephone numbers of the building facilities manager, the SCAQMD, and CARB to report violations. 	

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
<p>Impact 4.2-2: Would the Project, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</p>	Potentially Significant	<ul style="list-style-type: none"> Signs shall also inform truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel idling regulations, and the importance of being a good neighbor by not parking in residential areas. The Operator shall designate an officer to monitor trucks on-site for compliance. To the extent feasible, the Project shall restrict the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors by posting signs at every truck exit driveway providing directional information to head northbound to Ethanac Road (designated truck route). Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel. All signage installed as part of the Project shall be legible, durable, and weather-proof. 	Less than Significant with Mitigation Incorporated
<p>Impact 4.2-3: Would the proposed project, expose sensitive receptors to substantial pollutant concentrations?</p>	Potentially Significant	<p>Refer to MMs AQ-1 through AQ-5 above.</p> <p>HRA-1: Prior to issuance of grading permits, the applicant shall prepare and submit documentation to the City of Menifee that demonstrate the following:</p> <ul style="list-style-type: none"> All off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resources Board Tier 4 Final off-road emissions standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's Best Available Control Technology (BACT) documentation (certified tier specification or model year specification), and CARB or SCAQMD operating permit (if applicable) shall be provided to the City at the time of mobilization of each applicable unit of equipment. <p>Refer to MMs AQ-1 through AQ-5 and HRA-1 above.</p>	Less than Significant with Mitigation Incorporated

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Impact 4.2-4: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than Significant	No mitigation is required.	N/A
Section 4.3, Biological Resources			
Impact 4.3-1: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Potentially Significant	<p>MM BIO-1: If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer (generally 300 feet for migratory and non-migratory songbirds and 500 feet raptors and special-status species) will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.</p> <p>MM BIO-2: The Project Developer shall retain a qualified biologist to conduct a 30-day pre-construction survey for burrowing owl. The results of the single one-day survey shall be submitted to the City prior to obtaining a grading permit. If at any time there is a lapse of Project activities for 30 days</p>	Less than Significant with Mitigation Incorporated

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
<p>Impact 4.3-2: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>	No Impact	<p>No mitigation is required.</p>	N/A
<p>Impact 4.3-3: Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	No Impact	<p>No mitigation is required.</p>	N/A
<p>Impact 4.3-4: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or</p>	Less than Significant	<p>No mitigation is required.</p>	N/A

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
migratory wildlife corridors, or impede the use of native wildlife nursery sites?			
Impact 4.3-5: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than Significant	No mitigation is required.	N/A
Impact 4.3-6: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	Potentially Significant	Refer to MMs BIO-1 through BIO-2 above	Less than Significant with Mitigation Incorporated
Section 4.4, Cultural Resources			
Impact 4.4-1: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	No Impact	No mitigation is required.	N/A
Impact 4.4-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	Less than Significant	No mitigation is required.	N/A
Impact 4.4-3: Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?	Less than Significant	No mitigation is required.	N/A
Section 4.5, Energy			
Impact 4.5-1: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	Less than Significant	No mitigation is required.	N/A
Impact 4.5-2: Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?	Less than Significant	No mitigation is required.	N/A
Section 4.6, Geology and Soils			
Impact 4.6-1: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based 	Less than Significant	No mitigation is required.	N/A

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			
Impact 4.6-2: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> Strong seismic ground shaking? 	Less than Significant	No mitigation is required.	N/A
Impact 4.6-3: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> Seismic-related ground failure, including liquefaction? 	Less than Significant	No mitigation is required.	N/A
Impact 4.6-4: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> Landslides? 	Less than Significant	No mitigation is required.	N/A
Impact 4.6-5: Would the Project result in substantial soil erosion or the loss of topsoil?	Less than Significant	No mitigation is required.	N/A
Impact 4.6-6: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less than Significant	No mitigation is required.	N/A
Impact 4.6-7: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	Potentially Significant	MM GEO-1: Initial site preparation shall commence with removal of debris, deleterious materials, and vegetation within the limits of the planned improvements. These materials shall be properly disposed of off-site. Voids resulting from removing any materials shall be replaced with engineered fill materials with expansion characteristics similar to the on-site materials.	Less Than Significant with Mitigation Incorporated
Impact 4.6-8: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	Less than Significant	No mitigation is required.	N/A

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Impact 4.6-9: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant	MM GEO-2: Prior to issuance of grading permits, the Applicant/Developer will retain a qualified paleontologist to create and implement a Paleontological Resource Mitigation Program (PRIMP). The project paleontologist would review the grading plan and conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements, to be documented in the PRIMP. The PRIMP would be submitted to the City for review and approval prior to issuance of a grading permit. Information contained in the PRIMP would minimally include: <ol style="list-style-type: none"> 1. Description of the project site and proposed grading operations. 2. Description of the level of monitoring required for earth-moving activities. 3. Identification and qualifications of the paleontological monitor to be employed during earth moving. 4. Identification of personnel with authority to temporarily halt or divert grading to allow recovery of large specimens. 5. Direction for fossil discoveries to be reported to the developer and the City. 6. Means and methods to be employed by the paleontological monitor to quickly salvage fossils to minimize construction delays. 7. Sampling methods for sediments that are likely to contain small fossil remains, if any. 8. Procedures and protocol for collecting and processing of samples and specimens, as necessary. 9. Fossil identification and curation procedures. 10. Identification of the repository to receive fossil material. 11. All pertinent maps and exhibits. 12. Procedures for reporting of findings. 13. Acknowledgment of the developer for content of the PRIMP and acceptance of financial responsibility for monitoring, reporting, and curation 	Less than Significant with Mitigation Incorporated
Section 4.7 Greenhouse Gas Emissions			

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
<p>Impact 4.7-1: Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?</p>	Potentially Significant	<p>Refer to MMs AQ-2 and AQ-5 above.</p> <p>MM GHG-1: Prior to issuance of tenant occupancy permits, the Project shall be required to install a minimum 49 kwdc solar photovoltaic (PV) system or offset an equivalent amount of energy demand through the purchase of renewable energy or implementation of alternative renewable measures, subject to approval by the Community Development Director or his/her designee. To allow future operators to earn WARE Program points pursuant to SCAQMD's Rule 2305, the exact timing of the PV system installation may be modified at the discretion of the Community Development Director or his/her designee. The final PV generation facility size requires approval by Southern California Edison (SCE). SCE's Rule 21 governs operating and metering requirements for any facility connected to SCE's distribution system. Should SCE limit the off-site export, the proposed Project may utilize a battery energy storage system (BESS) to lower off-site export while maintaining on-site renewable generation to off-set consumption. The building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV arrays. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage.</p> <p>In addition, to ensure that the Project's electrical room(s) is sufficiently sized to accommodate the potential need for additional electrical panels, prior to building permit issuance, either (1) a secondary electrical room shall be provided in the building, or (2) the primary electrical room shall be sized 25 percent larger than is required to satisfy the service requirements of the building or the electrical gear shall be installed with the initial construction with 25 percent excess demand capacity.</p> <p>MM GHG-2: Prior to the issuance of building permits and prior to issuance of tenant occupancy permits, the City of Menifee Community Development Department shall confirm that the Project does not include cold storage equipment for warehousing purposes. Cold storage was not included in this report and is therefore prohibited.</p>	Significant and Unavoidable

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
		<p>MM GHG-3: The facility operator shall provide tenants with an information packet that:</p> <ul style="list-style-type: none"> Provides information on incentive programs, such as the Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program), and other similar funding opportunities, by providing applicable literature available from the California Air Resources Board (CARB). The Moyer Program On-Road Heavy-Duty Vehicles Voucher Incentive Program (VIP) provides funding to individuals seeking to purchase new or used vehicles with 2013 or later model year engines to replace an existing vehicle that is to be scrapped. Provides information on the United States Environmental Protection Agency's SmartWay program and tenants shall be encouraged to use carriers that are SmartWay carriers. <p>MM GHG-4: Prior to issuance of precise grading permit issuance, the Project shall be required to show on the precise grading plans 20 percent of the employee parking stalls on-site as "EV Capable," which includes electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging. In addition, 25 percent of the EV Capable parking stalls shall have electric vehicle supply equipment (EVSE) installed and operational. EVSE includes conductors, electric vehicle connectors, attachment plugs, personal protection system, and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy to the electric vehicle.</p> <p>MM GHG-5: The Project shall divert a minimum of 75-percent of landfill waste during operation. Prior to issuance of certificate of tenant occupancy permits, a recyclables collection and load area shall be constructed in compliance with City of Menifee standards for Recyclable Collection and Loading Areas, and the facility's operator shall be required to provide the City with a copy of the Project's recycling program.</p> <p>MM GHG-6: All landscaping equipment used on-site shall be 100 percent electrically powered. The building manager or</p>	

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Impact 4.7-2: Would the Project conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions?	Potentially Significant	their designee shall be responsible for enforcing these requirements. MM GHG-7: Prior to the issuance of precise grading permits, plans shall identify the location of future electric truck charging stations (minimum of three) and where conduit shall be installed to those spaces. Refer to MMs AQ-2 and AQ-5 and MMs GHG-1 through GHG-7 , above.	Significant and Unavoidable
Section 4.8, Hazards and Hazardous Materials			
Impact 4.8-1: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than Significant	No mitigation is required.	N/A
Impact 4.8-2: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than Significant	No mitigation is required.	N/A
Impact 4.8-3: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than Significant	No mitigation is required.	N/A
Impact 4.8-4: Would the project be located on a site which is included on a list of hazardous materials Project sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less than Significant	No mitigation is required.	N/A
Impact 4.8-5: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	Less than Significant	No mitigation is required.	N/A

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Impact 4.8-6: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than Significant	No mitigation is required.	N/A
Impact 4.8-7: Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Less than Significant	No mitigation is required.	N/A
Section 4.9, Hydrology and Water Quality			
Impact 4.9-1: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Potentially Significant	<p>MM HYD-1: Prior to commencing grading, the Project Applicant shall comply with applicable construction water quality regulations including the NPDES General Construction Permit, which shall be obtained from the Regional Water Quality Control Board. This process requires that the applicant electronically submit Permit Registration Documents (PRDs) prior to commencement of construction activities in the Storm Water Multiple Application and Report Tracking System (SMARTS). PRDs consist of the NOI, Risk Assessment, Post-Construction Calculations, a Site Map, the SWPPP, a signed certification statement by the Legally Responsible Person, and the first annual fee.</p> <p>The required Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the City of Menifee Engineering Department for review and approval, identifying specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:</p> <ul style="list-style-type: none"> A. Compliance with the requirements of the State of California's most current Construction Stormwater Permit. B. Temporary erosion control measures shall be implemented on all disturbed areas. C. Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season. D. Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs. 	Less than Significant with Mitigation Incorporated

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
		<p>E. The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains.</p> <p>F. BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Santa Ana RWQCB to determine adequacy of the measure.</p> <p>G. In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the duration of construction.</p> <p>H. Prior to the issuance of the first grading permit, the Project Applicant shall submit the Final Tentative Parcel Map that includes the water quality BMPs for approval by the City of Menifee Engineer. The City of Menifee Engineer shall ensure that all applicable water quality standards are met before approving the SWPPP.</p> <p>MM HYD-2: The Project Applicant shall prepare a Final Project-Specific Water Quality Management Plan (WQMP) with O&M Plan for submittal together with the associated grading and improvement plans which must be approved prior to the issuance of a building or grading permit. These documents shall be prepared in accordance with applicable City (Menifee) and County (Riverside) water quality requirements, for review and approval by the City of Menifee Engineering Department, including the following:</p> <ul style="list-style-type: none">• Site Design BMPs• Source Control BMPs• Treatment Control BMPs• BMP Sizing• Equivalent Treatment Control Alternatives• Regionally-Based Treatment Control BMPs• O&M Responsibility for Treatment Control BMPs	

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Impact 4.9-2: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less than Significant	No mitigation is required.	N/A
Impact 4.9-3: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> Result in substantial erosion or siltation on- or off-site? 	Potentially Significant	Refer to MMs HYD-1 and HYD-2 above.	Less than Significant with Mitigation Incorporated
Impact 4.9-4: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? 	Potentially Significant	MM HYD-3: Prior to issuance of grading permits, the Project Applicant shall submit final grading plans for review and approval by the City of Menifee, including final drainage design plans supported by a final drainage study. The tract maps, grading plans, and final drainage study shall demonstrate compliance with applicable City and County drainage plans, policies, design guidelines and regulations including but not limited to City of Menifee Municipal Code Chapter 8.26 Grading Regulations.	Less than Significant with Mitigation Incorporated
Impact 4.9-5: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? 	Potentially Significant	Refer to MMs HYD-1 and HYD-3 above.	Less than Significant with Mitigation Incorporated
Impact 4.9-6: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> Impede or redirect flood flows? 	Less than Significant	No mitigation is required.	N/A

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Impact 4.9-7: In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to project inundation?	Potentially Significant	Refer to MMs HYD-1 and HYD-3 above.	Less than Significant with Mitigation Incorporated
Impact 4.9-8: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than Significant	No mitigation is required.	N/A
Section 4.10, Land Use and Planning			
Impact 4.10-1: Would the Project physically divide an established community?	Less than Significant	No mitigation is required.	N/A
Impact 4.10-2: Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than Significant	No mitigation is required.	N/A
Section 4.11, Noise			
Impact 4.11-1: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than Significant	No mitigation is required.	N/A
Impact 4.11-2: Generation of excessive groundborne vibration or groundborne noise levels?	Less than Significant	No mitigation is required.	N/A
Impact 4.11-3: For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	No Impact	No mitigation is required.	N/A

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Section 4.12, Public Services			
Impact 4.12-1: Would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: <ul style="list-style-type: none"> ■ Fire protection? ■ Police protection? ■ Schools? ■ Parks? ■ Other public facilities? 	Less than Significant	No mitigation is required.	N/A
Section 4.13, Transportation			
Impact 4.13-1: Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Less than Significant	No mitigation is required.	N/A
Impact 4.13-2: Would the Project, conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	Less than Significant	No mitigation is required.	N/A
Impact 4.13-3: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than Significant	No mitigation is required.	N/A
Impact 4.13-4 Would the Project result in inadequate emergency access?	Less than Significant	No mitigation is required.	N/A
Section 4.14, Tribal Cultural Resources			
Impact 4.14-1: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Less than Significant	No mitigation is required.	N/A

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?			
Impact 4.14-2: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Less than Significant	No mitigation is required.	N/A
Section 4.15, Utilities and Service Systems			
Impact 4.15-1: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than Significant	No mitigation is required.	N/A
Impact 4.15-2: Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less than Significant	No mitigation is required.	N/A
Impact 4.15-3: Would the Project result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than Significant	No mitigation is required.	N/A

Resource Impact	Level of Significance	Mitigation Measure(s)	Level of Significance after Mitigation Implemented
Impact 4.15-4: Would the Project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than Significant	No mitigation is required.	N/A
Impact 4.15-5: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than Significant	No mitigation is required.	N/A

1.0 INTRODUCTION AND PURPOSE

This Draft Environmental Impact Report (EIR) was prepared for the CADO Menifee Industrial Warehouse Project (Project) in compliance with the California Environmental Quality Act (CEQA), Public Resources Code (PRC) § 21000 et seq, and the California Code of Regulations (CCR) § 15000 et seq. This Draft EIR has been prepared for the City of Menifee (City) and evaluates the potential environmental impacts associated with construction and operation of one 700,037 square foot industrial warehouse building with associated facilities and improvements on 40.03 gross-acres of land. Associated facilities and improvements of the Project sites include office space, loading dock doors, on-site landscaping, detention basins, and related on-site and off-site improvements. The Project is generally bounded by Kuffel Road to the north, Wheat Street to the west, Corsica Lane to the south (approximately 330 feet), and Byers Road to the east. The Project site's existing land use designation is Economic Development Corridor-Northern Gateway (EDC-NG). The Project site's existing zoning designation is EDC-NG. The proposed building's end user is speculative in nature.

This Draft EIR evaluates the potentially significant and adverse impacts on the environment resulting from implementation of the Project. **Section 2.0, Project Description**, provides detailed descriptions of the construction and operational components of the Project. **Section 4.0, Environmental Impact Analysis**, discusses the approach to the environmental analysis; section content and definition of terms; and cumulative analysis approach. Following public review of the Draft EIR, a Final EIR will be prepared, in which the City of Menifee will respond to public comments on the Draft EIR.

1.1 Purpose of the Environmental Impact Report

According to § 15121 of the CEQA Guidelines, an EIR is an informational document which will inform public agency decision-makers and the public of the significant environmental effects of a proposed project. The purpose of this Draft EIR for the proposed Project is to review the existing conditions at and in the vicinity of the Project site; identify and analyze the potential environmental impacts; and suggest feasible mitigation measures or alternatives to reduce significant adverse environmental effects, as described in **Section 2.0, Project Description** and **Section 6.0, Alternatives** to the proposed Project. The potential impacts include both temporary construction-related effects and the long-term effects of development, operation, and maintenance of the Project, as described in **Section 4.1, Aesthetics** through **Section 4.15, Utilities and Service Systems**.

The intent of this EIR is to address the potential Project impacts utilizing the most current and detailed plans, technical studies, and related information available. This EIR will be used by the City as the Lead Agency, other responsible and trustee agencies, interested parties, and the general public to evaluate the potential environmental impacts of the proposed Project (refer to **Section 2.8, Discretionary Actions and Approvals**, for a list of anticipated responsible and trustee agencies and Project approvals).

Therefore, this EIR is intended to serve as the primary environmental document for all entitlements associated with the Project, including all discretionary approvals requested or required to implement the Project. The City, as Lead Agency, can approve subsequent actions without additional environmental

documentation unless otherwise required by § 21166 of the CEQA Statutes and § 15162 of the CEQA Guidelines.

CEQA Statutes § 21166 states that:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.*
- b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.*
- c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.*

Additionally, CEQA Guidelines § 15162 states that:

- a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

- (C) Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

1.2 Compliance with CEQA

According to the CEQA Guidelines (14 CCR § 15064[f][1]), preparation of an EIR is required whenever a project may result in a significant effect on the environment. An EIR is an informational document used to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the Project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project. CEQA requires that state and local government agencies consider the environmental effects of projects over which they have discretionary authority before taking action on those projects.

This Draft EIR analyzes the environmental effects of the Project to the degree of specificity appropriate to the current proposed actions, as required by § 15146 of the CEQA Guidelines. As defined by CEQA Guidelines § 15160, a project EIR focuses primarily on the changes in the environment that would result from the development project. This Draft EIR identifies and analyzes the environmental effects of the Project to the degree of specificity appropriate to the current proposed actions, as required by § 15146 of the CEQA Guidelines. The analysis considers the activities associated with the Project in order to determine the short-term and long-term environmental effects associated with their implementation. This EIR discusses both temporary and permanent impacts and direct and indirect impacts of the Project, in addition to cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

Based on significance criteria, the effects of the Project are categorized as either “no impact,” “less than significant impact,” “less than significant with mitigation incorporated,” or “significant unavoidable impact” (refer to **Section 4.0, Environmental Impact Analysis**). Mitigation measures are recommended for potentially significant impacts, to avoid or lessen, to the extent feasible and possible, the Project’s environmental impacts. In the event the Project results in significant unavoidable impacts even with implementation of feasible mitigation measures, the decision-makers may approve the Project based on a “Statement of Overriding Considerations.” This determination requires the decision-makers to balance the benefits of the Project to determine if they outweigh identified unavoidable impacts. The CEQA Guideline § 15093 provides, in part, the following:

- CEQA requires that the decision-maker balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency must state in writing the reason to support its action based on the Final EIR and/or other information on the record. This statement may be necessary if the agency also makes the finding under § 15091 (a)(3) of the CEQA Guidelines and PRC § 21081(a)(3).
- If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the Project approval and should be mentioned in the Notice of Determination.

1.3 Notice of Preparation/Early Consultation

In compliance with the CEQA Guidelines, the City provided opportunities for various agencies and the public to participate in the environmental review process. During preparation of the Draft EIR, efforts were made to contact various federal, state, regional, and local government agencies and other interested parties to solicit comments on the scope of review in this document. This included the distribution of a Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties. Pursuant to CEQA Guidelines § 15082 and PRC § 21084.4, the City circulated the NOP to public agencies, special districts, members of the public who had requested such notice, and property owners within a 300-foot radius. The NOP was distributed on May 2, 2022, with the 30-day public review period concluding on June 1, 2022.

Public Scoping Meeting

A notice of a public scoping meeting for the Project was included within the NOP. A public in-person scoping meeting was held on May 17, 2022, at City Council Chambers located at 29844 Haun Road, Menifee, CA 92586. The purpose of the scoping meeting was to obtain comments from the public and agencies regarding the scope of the environmental document. A total of eight comment letters were received in response to the NOP. The comment letters received during the NOP comment period (May 2, 2022 through June 1, 2022), along with the NOP are included in **Appendix A, Notice of Preparation and Scoping Meeting Notice**.

Areas of concern that were identified during the comment period include:

- Air quality and noise impacts on students/community
- Biological Resources impacts/MSHCP Consistency
- Community impacts
- Drainage facilities
- Implementation of local hire and skilled and trained workforce requirements
- Transportation impacts
- Tribal Cultural Resources impacts
- Vehicle miles traveled

Native American Consultation

Assembly Bill (AB) 52, further discussed in **Section 4.14, Tribal Cultural Resources**, essentially requires local governments to consult with Native American tribes to avoid and/or mitigate impacts to potential tribal cultural resources. In accordance with AB 52, the City requested formal tribal consultation with tribes on December 9, 2022. The following tribes were contacted for consultation: Agua Caliente Band of Cahuilla Indians, Pechanga Band of Luiseño Indians, Rincon Cultural Resources Department, and Soboba Band of Luiseño Indians. To date, responses have been received from Agua Caliente Band of Cahuilla Indians, Pechanga Band of Luiseño Indians, and Soboba Band of Luiseño Indians and are detailed in **Section 4.14, Tribal Cultural Resources**.

1.4 Lead Agency Information

The Draft EIR is available to the general public for review at the location listed below and on the City's website at:

- <https://www.cityofmenifee.us/325/Environmental-Notices-Documents>
- Menifee City Hall
Community Development Department
29844 Haun Road
Menifee, CA 92586

In accordance with CEQA Guidelines §§ 15087 and 15105, this Draft EIR would be circulated for a 45-day public review period. The public is invited to comment in writing on the information contained in this document. Interested agencies and members of the public are invited to provide written comments on the Draft EIR and are encouraged to provide information that they believe should be included in the EIR.

All comment letters should be sent to:

Ryan Fowler, Principal Planner
City of Menifee
29844 Haun Road
Menifee, CA 92589
rfowler@cityofmenifee.us

1.5 Final EIR

Upon completion of the 45-day Draft EIR public review period, the City will evaluate all written comments received during the Project's public review period on the Draft EIR. Pursuant to CEQA Guidelines § 15088, the City will prepare written responses to comments raising environmental issues. Additionally, CEQA Guidelines § 15132 (Contents of Final Environmental Impact Report) requires the preparation of a Final EIR which will include:

- a) The draft EIR or a revision of the draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;

- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the lead agency.

Lastly, pursuant to CEQA Guidelines § 15088 (Evaluation of and Response to Comments), after the Final EIR is completed, the City will provide a written proposed response to each public agency on comments made by that public agency at least ten days prior to certifying the EIR.

Certification of the Final EIR

The Draft EIR, as revised by the Final EIR, will be considered by the City of Menifee City Council for certification, consistent with CEQA Guidelines § 15090, which states the following:

Prior to approving a project, the lead agency shall certify that:

- 1) The final EIR has been completed in compliance with CEQA;
- 2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- 3) The final EIR reflects the lead agency's independent judgment and analysis.

Regarding the adequacy of an EIR, according to CEQA Guidelines § 15151, "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

Project Consideration

After certification of the Final EIR, the City Council may consider approval of the Project. A decision to approve the Project would be accompanied by specific, written findings, in accordance with CEQA Guidelines § 15091 and, if necessary, a specific, written Statement of Overriding Considerations, in accordance with CEQA Guidelines § 15093.

1.6 Format of the EIR

The purpose of this Draft EIR is to provide environmental review of the Project, such that the City, as the lead agency, will be able to utilize this EIR to satisfy CEQA for Project-related permits or approvals and to provide CEQA analysis.

This Draft EIR is organized into nine sections:

Section ES	Executive Summary provides a project summary, summary of environmental impacts, and the proposed mitigation measures and alternatives.
Section 1.0	Introduction provides CEQA compliance information.
Section 2.0	Project Description provides Project history, as well as the environmental setting, Project characteristics and objectives, phasing, and anticipated permits and approvals that may be required for the Project.
Section 3.0	Basis of Cumulative Analysis describes the cumulative analysis' proposed approach and methodology.
Section 4.0	Environmental Impact Analysis provides a discussion of the existing conditions for each of the environmental impact areas. This section also describes methodologies for significance determinations, identifies both short-term and long-term environmental impacts of the Project, recommends mitigation measures to reduce the significance of environmental impacts, and identifies any areas of potentially significant and unavoidable impacts. This section includes a discussion of cumulative impacts that could arise as a result of the implementation of the proposed Project.
Section 5.0	Additional CEQA Considerations , summarizes unavoidable significant impacts, and discusses significant irreversible environmental changes, growth-inducing impacts, and mandatory findings of significance.
Section 6.0	Alternatives describes potential Project alternatives, including alternatives considered but rejected from further consideration, the No Project Alternative, various Project Alternatives, and identifies the Environmentally Superior Alternative.
Section 7.0	Effects Found Not to Be Significant , describes potential impacts that have been determined not to be significant throughout the EIR process.
Section 8.0	EIR Consultation and Preparation identifies the CEQA Lead Agency and EIR preparation team, as well as summarizes the EIR consultation process.

Based on significance criteria, the effects of the proposed Project have been categorized as either “less than significant,” “less than significant with mitigation,” or “potentially significant.” Mitigation measures are recommended for potentially significant impacts, to avoid or lessen impacts. In the event the proposed Project results in significant impacts even after implementation of all feasible mitigation measures, the decision-makers are able to approve a proposed Project based on a Statement of Overriding Considerations. This determination would require the decision-makers to provide a discussion of how the benefits of the proposed Project outweigh identified unavoidable impacts. The CEQA Guidelines provide in part the following:

- CEQA requires that the decision-maker balance the benefits of a proposed Project against its unavoidable environmental risks in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes the finding under Section 15091 (a)(2) or (a)(3) of the CEQA Guidelines.

If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the Project approval and should be mentioned in the Notice of Determination (Section 15093 of the CEQA Guidelines).

1.7 Responsible and Trustee Agencies

Lead Agency

City of Menifee

For this Project, the City of Menifee is the lead agency under CEQA. This Draft EIR has been prepared in accordance with PRC § 21000 et seq. and the State CEQA Guidelines (CCR § 15000 et seq.). CEQA requires lead agencies to consider potential environmental effects that may occur with implementation of a project and to avoid or substantially lessen significant effects to the environment when feasible. When a project may have a significant effect on the environment, the agency with primary responsibility for carrying out or approving the project (the lead agency) is required to prepare an EIR.

Trustee, Responsible, and Cooperating Agencies

Other federal, state, and local agencies are involved in the review and approval of the Project, including trustee and responsible agencies under CEQA. Under CEQA, a trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. A responsible agency is an agency other than the lead agency that has responsibility for carrying out or approving a project. Responsible and trustee agencies are consulted by the CEQA lead agency to ensure the opportunity for input and also review and comment on the Draft EIR. Responsible agencies also use the CEQA document in their decision-making. Several agencies other than the City of Menifee may require permits, approvals, and/or consultation in order to implement various elements of the Project.

1.8 Incorporation by Reference

Pertinent documents relating to this EIR have been cited in accordance with CEQA Guidelines § 15148 or have been incorporated by reference in accordance with CEQA Guidelines § 15150, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR and are available for review online. Information contained within these documents has been utilized for various sections of this EIR.

1. *City of Menifee General Plan*. The City of Menifee General Plan (Menifee GP) is the comprehensive, long-term planning document that decision makers will use to guide growth and development in the City for the next several decades. The information contained in the individual sections or Elements that comprise this General Plan will shape the physical development of the

City. Public and private decision-makers will refer to this General Plan to formulate decisions with respect to land use and development.

The General Plan consists of the several elements:

- Land Use Element
- Housing Element
- Circulation Element
- Open Space and Conservation Element
- Community Design Element
- Economic Development Element
- Safety Element
- Noise Element

The City's General Plan was used throughout this EIR since it contains policies and regulations relevant to the proposed Project. These elements are available for review on the City's website at:

<https://www.cityofmenifee.us/221/General-Plan>

2. *City of Menifee General Plan EIR.* The City of Menifee General Plan EIR serves as the comprehensive update for the City of Menifee General Plan. The General Plan EIR includes the adopted associated CEQA Findings of Fact, a Statement of Overriding Considerations with respect to certain significant environmental impacts identified in the FEIR, and a Mitigation Monitoring Program. The General Plan EIR was used sporadically throughout the EIR since it contains preliminary environmental analysis for all environmental thresholds pursuant to State CEQA Guidelines Appendix G. All General Plan EIR documents can be viewed on the City's website at:

<https://www.cityofmenifee.us/262/Environmental-Impact-Report>

3. *City of Menifee Municipal Code.* The City of Menifee Municipal Code (Menifee MC) is continuously updated. The Menifee MC establishes detailed zoning districts and regulations based on the General Plan. On December 18, 2019, the City Council adopted the Zoning Code. The Zoning Code became effective January 17, 2020. The Zoning Code (Title 9: Planning and Zoning) serves as the City's implementation tool for the General Plan. Whereas the General Plan is a policy document that sets forth direction for development decisions, the Zoning Code is a regulatory document that establishes specific standards for the use and development of all land uses, structures, subdivisions, and development in the City. The Zoning Code also indicates which land uses are permitted or prohibited in the various zones.

The Menifee MC includes all the City's zoning ordinance provisions and has been supplemented over time to include other related procedures such as subdivision regulations, environmental review procedures, and an advertising and sign code. Menifee MC regulations and maps must be consistent with the General Plan land uses, policies, and implementation programs. The Menifee MC is referenced throughout this Draft EIR to establish the proposed Project's baseline requirements according to the City's regulatory framework.

The Menifee MC can be accessed online at:

<https://www.cityofmenifee.us/318/Municipal-Code>

4. *Southern California Association of Governments*. The Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) or Connect SoCal was adopted in September 2020. The Connect SoCal aims to create a long-range vision plan that balances future mobility and housing needs with economic, environmental, and public health goals. The Connect SoCal charts a course for closely integrating land use and transportation – so that the region can grow in accordance with smart and sustainable growth strategies.

The Connect SoCal can be accessed online at: <https://scag.ca.gov/read-plan-adopted-final-plan>

2.0 PROJECT DESCRIPTION

2.1 Purpose

The City of Menifee (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Draft Environmental Impact Report (EIR) for the CADO Menifee Industrial Warehouse Project (Project). The following Project Description is provided in conformance with CEQA Guidelines § 15124. It discusses the geographic setting, Project location, Project setting, current City land use and zoning designations, Project characteristics, Project objectives, and discretionary actions required to implement the Project. This information will be the basis for analyzing the Project's impacts on the existing physical environment in **Section 4.0** of this EIR. The Project Description contains the following:

1. The precise location and boundaries of the Project shown on a detailed map, along with a regional location map;
2. A statement of the objectives sought by the Project including the underlying purpose of the Project and Project benefits;
3. A description of the Project's technical, economic, and environmental characteristics along with engineering and public service facilities details;
4. A statement describing the intended uses of the EIR, including a list of all necessary approvals and permits, a list of agencies that may use the document in their decision-making, and a list of related consultation and environmental review necessary under local, state, and federal laws, regulations, and policies.

The information presented within the Project Description will both accurately describe the Project and assist in further review and assessment of its potential environmental impacts.

2.2 Project Location

The Project site is located approximately 1.5 miles west of Interstate 215 (I-215) and approximately 3.0 miles south of State Highway (SH) 74, within the City of Menifee, County of Riverside (see **Exhibit 2-1, Regional Vicinity Map**). The Project is north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road, within the City. The Project site is located in the Economic Development Corridor-Northern Gateway (EDC-NG) of the City and is currently bordered by a scattering of existing rural residential homes (1.5 acres) and outbuildings and vacant land (refer to **Exhibit 2-2, Local Vicinity Map**). The Project site comprises eight parcels; refer to **Table 2-1, Assessor Parcel Numbers**.

Table 2-1: Assessor Parcel Numbers

Parcel	APN
1	330-190-002
2	330-190-003
3	330-190-004
4	330-190-005
5	330-190-010
6	330-190-011
7	330-190-012
8	330-190-013
Source: Riverside County. (2021). Map My County. https://gis1.countyofriverside.us/Html5Viewer/?viewer=MMC_Public . (accessed August 2023).	

2.3 Surrounding Land Uses

Existing land uses surrounding the Project site include scattered existing rural residential homes and outbuildings, proposed future industrial sites, and vacant land. North of the Project site is Kuffel Road and existing land uses include existing rural residential homes and outbuildings and a stormwater detention basin. East of the Project site is Byers Road and existing land uses include vacant undeveloped land and a single-family residence with associated out structures. South of the Project site is Corsica Lane and vacant undeveloped land and a single-family residence with associated out structures. Lastly, west of the Project site is Wheat Street and beyond is a mix of vacant and developed land. Developed land includes a mix of single family residential, Carreon Automotive Repair and Tanzer German Shepherd Dogs, LLC. See **Table 2-2, Surrounding Land Uses** for surrounding land uses as well as existing land use designations and zoning classifications.

Table 2-2: Surrounding Land Uses

Location	Existing Land Use	General Plan Land Use	Zoning Classification
North	Vacant undeveloped land single-family residential	Economic Development Corridor-Northern Gateway EDC-NG	Economic Development Corridor- Northern Gateway EDC-NG
East	Vacant undeveloped land Single-family residential	Economic Development Corridor-Northern Gateway EDC-NG	Economic Development Corridor- Northern Gateway EDC-NG
South	Vacant undeveloped land Single-family residential	Economic Development Corridor-Northern Gateway EDC-NG	Economic Development Corridor- Northern Gateway EDC-NG
West	Vacant undeveloped land Single- family residential Commercial development	Economic Development Corridor-Northern Gateway EDC-NG	Economic Development Corridor- Northern Gateway EDC-NG

Sources: City of Menifee. (2023). *General Plan Land Use Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---March-2023?bidId=> (accessed August 2023).
City of Menifee. (2023). *Zoning Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map---March-2023?bidId=> (accessed August 2023).

2.4 Land Use Designations and Zoning

The City of Menifee General Plan (Menifee GP) Land Use Map was amended March 23, 2023.¹ The Project site's existing land use designation is Economic Development Corridor-Northern Gateway (EDC-NG) (see **Exhibit 2-3, Existing General Plan Land Use Designation**). The Menifee GP envisions the EDC-NG as an industrial park area with more intensive industrial uses, the Project would be consistent with the Menifee GP.²

The City's Zoning Map was amended March 23, 2023.³ The Project site's existing zoning is EDC-NG (see **Exhibit 2-4, Existing Zoning**). The Project's proposed industrial component is allowed under the EDC-NG zoning designation.

¹ City of Menifee. (2023). *General Plan Land Use Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---March-2023?bidId=> (accessed August 2023).

² City of Menifee. (2023). *General Plan Land Use Element*. Page 24. Retrieved at: https://www.cityofmenifee.us/DocumentCenter/View/17714/FINAL_Land-Use-Element_11823?bidId= (accessed October 2023).

³ City of Menifee. (2023). *Zoning Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map---March-2023?bidId=> (accessed August 2023).

2.5 Existing Conditions

The Project site is currently composed of vacant land with two single-family residential structures and associated out buildings on a single parcel. The existing structures are proposed to be demolished. The site is a rectangular-shaped property that consists of eight individual parcels totaling 40.03 gross acres. The Project site as identified in the Menifee GP is intended to provide economic vitality and flexibility in land use options to promote economic development along the City's major corridors. It is intended that the majority of the City's new development will be located in this land use designation, to promote infill development and to preserve the rural areas that are an integral part of the City's community character.⁴

2.6 Proposed Project

The Project applicant proposes the development of approximately 700,037 square feet (SF) of industrial warehouse building on a total of 40.03 gross-acres (refer to **Exhibit 2-5, Conceptual Site Plan**). The proposed concrete tilt-up build would include approximately 690,037 SF of warehouse space and 10,000 SF of office space; approximating 700,037 total SF of development. The building would also contain 49 dock doors on the northern portion of the building and 49 dock doors on the southern portion of the building for a total of 98 dock doors. Most dock doors are predominately high dock doors, with several drive thru doors. The height of the proposed building would be 45 feet, 6 inches high and would include 499 automobile parking spaces and 245 truck trailer parking spaces (refer to **Exhibit 2-6, Conceptual Elevations**).

Landscaping

Landscaped areas for the Project site approximate 162,886 SF, which is 10.7 percent landscaping on the Project site. Landscaping will be provided along all streets in the parkway, on the front setbacks, on all sides of the Project site, adjacent to the building on the south, east, and west sides, and throughout the parking areas. The stormwater detention basin located off-site to the north of the Project site would be planted with grasses and shrubs tolerant of seasonal water inundation (refer to **Exhibit 2-7, Conceptual Landscape Plan**).

Circulation

Regional Project access would be from I-215 via the potential truck route, Ethanac Road.⁵ Local access would be provided via Ethanac Road to Wheat Street or Byers Road.

Access to the Project site for both automobiles and trucks is proposed off the following:

- One 40-foot access driveway is on the northwest side of the building on Wheat Street.
- One 40-foot access driveway is on the southwest side of the building on Wheat Street.
- One 56-foot access driveway is on the northeast side of the building on Byers Road.
- One 30-foot access driveway is on the east side of the building on Byers Road.

⁴ City of Menifee. (2013). *Community Design Element CD-5: Economic Development Corridor Design*. Retrieved from: <https://www.cityofmenifee.us/882/Community-Design-Element> (accessed August 2023).

⁵ City of Menifee. (2013). *Menifee General Plan Exhibit C-7: Potential Truck Routes*. https://www.cityofmenifee.us/DocumentCenter/View/1024/C-7-Truck_Routes_HD0913?bidId= (accessed August 2023).

- One 40-foot access driveway is on the southeast side of the building on Byers Road.

Emergency vehicle access is provided around the building with a minimum 26-foot wide fire lane.

Project Phasing and Construction

The Project is anticipated to be developed in one phase. Construction for the Project is anticipated to occur over approximately 14 months, beginning in 2024. Additionally, the Project is expected to use tractors, graders, dozers, and scrapers during the grading construction phase.⁶ The Project's construction schedule is expected to be modeled according to the following timeline:

- Demolition phase is expected to occur between March 1, 2024 to March 31, 2024
- Site preparation is expected to occur between April 1, 2024 to May 15, 2024
- Grading is expected to occur between May 16, 2024 to June 30, 2024
- Building construction and infrastructure is expected to occur between July 1, 2024 to December 31, 2024
- Paving is expected to occur between January 1, 2025 to February 28, 2025
- Architectural Coating is expected to occur between January 1, 2025 to April 30, 2025⁷

The Project's construction schedule is calculated through CalEEMod, which generates default construction phases and schedule assumptions on the Construction Phases screen based on user inputs in the Land Use model. According to the California Air Pollution Control Officers, for non-linear land use types, construction surveys performed by the South Coast Air Quality Management District (SCAQMD) are used to define the default phases and durations based on the total Project acreage.⁸ Additional information on the Construction Phases Screen could be found in the CalEEMod User Guide. For further information on construction and operations, see **Section 4.1, Air Quality**.

Off-Site Improvements

Industrial Collector streets consist of two-lane divided sections with a painted median which could be utilized where left turn pockets are needed.⁹ The following street improvements are anticipated for the Industrial Collector Streets:

- Byers Road at the Project's frontage would serve as the north/south roadway for automobiles and trucks to and from the Project site. Improvements to Byers Road at the Project frontage would include widening to its ultimate half width as a 2-lane industrial Collector (78-foot right-of-way)¹⁰ plus 12 feet. The road would be paved and would include curb/gutter, sidewalk, and a landscaped parkway.

⁶ Kimley-Horn & Associates. (2022). *Air Quality Assessment*. Page 31 – Table 11.

⁷ Ibid. Page 18-19.

⁸ California Air Pollution Control Officers Association. (2022). *User Guide for CalEEMod Version 2022.1 – Appendix C, Emission Calculation Details for CalEEMod*. Available at: <https://www.caleemod.com/user-guide>. (accessed December 2023).

⁹ City of Menifee. (2013). Menifee General Plan Circulation Element. Page 5. Retrieved at: https://www.cityofmenifee.us/DocumentCenter/View/18127/Complete-Circulation-Element_060723?bidId= (accessed October 2023).

¹⁰ Half-width street means any public or private street right-of-way or easement which is less than the full required width and is established so that that the additional half-width right-of-way or easement may be provided at a later date to complete a full-width roadway.

- Wheat Street at the Project's frontage would serve as the north/south roadway mainly for passenger automobiles and employees to and from the Project site. Improvements to Wheat Street at the Project's frontage will include widening to a half-width plus 12 feet. The street will be paved and will include curb/gutter, sidewalk, and a landscaped parkway.

The following street improvements are proposed:

- Kuffel Road will serve as a west/east General Local roadway. Improvements to Kuffel Road will include widening to a half-width plus 12 feet. The road will be paved and will include curb/gutter, sidewalk, and landscaping adjacent to the stormwater detention basin.

For further information on off-site roadway improvements, see **Section 4.13, Transportation**.

2.7 Project Objectives

The following objectives have been established for the Project by the City and Project applicant:

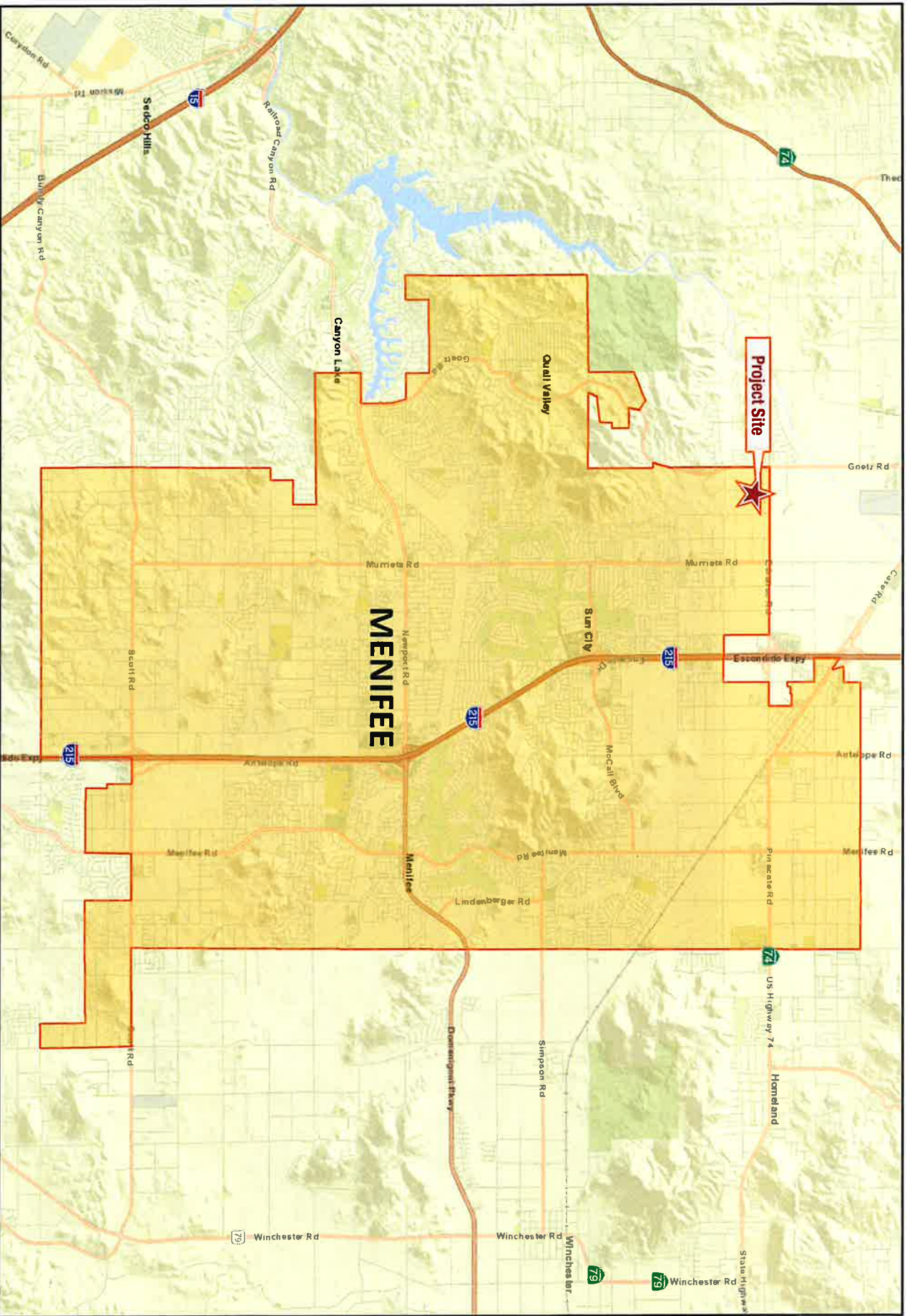
1. Develop the site in accordance with the City General Plan and Zoning in the Economic Development Corridor Northern Gateway (EDC) which envisions more intense development at the industrial boundary of the City adjacent to Ethanac Road.
2. Develop a project that will contribute to the balanced growth in the City in a responsible and strategic manner.
3. Develop an area that takes advantage of the existing infrastructure and support systems including the local workforce.
4. Positively contribute to the economy of the region through new capital investment and the creation of new employment opportunities.
5. Expand the local and regional tax base.
6. Develop a project that is economically feasible.
7. Develop and operate a project that will attract quality tenants and will be competitive with other approved or proposed similar regional facilities.
8. Develop a project that will contribute to the build out of regional road and flood infrastructure that will benefit the project as well as the broader EDC area.
9. Develop the EDC-NG, through the development of a land use consistent with the development standards, and criteria relevant to the site.
10. Facilitate the development of underutilized land currently planned for industrial uses that maximizes the use of the site and responds to regional market demand.

2.8 Discretionary Actions and Approvals

The City is the Lead Agency under CEQA and is responsible for reviewing and certifying the adequacy of the EIR for the Project. It is expected that the City, at a minimum, would consider the data and analyses contained in this EIR when making their permit determinations. Prior to development of the Project, discretionary permits and approvals must be obtained from local, state, and federal agencies, as listed below.

- **Tentative Parcel Map No. PLN 22-0041** proposes to consolidate 8 parcels into one (1) industrial parcel. The Project site is approximately 40.03 gross acres and 36.81 net acres.
- **Plot Plan No. PLN 21-0370** proposes a 700,037 square foot warehouse/industrial building with 10,000 square feet of office space and 690,037 square feet of warehouse space on a 36.8 net acre (40.03 gross acre) site. The project will provide a total of 499 vehicular parking stalls and 245 trailer stalls. There will be three (3) points of access on Byers Road and two (2) points of access on Wheat Street.

Other permits required for the Project may include, but are not limited to, the following: issuance of encroachment permits for driveways, sidewalks, and utilities; security and parking area lighting; demolition permits; building permits; grading permits; tenant improvement permits and permits for new utility connections. The Project may also require business emergency plan approval (for hazardous materials storage greater than 55 gallons, 200 cubic feet or 500 pounds or any acutely hazardous materials or extremely hazardous substances) and permits for any existing well and/or existing onsite wastewater treatment system (OWTS)/septic system removal.



Source: ESRI ArcGIS Pro.

Exhibit 2-1: Regional Vicinity Map
City of Menifee
CADO Menifee Industrial Warehouse Project



Not to Scale

Kimley»Horn



Source: ESRI ArcGIS Pro.

Exhibit 2-2: Local Vicinity Map

City of Menifee

CADO Menifee Industrial Warehouse Project



Not to Scale

Kimley»Horn

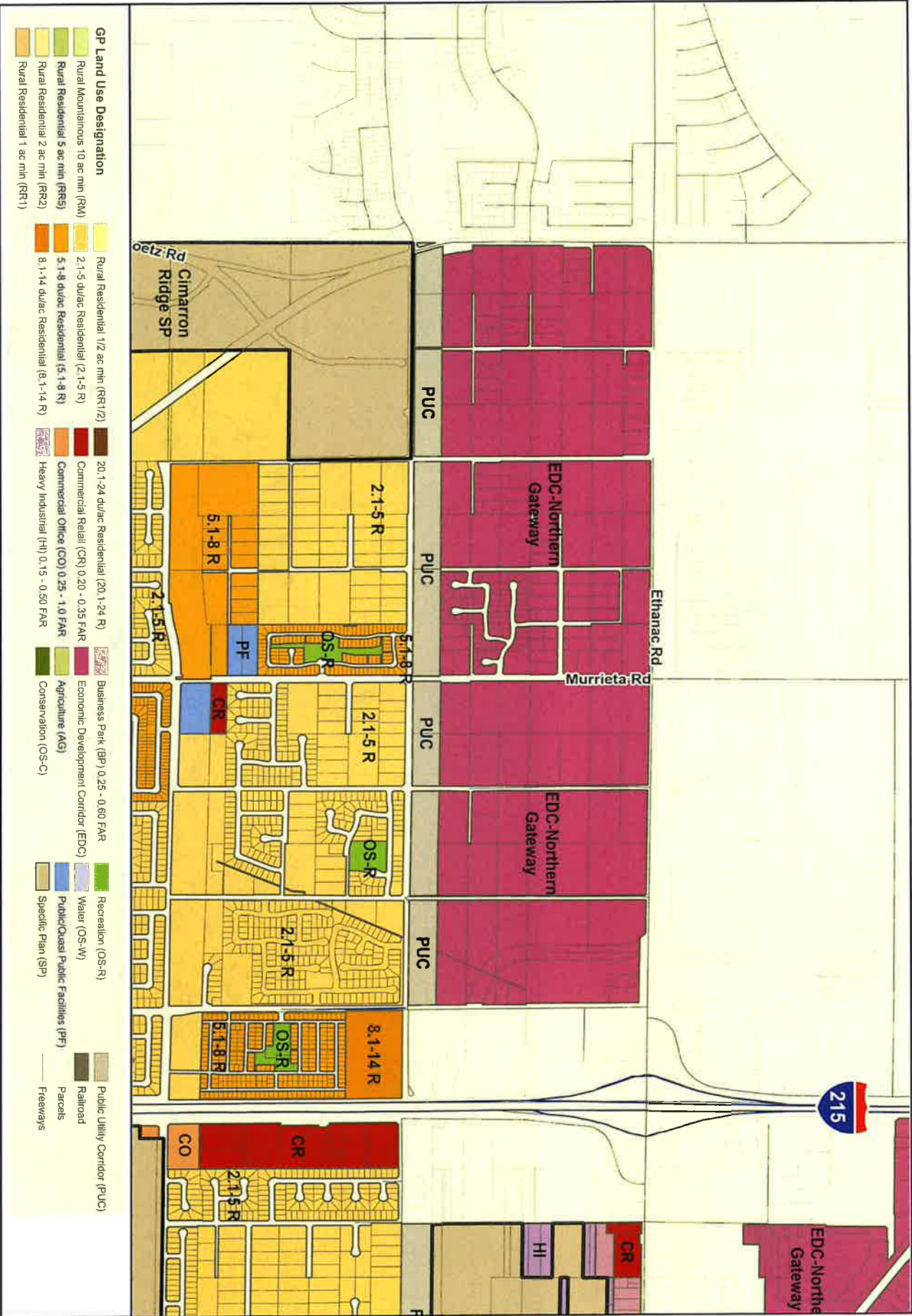
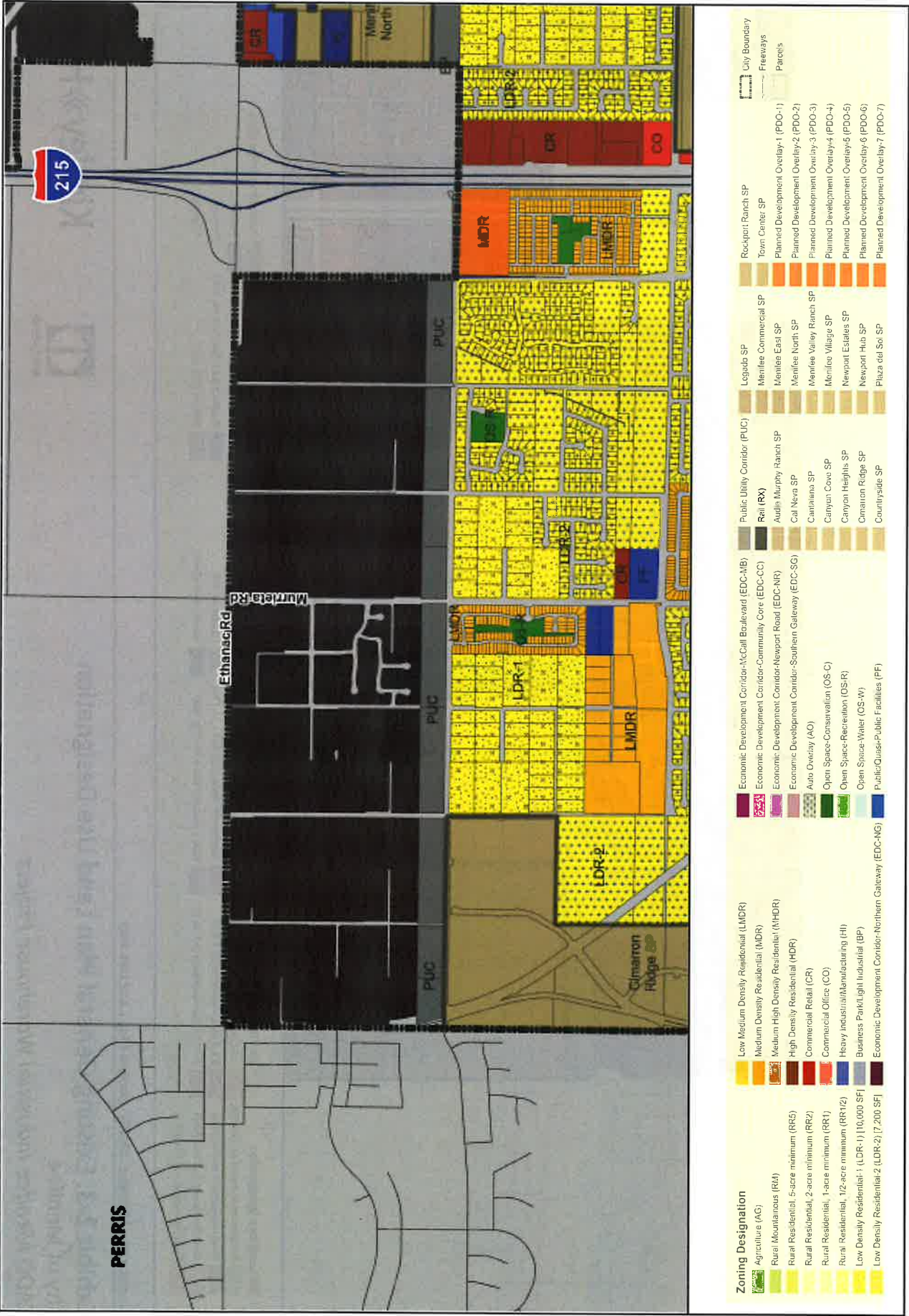


Exhibit 2-3: Existing General Plan Land Use Designation
 City of Menifee
CADO Menifee Industrial Warehouse Project



Not to Scale



Source: City of Menifee. (2023). Zoning Map

Exhibit 2-4: Existing Zoning

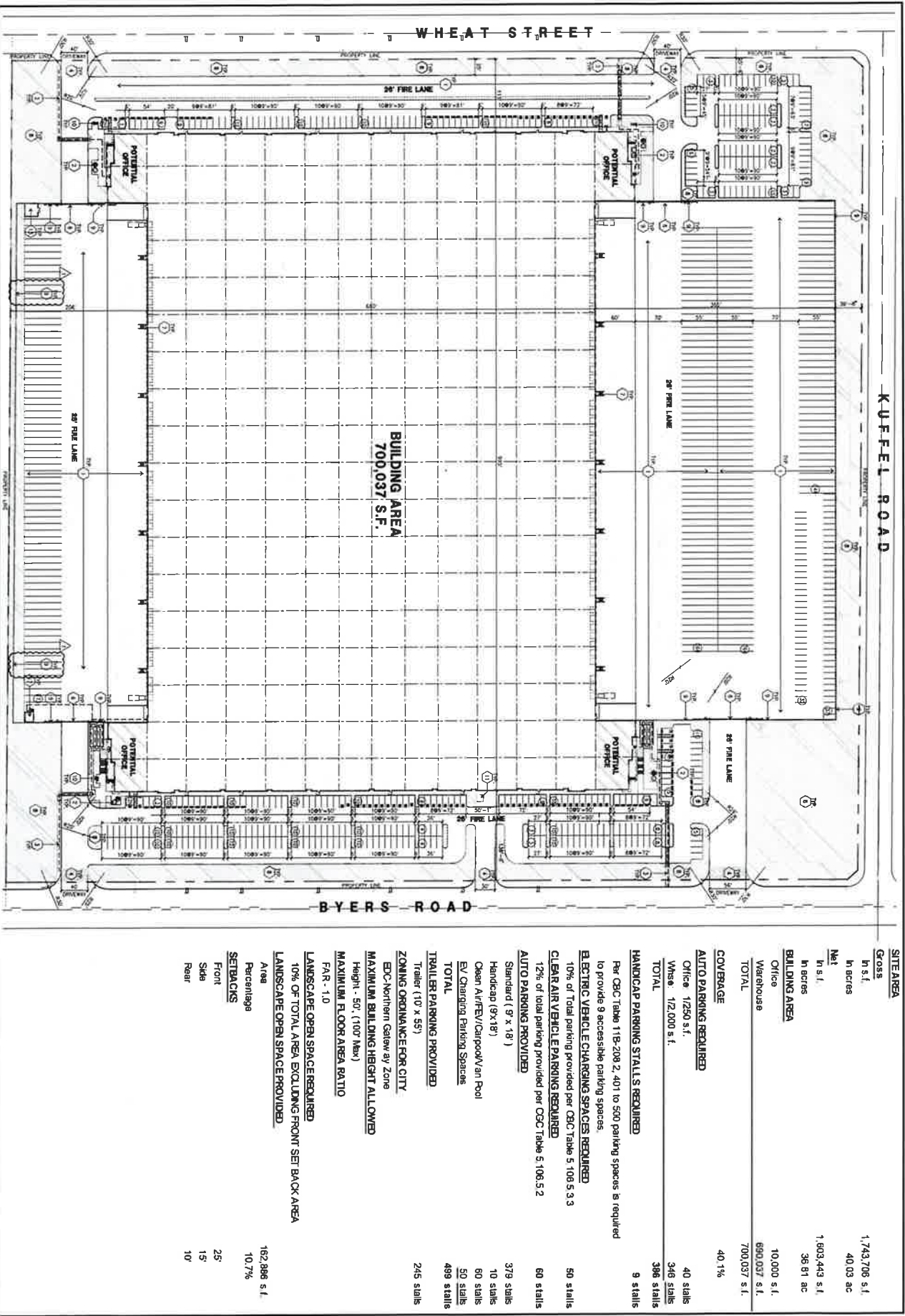
City of Menifee

CADO Menifee Industrial Warehouse Project



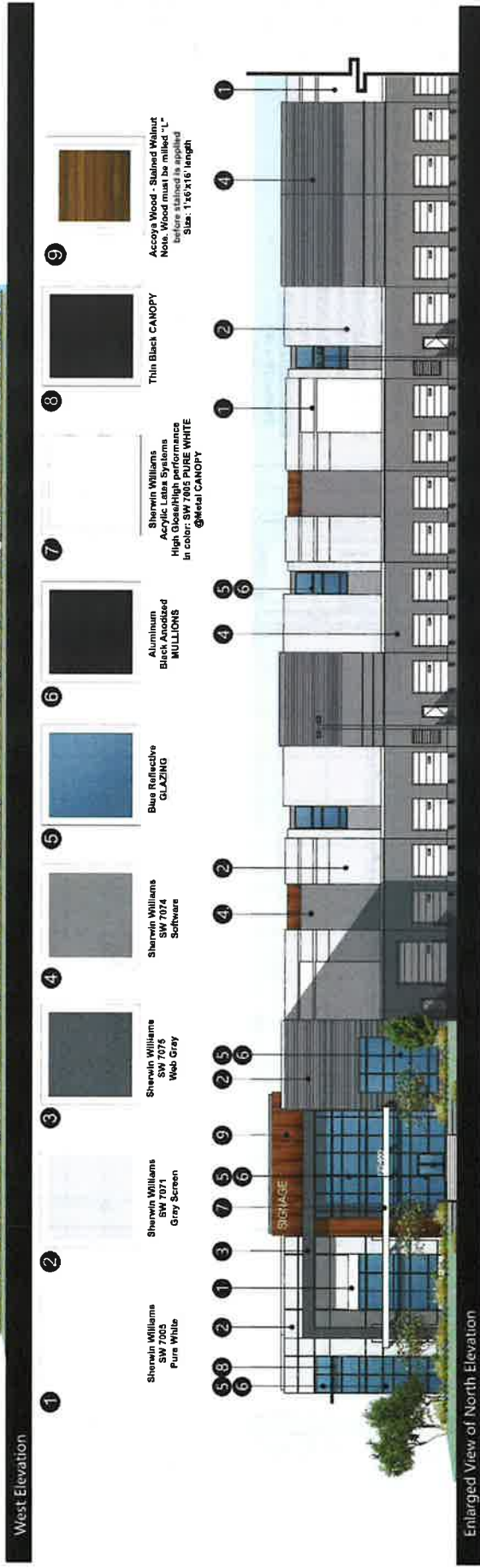
Not to Scale

Kimley-Horn



Source: HPA Architecture, (2023). Overall Site Plan

Exhibit 2-5: Conceptual Site Plan
City of Menfee
CADO Menfee Industrial Warehouse Project



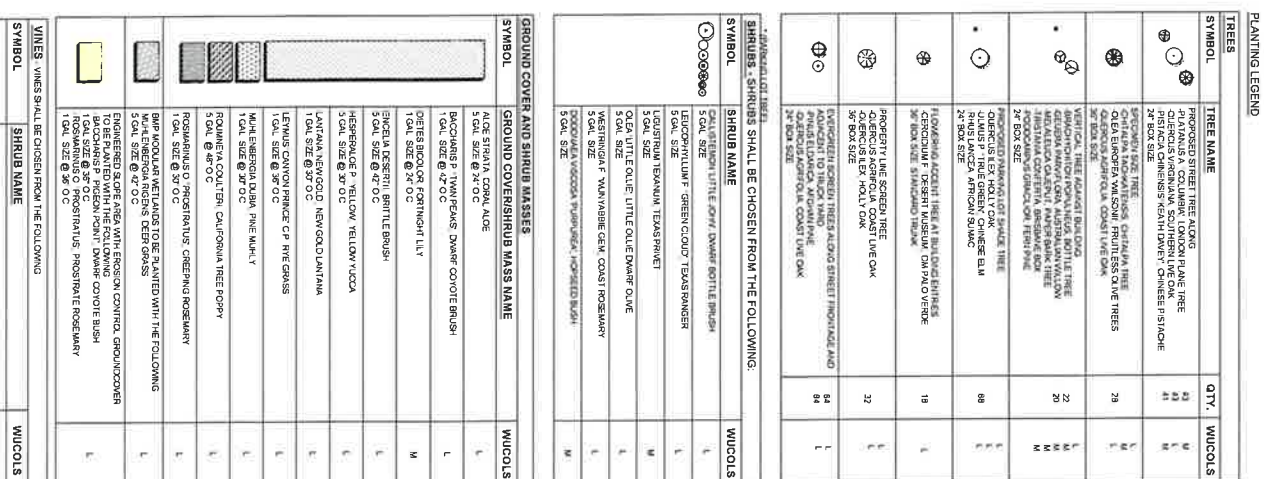
Source: HPA Architecture. (2023). Elevations

Exhibit 2-6: Conceptual Elevations

City of Menifee

CADO Menifee Industrial Warehouse Project

Kimley»Horn

[illegible]

3.0 BASIS OF CUMULATIVE ANALYSIS

3.1 Introduction

A project's cumulative impact is "an impact to which that project contributes and to which other projects contribute as well. The project must make some contribution to the impact; otherwise, it cannot be characterized as a cumulative impact of that project."¹ Under the California Environmental Quality Act's (CEQA) cumulative impact analysis requirements, the pertinent question is not only whether there is a significant cumulative impact but also whether the effects of an individual project are cumulatively considerable. Thus, the analysis must assess whether the additional amount of impact resulting from the CADO Menifee Industrial Warehouse Project (Project) should be considered significant in the context of the existing cumulative effect. Importantly, this does not mean that any contribution to a cumulative impact should be considered cumulatively considerable.

State CEQA Guidelines § 15355 provides the following definition of cumulative impacts:

"Cumulative impacts" refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- a) The individual effects may be changes resulting from a single project or a number of separate projects.
- b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

State CEQA Guidelines § 15130(a) further addresses the discussion of cumulative impacts, as follows:

- 1) As defined in § 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.
- 2) When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting the lead agency's conclusion that the cumulative impact is less than significant.
- 3) An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency

¹ *Sierra Club v. West Side Irrigation Dist.* (2005) [128 Cal.App.4th 690](#), 700.

shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

Pursuant to State CEQA Guidelines § 15130(b), the discussion of cumulative impacts shall be guided by the standards of practicality and reasonableness, and should include the following elements:

- 1) Either:
 - A. A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the Agency, or
 - B. A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projects may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.
- 2) When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.
- 3) Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.
- 4) A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available.
- 5) A reasonable analysis of the cumulative impacts of the relevant projects, including examination of reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects."

3.2 Cumulative Projects List

The cumulative study area varies from one environmental topic to another depending upon the nature of impacts related to the topic. For example, cumulative aesthetic considerations encompass the surrounding areas with direct views of the Project site, while air quality is a regional issue that is analyzed on a broader scale, and greenhouse gas emissions are analyzed on an even broader scale.

Per CEQA Guidelines Section 15130(b)(1)(A), to adequately determine the Project's potential cumulative impacts, this EIR includes the use of a list of past, present, and future projects that have been approved but are not yet constructed/occupied, and projects that are in various stages of the application and approval process but have not yet been approved; **Table 3-1: List of Cumulative Projects** and **Exhibit 3-1:**

Location of Cumulative Projects. The list of projects provided in **Table 3-1: List of Cumulative Projects** includes projects that had an active application or were undergoing environmental review at the time the Notice of Preparation (NOP) was released, this list will not change as new projects begin the application and approval process after release of the NOP or before certification of this EIR.

The cumulative impacts analyses are provided in **Sections 4.1: Aesthetics** through **4.15: Utilities and Service Systems**. These analyses describe the potential environmental changes to the existing physical conditions that may occur as a result of the Project together with the cumulative projects listed in the table. Not all related projects would contribute to significant cumulative impacts for each topical area. For example, not all related projects would have visual impacts. The cumulative impact analyses in each topical area provides an evaluation of the cumulative projects and how these would contribute to cumulative impacts. Some of the impacts are very site-specific and would not compound the impacts associated with the Project. In other cases, short-term impacts would not contribute to cumulative impacts, because the construction of the cumulative project and the development of the Project would not occur in the same time period or be near to each other.


Table 3-1: List of Cumulative Projects


Project		Land Use	Size	
1	Industrial Warehouse Building	Warehousing	2,300.000	KSF
2	Green Valley	Single-Family Detached Housing	623	DU
		Multi-family Housing (Mid-Rise)	842	DU
3	On-Deck Hotel	Convenience Market with Gasoline Pumps	6	Fueling Position
		Hotel	120	Room
		Quality Restaurant	5,500	KSF
		Fast-Food Restaurant w/o Drive-thru	3,000	KSF
		Automated Car Wash	4,500	KSF
4	Paragon Framing	High-Cube Short-Term Storage	5.000	KSF
		General Office Building	5.454	KSF
5	Perris Travel Center	Gasoline Station w/ Convenience Market	16	FP
6	MR-27 LLC	Single-Family Detached Housing	172	DU
7	Motte Country Plaza	Shopping Center	4.888	KSF
8	Ethanac Square	Automated Car Wash	2.080	KSF
9	Menifee Commerce Center	Warehousing	1,640.130	KSF
10	Forterra Pipe	General Office Building	4.200	KSF
11	Cimarron Ridge	Single-Family Detached Housing	756	DU
12	Valley Blvd Tract Map	Single-Family Detached Housing	68	DU
13	Sagewood (DR Horton)	Single-Family Detached Housing	174	DU
14	McLaughlin Village	Single-Family Detached Housing	126	DU
15	RV Supercenter	Recreational Vehicle Sales	17.600	KSF
16	Talavera (KB Homes)	Single-Family Detached Housing	173	DU
17	Legado	Single-Family Detached Housing	1,022	DU
18	Underwood KB Homes)	Single-Family Detached Housing	543	DU
19	Remington/McCall Mesa)	Single-Family Detached Housing	264	DU
20	Stonegate (Enclave)	Single-Family Detached Housing	177	DU
21	Skyview (Woodside Homes)	Single-Family Detached Housing	246	DU
22	McCall-Encanto Gas Station	Gasoline Station w/ Convenience Market	2	Fueling Position
		Fast-Food Restaurant w/ Drive-thru	3.900	KSF
		Automated Car Wash	1.040	KSF

Project		Land Use	Size	
23	McCall Square	Shopping Center	84,200	KSF
		Mini-Warehouse	150,541	KSF
24	Quail Hills	Single-Family Detached Housing	152	DU
25	Goetz/Ethanac Commercial	Convenience Market w/ Gasoline Pumps	8	Fueling Position
		Discount Home Furnishing Superstore	3	KSF
		Shopping Center	7.040	KSF
26	Barnett Warehouse	Warehousing	251.780	KSF
27	Planning Area 9	Single-Family Detached Housing	173	DU
28	Vista Ridge Apartments	Multifamily Housing (Mid-Rise)	30	DU
29	Northern Gateway Commerce Center	Warehousing	1,316.754	KSF
KSF = 1000 Square Feet; DU = Dwelling Unit; FP = Fueling Position Source: Kimley-Horn and Associates. (2022). <i>Traffic Study. Table 6</i>				



LEGEND:

 = Project Site

 = Cumulative Project

Source: Kimley-Horn and Associates. (2023). Traffic Study

Exhibit 3-1: Location of Cumulative Projects **City of Menifee** **CADO Menifee Industrial Warehouse Project**

This page intentionally left blank.

4.0 ENVIRONMENTAL IMPACT ANALYSIS

4.0.1 Approach to the Environmental Analysis

Organized by environmental resource category, **Section 4.0, Environmental Impact Analysis**, provides an integrated discussion of the affected environment including existing environmental and regulatory settings and feasible mitigation measures to reduce or avoid potentially significant impacts associated with implementation of the CADO Menifee Industrial Warehouse Project (Project). **Section 5.0, Other CEQA Considerations**, discusses including significant irreversible environmental changes, growth-inducing impacts, and mandatory findings of significance.

4.0.2 Section Content and Definition of Terms

The environmental and regulatory settings, impacts, and feasible mitigation measures related to each environmental impact area are described in **Section 4.1** through **Section 4.15**. **Section 4.0** is organized into the following environmental topic areas:

- Section 4.1: Aesthetics
- Section 4.2: Air Quality
- Section 4.3: Biological Resources
- Section 4.4: Cultural Resources
- Section 4.5: Energy
- Section 4.6: Geology and Soils
- Section 4.7: Greenhouse Gas Emissions
- Section 4.8: Hazards and Hazardous Materials
- Section 4.9: Hydrology and Water Quality
- Section 4.10: Land Use and Planning
- Section 4.11: Noise
- Section 4.12: Public Services
- Section 4.13: Transportation
- Section 4.14: Tribal Cultural Resources
- Section 4.15: Utilities and Service System

The environmental issues related to agriculture and forestry resources, mineral resources, population and housing, recreation, and wildfire were found to result in no impacts or less than significant impacts. Therefore, these environmental topics are discussed in **Section 7.0, Effects Not Found to be Significant**.

Each section is organized into the following subsections:

- **“Introduction”** briefly introduces the section’s purpose, environmental issues that would be addressed, and key source documentation used to prepare the analysis.
- **“Environmental Setting”** provides an overview of the existing physical environmental conditions in the study area that could be affected by implementation of the Project.
- **“Regulatory Setting”** identifies the plans, policies, laws, and regulations that are relevant to each resource area and describes permits and other approvals necessary to implement the Project. As noted above, the Draft EIR needs to address possible conflicts between the Project and the requirements of federal, state, regional, or local agencies, including consistency with adopted land use plans, policies, or other regulations for the area. Therefore, this subsection summarizes

or lists the potentially relevant policies and objectives, such as from the applicable City of Menifee General Plan and Municipal Code.

- **“Impact Thresholds and Significance Criteria”** provides the criteria used in this document to define the level at which an impact would be considered significant in accordance with CEQA. Significance criteria used in this Draft EIR are based on the checklist presented in Appendix G of the State CEQA Guidelines, factual or scientific information and data, and regulatory standards of federal, state, regional, and local agencies.
- **“Impacts and Mitigation Measures”** are listed numerically and sequentially throughout each section. A bold font impact statement precedes the discussion of each impact and provides a summary of each impact and its level of significance. The discussion that follows the impact statement includes the analysis on which a conclusion is based regarding the level of impact.
- **“Cumulative Impacts”** identifies potential environmental impacts of past, present, and reasonably foreseeable future projects, in combination with the Project.
- **“Significant Unavoidable Impacts”** describes impacts that would be significant and cannot be feasibly mitigated to a less than significant impact, and thus would be unavoidable. To approve a project with unavoidable significant impacts, the lead agency must adopt a Statement of Overriding Considerations. In adopting such a statement, the lead agency is required to balance the benefits of a project against its unavoidable environmental impacts in determining whether to approve the project. If a project’s benefits are found to outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” (State CEQA Guidelines § 15093(a)).
- **“References”** identifies the sources used in and throughout the subsection.

A project’s impact is determined by comparing anticipated effects to the existing conditions of an area, in light of the thresholds of significance identified in the Draft EIR. Under CEQA, the existing environmental setting normally represents baseline conditions against which impacts are compared to determine significance. The environmental baseline is typically set as the date of Notice of Preparation distribution unless more recent data is determined appropriate for utilization in the Draft EIR. Project component-specific analyses are conducted to evaluate each potential impact on the existing environment.

If necessary, feasible “Mitigation Measures” are recommended to avoid, minimize, offset, or otherwise compensate for significant and potentially significant impacts of the Project, in accordance with the State CEQA Guidelines (§ 15126.4). Each mitigation measure is identified by resource area, numerically, and sequentially. For example, mitigation measures in **Section 4.2, Air Quality**, are numbered **AQ-1, AQ-2**, and so on. **Sections 4.1 through 4.15** provide a brief discussion of the potentially significant impacts versus a given mitigation measure, if applicable.

A significant effect on the environment is defined for CEQA purposes as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project. A potentially significant impact is one that, if it were to occur, would be considered a significant impact; however, the occurrence of the impact is uncertain. A “potentially significant” impact and “significant” impact are treated the same under CEQA in terms of procedural requirements and the need to identify

feasible mitigation. A “less than significant” impact is one that would not result in a substantial adverse change in the physical environment (applicable significance thresholds would not be exceeded in consideration of Project design features and existing laws, ordinances, standards, or regulations).

Both direct and indirect effects of the Project are evaluated for each environmental resource area. Direct effects are those that are caused by the action and occur at the same time and place. Indirect effects are reasonably foreseeable consequences that may occur at a later time or at a distance that is removed from the Project area, such as growth-inducing effects and other effects related to changes in land use patterns, population density, or growth rate, and related effects on the physical environment.

When there is no impact, or the impact is determined to be “less than significant” prior to mitigation, no mitigation measures are required. Where sufficient feasible mitigation is not available to reduce impacts to a less than significant level, the impacts are identified as remaining “significant and unavoidable.”

4.1 AESTHETICS

4.1.1 Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions related to aesthetics and other visual resources in the vicinity of the CADO Menifee Industrial Warehouse Project (Project), within the City of Menifee (City). Impacts are discussed in terms of the changes that would result from Project implementation and includes analysis of adverse effects on a scenic vista(s), changes to scenic resources (e.g., trees, rock outcroppings, or historic buildings) within a state scenic highway, consistency with applicable zoning and other regulations governing scenic quality, and the introduction of new sources of substantial light or glare. As necessary, feasible mitigation measures to avoid and/or reduce the significance of impacts are recommended.

This section and environmental discussion use information from the following City of Menifee (City) documents:

- City of Menifee General Plan (GP)
- City of Menifee GP Final Environmental Impact Report (EIR)

Visual Resource Terminology and Concepts

When viewing a landscape, people can have different responses to that landscape based on what is seen, their expectations of views, and because of proposed or current changes to the visual landscape. Viewer responses will vary based upon the viewer's values, familiarity, concern, or expectations of that landscape as well as the scenic quality. Because each person's attachment to and value for a landscape is unique, visual changes to that landscape inherently affect viewers differently. Nonetheless, generalizations can be made about viewer sensitivity to scenic quality and visual changes. Recreational users (e.g., hikers, equestrians, tourists, and people driving for pleasure) generally have high concern for scenery and landscape character. People commuting daily through the same landscape generally have a moderate concern for scenery, while people working at an industrial site would generally have a lower concern for scenic quality or changes to existing landscape character. Regarding travelers navigating through a landscape, the visual sensitivity of these types of viewers is affected by the travel speed at which they are moving, the landscape they are viewing, and area in which they are traveling, for example, an interstate or scenic highway. Other considerations may include changes as seen by viewers from hiking trails or stationary viewers from a residence.

The visual sensitivity of a viewer also is affected by variables such as the viewing distances to the landscape. For example, a project feature or natural environment can be perceived differently by people depending on the distance the observer is from the viewed object. At closer ranges greater detail of an object or landscape is visible. In these instances, changes to viewed object have a greater potential to influence the visual quality of the object because changes to form or scale (the object's relative size in relation to the viewer) are more noticeable. When the same object is viewed at background distances, details may be imperceptible while changes to the overall forms of terrain and vegetation may be evident. In the middle ground, some detail is evident (e.g., the foreground), and landscape elements are seen in

context with landforms and vegetative patterns (e.g., the background). Nonetheless, changes in views from all distances can result in negative consideration from viewers.

Specific terms and concepts are used to assess the visual elements, aesthetic setting, and potential for a project to have effects on visual resources. These terms are included in the discussions throughout this section and are listed below.

Scenic Vista. An area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. This includes any such areas designated by a federal, state, or local agency.

Scenic Highway. Any stretch of public roadway that is designated as a scenic corridor by a federal, state, or local agency.

Sensitive Receptors. Viewer responses to visual settings are inferred from a variety of factors, including distance and viewing angle, types of viewers, number of viewers, duration of view, and viewer activities. The viewer type and associated viewer sensitivity are distinguished among project viewers in recreational, residential, commercial, military, and industrial areas. Viewer activities can range from a circumstance that encourages a viewer to observe the surroundings more closely (such as recreational activities) to one that discourages close observation (such as commuting in heavy traffic). Viewers in recreational areas are considered to have high sensitivity to visual resources. Residential viewers generally have moderate sensitivity but extended viewing periods. Viewers in commercial, military, and industrial areas are generally considered to have low sensitivity.

Viewshed. A project's viewshed is defined as the surrounding geographic area from which the project is likely to be seen, based on topography, atmospheric conditions, land use patterns, and roadway orientations. "Project viewshed" is used to describe the area surrounding a project site where a person standing on the ground or driving a vehicle can view the project site.

Visual character typically consists of landforms, vegetation, water features, and cultural modifications that impart an overall visual impression of an area's landscape. Scenic areas typically include open space, landscaped corridors, and viewsheds. Visual character is influenced by many different landscape attributes including color contrasts, landform prominence, repetition of geometric forms, and uniqueness of textures among other characteristics.

4.1.2 Environmental Setting

Existing Visual Setting

The Project site is approximately 40 gross acres and is comprised of eight parcels. The Project site is predominately vacant with two single residences and associated accessory structures on a single parcel. According to the United States Geological Survey (USGS) Romoland, California Quadrangle 7.5-minute topographic map, the Project site is located at approximately 1,430 feet above mean sea level (MSL). The contour lines in the area of the subject property indicate the area is sloping toward the north-northeast.

Views of the Project sites includes scattered existing rural residential homes and outbuildings, and vacant land. North of the Project site is Kuffel Road and existing land uses include existing rural residential homes and outbuildings, and a stormwater treatment basin. East of the Project site is Byers Road and existing land uses include vacant undeveloped land and a single-family residence with associated out structures. South of the Project site is Corsica Lane and vacant undeveloped land and a single-family residence with associated out structures. Lastly, west of the Project site is Wheat Street, vacant undeveloped land, and commercial uses including the Carron Automotive Repair shop, located along Aaron Alan Drive.

Scenic Vistas

Topography and a lack of dense vegetation or urban development offer scenic views throughout the City, including to and from hillside areas. According to the City's General Plan Draft EIR Section 5.1, scenic features in the City include gently sloping alluvial fans, rugged mountains and steep slopes, mountain peaks and ridges, rounded hills with boulder outcrops, farmland, and open space. Scenic vistas provide views of these features from public spaces. Scenic views from the City and Project site include the San Jacinto Mountains to the east-northeast and east, the San Bernardino Mountains to the north, the San Gabriel Mountains to the northwest, and the Santa Ana Mountains to the west and southwest.¹

The City of Menifee General Plan (Menifee GP) does not officially designate any scenic vistas near the Project site. The closest visible scenic vistas to the Project site are the hillsides west of Goetz Road within the City of Perris, Goetz Road is approximately 0.50 miles to the west of the Project site. According to Menifee GP Exhibit OSC-2, Quail Valley, located to the south of the Project site, has a number of steep hillsides that influence development patterns in the area. Menifee's two tallest peaks-Quail Hill at 2,250 feet and Bell Mountain at 1,850 feet-are important landmarks in the City.

Scenic Highways

The Menifee GP identifies enhanced landscape corridors and scenic corridors in the City (https://www.cityofmenifee.us/DocumentCenter/View/1061/Exhibit_CD-2_Corridors_HD0913?bidId=) and scenic highways (https://www.cityofmenifee.us/DocumentCenter/View/1025/C-8-Scenic_Highways_HD0913?bidId=). The Project site is located south of Ethanac Road which is an "Enhanced Landscape Corridor."

There are no scenic highways officially designated by California Department of Transportation (Caltrans) in or near the City. According to Menifee GP Exhibit CD-8, State Highway (SH) 74, located to the northeast of the Project, is currently eligible for state scenic highway designation by Caltrans. The eligible segment of SH 74 extends from Interstate 5 (San Juan Capistrano) to SH 111 in Palm Desert.² SH 74 is located approximately 2.2 miles to the northeast of the Project site, due to the distance between the Project and SH 74, it is not anticipated that the Project would obstruct views from this highway.

¹ City of Menifee. (2013). *Menifee General Plan Draft Environmental Impact Report, Section 5.1: Aesthetics*. <https://www.cityofmenifee.us/DocumentCenter/View/1101/Ch-05-01-AE?bidId=> (accessed August 2023).

² State of California. Scenic Highways <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

Light and Glare

Light and glare sources around the Project site are typical to those found in semi-urban environments. Primary sources of light and glare include adjacent residential and commercial development, and roadways from vehicle headlights. There are no streetlights present along roadways adjacent the Project site (Byers Road, Kuffel Road, Wheat Road and Corsica Lane).

4.1.3 Regulatory Setting

State

California Department of Transportation

The California Scenic Highway Program (CSHP) was created in 1963 to preserve and protect highway corridors in areas of outstanding natural beauty from changes that would diminish the aesthetic value of the adjacent lands. Caltrans designates highways based on how much of the landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which views are compromised by development.

Caltrans manages the CSHP, which is intended to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. State laws governing State Scenic Highways are found in Streets and Highways Code §§ 260 to 263. A highway may be designated as scenic based on certain criteria, including how much of the natural landscape can be seen by travelers, the landscape's scenic quality and the extent to which development intrudes on the traveler's enjoyment of the view. The CSHP's Scenic Highway System List identifies scenic highways that are either eligible for designation or have already been designated as such.

Section 261 requires local government agencies to take the following actions to protect the scenic appearance of a scenic corridor:

- Regulate land use and density of development
- Provide detailed land and site planning
- Prohibit off-site outdoor advertising and control on-site outdoor advertising
- Pay careful attention to and control of earthmoving and landscaping
- Scrutinize the design and appearance of structures and equipment

Official designation requires a local jurisdiction to enact a scenic corridor protection program that protects and enhances scenic resources.

Local

City of Menifee General Plan

Community Design Element

The Menifee GP Community Design Element is intended to enhance the current community identity through the identification of design techniques, guidelines, and features that will enhance the visual

character of the City and its neighborhoods. It serves as a practical guide to City leaders, developers, business owners, and residents as they provide direction to implement new projects and is intended to stimulate design creativity in the City.³

Goals and policies from the Community Design Element applicable to the Project include:

- Goal CD-3** **Projects, developments, and public spaces that visually enhance the character of the community and are appropriately buffered from dissimilar land uses so that differences in type and intensity do not conflict.**
- Policy CD-3.3** Minimize visual impacts of public and private facilities and support structures through sensitive site design and construction. This includes, but is not limited to: appropriate placement of facilities; undergrounding, where possible; and aesthetic design (e.g., cell tower stealthing).
- Policy CD-3.5** Design parking lots and structures to be functionally and visually integrated and connected; off-street parking lots should not dominate the street scene.
- Policy CD-3.8** Design retention/detention basins to be visually attractive and well integrated with any associated project and with adjacent land uses.
- Policy CD-3.10** Employ design strategies and building materials that evoke a sense of quality and permanence.
- Policy CD-3.14** Provide variations in color, texture, materials, articulation, and architectural treatments. Avoid long expanses of blank, monotonous walls or fences.
- Policy CD-3.15** Require property owners to maintain structures and landscaping to high standards of design, health, and safety.
- Policy CD-3.16** Avoid use of long, blank walls in industrial developments by breaking them up with vertical and horizontal façade articulation achieved through stamping, colors, materials, modulation, and landscaping.
- Policy CD-3.17** Encourage the use of creative landscape design to create visual interest and reduce conflicts between different land uses.
- Policy CD-3.19** Design walls and fences that are well integrated in style with adjacent structures and terrain and utilize landscaping and vegetation materials to soften their appearance.
- Policy CD-3.20** Avoid the blocking of public views by solid walls.
- Goal CD-6** **Attractive landscaping, lighting, and signage that conveys a positive image of the community.**
- Policy CD-6.3** Require property owners to maintain the existing landscape on developed nonresidential sites and replace unhealthy or dead landscaping.

³ City of Menifee. (2013). *Menifee General Plan Community Design Element*. Retrieved at: <https://www.cityofmenifee.us/882/Community-Design-Element> (accessed August 2023).

Policy CD-6.4 Require that lighting and fixtures be integrated with the design and layout of a project and that they provide a desirable level of security and illumination.

Policy CD-6.5 Limit light leakage and spillage that may interfere with the operations of the Palomar Observatory.

City of Menifee Municipal Code

Title 9: Planning and Zoning Chapter 9.205 Lighting Standards

Menifee MC Chapter 9.205 establishes lighting standards to encourage effective, nondetrimental lighting; maintain nighttime safety, utility, security and productivity; and encourage lighting practices and systems which will minimize light pollution. Prevent glare and light trespass, conserve energy and resources, and curtail the degradation of the nighttime visual environmental, and preserve the visibility of night skies in accordance with the lighting Standards requirements set forth in Chapter 6.01 (Dark Sky, Light Pollution) of this MC. If there is any conflict between this Chapter and Chapter 6.01, the more restrictive shall apply.

City of Menifee Design Guidelines

Industrial Design Guidelines

Some general standards concerning design, landscaping, screening and light and glare that apply site-wide include:

- Where industrial uses are adjacent to sensitive non-industrial uses, appropriate buffering techniques, such as setbacks, screening, and landscaping, should be provided to mitigate any negative effects of industrial operations.
- Architectural enhancements, windows, special landscaping and hardscape treatments and other design features that will provide interest should be concentrated in areas visible from public view and public areas within the site. This includes views from streets, freeways, and the public areas of adjacent properties.
- Project sites shall be designed so that areas used for loading, outdoor storage (where allowed), and other potentially unsightly areas are screened from public view.
- Specialty (decorative) paving material should be provided to enhance and identify main driveway entries, transitions from public to private streets, building entries, plazas, seating areas and the like.
- Building mass is the preferred method for screening loading areas and outdoor storage areas. Where building mass is not utilized, a combination of screen walls, berms, landscaping and elevation changes are to be used to screen public views.
- Large areas of smooth finish concrete wall panels should be enhanced with some form of texture. Consider using heavy textured paint or forming textures into selected areas of wall panels to avoid a glossy/ high glare look on building surfaces.
- Screen walls and fences should not exceed a height of 8 feet. When additional height is needed to provide adequate screening, berms within landscaped areas should be provided to reduce the

perceived height of the wall as seen from public view. The height from the top of the berm to the top of the wall should not exceed 8 feet. The berm/landscape area in front of the screen wall should be landscaped with shrubs and trees that will, at maturity, exceed the height of the wall.

- Landscaping should be grouped into larger areas, rather than distributing it into areas of little impact such as behind buildings, internal yard/loading areas and other areas outside of the public view. An exception to this provision occurs when such landscaping is needed for buffer or screening purposes.
- Lighting, including security lighting, should be carefully designed to avoid direct glare into neighboring properties and to be architecturally compatible with the character of the development.
- Lighting should be used to provide for illumination for the security and safety of on-site areas such as parking, loading, shipping and receiving, pathways and other work areas.
- Building entrances and street numbers should be well-lit and illuminated to be visible from the street.

Industrial Good Neighbor Policies⁴

The purpose of the Good Neighbor Policies (Policies) is to provide local government and developers with ways to address environmental and neighborhood compatibility issues associated with permitting warehouse, logistics and distribution facilities. The intent of the City's Good Neighbor Policies, in siting new warehouse, logistics and distribution uses, include:

- Minimize impacts to sensitive uses.
- Protect public health, safety, and welfare by regulating the design, location and operation facilities.
- Protect neighborhood character of adjacent communities.

The Policies apply to all new warehouse, logistics and distribution facilities ("industrial uses"), any building larger than 100,000 square feet in size or any sized building with more than 10 loading bays (dock-high). The Industrial Good Neighbor Policies apply to the Project, and the Project would comply with the General Performance Standards associated with site design, access, and layout.

4.1.4 Impact Thresholds and Significance Criteria

State California Environmental Quality Act (CEQA) Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- Except as provided in Public Resources Code Section 21099, would the project:
 - Have a substantial adverse effect on a scenic vista?

⁴ City of Menifee. 2020. *Industrial Good Neighbor Policies*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/16937/Industrial-Good-Neighbor-Policies?bidId=> (Accessed October 2023).

- Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Methodology and Assumptions

The Project site is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning aesthetics. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the potentially significant environmental impacts at the Project site.

Approach to Analysis

This analysis of impacts on aesthetic resources examines the temporary (i.e., construction) and permanent (i.e., operational) effects based on significance criteria/threshold's application outlined above. For each criterion, the analyses are generally divided into two main categories: (1) temporary impacts and (2) permanent impacts. Each criterion is discussed in the context of Project site and the surrounding characteristics and geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are from field observations conducted by Kimley-Horn personnel on May 2022; review of Project site plan, maps, and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on scenic resources or visual character considers the site's aesthetic resource value and the severity of the Project component's visual impact (e.g., the nature and duration of the impact). For example, a Project component resulting in a severe impact on a site with a low aesthetic resource value would result in a less than significant impact concerning scenic or visual character. In other words, new conspicuous structures or visual changes in areas with a low aesthetic resource value may not necessarily result in substantial adverse effects on visual resources.

4.1.5 Impacts and Mitigation Measures

Impact 4.1-1 *Would the Project have a substantial adverse effect on a scenic vista?*

Level of Significance: Less than Significant Impact

Construction and Operations

Construction activities would result in temporary changes to the visual characteristics of the site as viewed from the surrounding uses from temporary grading, equipment staging, and associated building construction associated with the Project would result in temporary changes to the existing visual characteristics of the Project site as viewed immediately from surrounding properties near Wheat Street, Byers Street, Kuffel Road, and Corsica Lane. Temporary changes would also occur from motorists along Ethanac Road to the north. Construction activities are anticipated to last for 11 to 14 months within one phase.

Although buildout of the Project would convert the existing predominately vacant land with two residences to industrial uses, the Project would be designed in accordance with applicable state and local regulations including Menifee Municipal Code (Menifee MC), Industrial Design Guidelines, City of Menifee Industrial Good Neighbor Policies, and GP Policies. As noted in **Section 2.0, Project Description**, and as shown in **Exhibit 2-6: Conceptual Elevations**, the proposed building height for the vast majority of the warehouse would be 45 feet 6 inches which is well within the maximum allowed building height of 100' for industrial buildings. The proposed building height would not exceed the allowed 100 feet building height within the Economic Development Corridor – Northern Gateway (EDC-NG) zoning district.

Consistent with Menifee MC design standards, Design Guidelines, Industrial Good Neighbor Policies, and GP Policies, the Project would also include setbacks (i.e., berms and landscape) and the proposed warehouse building would be sited away to screen the warehouse from surrounding properties.

Lastly, the Menifee GP does not officially designate any scenic vistas near the Project site. Since the Project site would be developed in accordance with Menifee MC design standards, Design Guidelines, Industrial Good Neighbor Policies, and GP Policies and because of the limited or non-existent scenic vistas, the Project would not adversely affect a scenic vista. Impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.1-2 *Would the Project Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Level of Significance: No Impact

Construction and Operations

As previously discussed in Section 4.1.2, the Project site is not located near a scenic highway or scenic vista. Menifee GP Exhibit CD-2 shows that the Project is located near an “Enhanced Landscape Corridor”, located along Ethanac Road to the north.

As shown in the Caltrans State Scenic Highway System Map and Menifee GP Exhibit CD-8, there are no state or county scenic highways officially designated in or near the City. State Highway (SH) 74, located approximately two miles to the northeast is currently eligible for scenic highway designation, but is not officially designated as a scenic highway. Even if SH 74 is officially designated as a state scenic highway, the Project site is 2.2 miles southwest from SH 74, which indicates that no impact would occur. Concerning the Enhanced Landscape Corridor near the Project at Ethanac Road, construction activities would be conducted in accordance with applicable state and local standards and regulations. Furthermore, the Project's proposed components would be developed in compliance with applicable Menifee GP Policies and MC design standards and regulations to ensure no impacts to Ethanac Road would occur.

Therefore, construction and operation of the Project site would not damage or obstruct a scenic resource (i.e., trees, rock outcroppings, or historic buildings) within a state scenic highway. No impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.1-3 Would the Project In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Level of Significance: Less than Significant Impact

Public Resources Code § 21071 defines an urbanized area as:

- a) An incorporated city that meets either of the following criteria:
 - 1) Has a population of at least 100,000 persons.
 - 2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.

According to the U.S. Census Bureau⁵, the 2020 population of Menifee was 102,527 and therefore meets criterion a-1. Thus, a-1 is applicable to the Project. This discussion will analyze whether or not the Project would conflict with applicable zoning and other regulations governing scenic quality.

Construction and Operations

The Project would be consistent with the site's applicable General Plan land use designation and zoning district. Project construction and operation would comply with the EDC-NG District development standards.

The Project's construction activities would be limited to an assumed construction time. However, buildout of the Project would permanently change the existing setting for industrial uses consisting of one tilt-up

⁵ U.S. Census Bureau. (2022) *Quickfacts – City of Menifee*. Retrieved from: <https://www.census.gov/quickfacts/fact/table/menifeecitycalifornia/POP010220#POP010220> (accessed August 2023).

warehouse and associated infrastructure. As previously discussed in Impact 4.1-1, the proposed Project components would be designed in accordance with applicable state and local regulations including, but not limited to Menifee GP Policies and MC industrial design guidelines. The Project site would incorporate trees along the Project site property line to buffer public views, in compliance with Title 9 of the City's MC. This would ensure that the Project does not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

Since the Project would be consistent with existing zoning and would be designed to not degrade the existing visual character of the area, impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.1-4 *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Level of Significance: Less than Significant Impact

Construction

As previously discussed, the Project site is largely undeveloped with two residencies at the Project's northeastern portion. Immediately north of the Project site are existing single-family residential development, while areas to the immediate east, south, and west are mostly undeveloped vacant land with scattered single-family residences. Minimal sources of light and glare currently exist in the Project's immediate vicinity. Existing lighting sources include outdoor lighting and lighting emitted from the surrounding single-family residences, and from vehicle headlights from the surrounding roadways.

Although construction activities associated with the Project would create a new source of light and glare versus the existing conditions, construction activities would be limited to daytime hours of construction, as regulated by the Menifee MC. Menifee MC § 8.01.010 Hours of Construction states "Any construction within the city located within one-fourth mile from an occupied residence shall be permitted Monday through Saturday, except nationally recognized holidays, 6:30 a.m. to 7:00 p.m. There shall be no construction permitted on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer."⁶ Nighttime lighting would not be required until the site is operational. Therefore, no short-term construction impacts associated with light and glare would occur and the impact would be less than significant.

Operations

The proposed warehouse and associated infrastructure would be designed with both interior and exterior lighting. The Project's lighting would be consistent with Menifee GP Policy CD-6.4 and MC Chapter 9.205, Lighting Standards which states that all lighting, including spotlights, floodlights, electrical reflectors, and other means of illumination for signs, structures, landscaping, parking, loading, unloading and similar

⁶ City of Menifee. (2023). *Menifee Municipal Code*. Retrieved from: https://codelibrary.amlegal.com/codes/menifee/latest/menifee_ca/0-0-0-1773 (accessed August 2023).

areas shall be focused, directed, and arranged to prevent glare or direct illumination on streets or adjoining property. Concerning glare, the proposed warehouse windows would be designed with non-reflective material to minimize glare from natural lighting. Therefore, impacts concerning light and glare during the Project's operational phase would be less than significant.

Mitigation Measures

No mitigation is necessary.

4.1.6 Cumulative Impacts

For purposes of aesthetic resource impact analysis, cumulative impacts are considered for cumulative development according to the related projects; see **Table 3-1: List of Cumulative Projects**.

When evaluating cumulative aesthetic impacts, several factors must be considered. The context in which the Project is being viewed would also influence the potential significance of a cumulative aesthetic impact. Although the Project would result in a change in visual contrast with the surrounding uses, the Project would be consistent with the existing General Plan land use designation and Zoning district for the Project site. The Project, taken in sum with other past, present, and reasonably foreseeable projects would not substantially affect the views of the San Gabriel Mountains to the northwest of the Santa Ana Mountains to the west and southwest, which do not provide a unique or special view to the area. The City is becoming more urbanized and the contrast of the potential development, in comparison to the surrounding natural environment would be minimal.

A majority of the Project site is vacant land that has been subject to a variety of anthropogenic disturbances associated with historic agricultural activities, and routine weed abatement/disking activities. The ground-surface of vacant land is dominated by dense native grasses and weeds, and heavily compacted soils. The Project site also contains non-conforming single-family residences and accessory structures.

The Project site is located in the Economic Development Corridor-Northern Gateway land use and zoning designation. The EDC-NG designation was envisioned by the City as an employment center that focuses on providing opportunity for business park development and more traditional industrial development. The Project would be consistent with the EDC-NG designation and introduce the development of approximately 700,037 square feet (SF) of industrial warehouse space (including office space) within one building. The Project includes irrigated landscape areas comprising of approximately 162,886 SF, which is 10.7 percent landscaping on the Project site. Landscaping will be provided along all streets in the parkway, on the front setbacks, on all sides of the Project site, adjacent to the building on the south, east, and west sides, and throughout the parking areas. The Project would also include a detention basin that would screen the building from the residential uses located north of the Project. The detention basin area would be landscaped with grasses and shrubs tolerant of seasonal water inundation.

For a cumulative aesthetic impact to occur, the cumulative nature of the Project site taken with other projects, as seen together or in proximity to each other must be cumulatively considerable. As concluded in the impact analysis above, the Project's potential aesthetic impacts related to views, aesthetics, and

light and glare are less than significant. Mitigation measures beyond the required conformance to applicable policies and guidance in the Menifee MC design standards, Design Guidelines, Industrial Good Neighbor Policies, and GP Policies, are not required. Cumulative projects are required to adhere to similar state and local regulations including applicable general plan policies and municipal code design standards to ensure that impacts to aesthetic resources are minimized. Therefore, the Project's impacts to aesthetic resources would not be cumulatively considerable.

4.1.7 Significant Unavoidable Impacts

No significant unavoidable impacts concerning aesthetic resources were identified.

4.1.8 References

City of Menifee. (2020). *Industrial Good Neighbor Policies*. Retrieved at:

<https://www.cityofmenifee.us/DocumentCenter/View/16937/Industrial-Good-Neighbor-Policies?bidId=> (accessed October 2023).

City of Menifee. (2013). *Menifee General Plan Draft Environmental Impact Report, Section 5.1:*

Aesthetics. <https://www.cityofmenifee.us/DocumentCenter/View/1101/Ch-05-01-AE?bidId=>.

City of Menifee. (2013). *Menifee General Plan Community Design Element*. Retrieved at:

<https://www.cityofmenifee.us/882/Community-Design-Element>.

City of Menifee. (2023). *Menifee Municipal Code*. Retrieved from:

https://codelibrary.amlegal.com/codes/menifee/latest/menifee_ca/0-0-0-1773.

U.S. Census Bureau. (2022). *Quickfacts – City of Menifee*. Retrieved from:

<https://www.census.gov/quickfacts/fact/table/menifeecitycalifornia/POP010220#POP010220>.

4.2 AIR QUALITY

4.2.1 Introduction

This section of the Draft Environmental Impact Report (EIR) discusses potential air quality impacts associated with development and implementation of the CADO Menifee Industrial Warehouse Project (Project). The current conditions were observed as the baseline for the analysis and were compared to the potential effects anticipated for the Project. The ambient air quality of the local and regional area is described, along with relevant federal, State, regional, and local air pollutant regulations. Feasible mitigation measures to avoid/reduce impacts are identified, as needed.

This analysis is based primarily on the following technical report located in **Appendix B, Air Quality and Health Risk Assessments**.

- Kimley-Horn & Associates. (2024). *Air Quality Assessment*. (**Appendix B1**)
- Kimley-Horn & Associates. (2024). *Health Risk Assessment*. (**Appendix B2**)

4.2.2 Environmental Setting

Climate and Meteorology

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The Project is located within the South Coast Air Basin (SCAB), which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, as well as all of Orange County. The SCAB is on a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean on the southwest and high mountains forming the remainder of the perimeter. Air quality in this area is determined by such natural factors as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. These factors along with applicable regulations are discussed in **Section 4.2.3, Regulatory Setting** below.

The SCAB is part of a semi-permanent high-pressure zone in the eastern Pacific. As a result, the climate is mild and tempered by cool sea breezes. This usually mild weather pattern is occasionally interrupted by periods of extreme heat, winter storms, and Santa Ana winds. The annual average temperature throughout the 6,645-square-mile SCAB ranges from low 60 to high 80 degrees Fahrenheit with little variance. With more oceanic influence, coastal areas show less variability in annual minimum and maximum temperatures than inland areas.

Contrasting the steady pattern of temperature, rainfall is seasonally and annually highly variable. Almost all annual rainfall occurs between the months of November and April. Summer rainfall is reduced to widely scattered thundershowers near the coast, with slightly heavier activity in the east and over the mountains.

Although the SCAB has a semiarid climate, the air closer to the Earth's surface is typically moist because of the presence of a shallow marine layer. Except for occasional periods when dry, continental air is brought into the SCAB by offshore winds, the "ocean effect" is dominant. Periods of heavy fog are frequent and low clouds known as high fog are characteristic climatic features, especially along the coast. Annual average humidity is 70 percent at the coast and 57 percent in the eastern portions of the SCAB.

Wind patterns across the SCAB are characterized by westerly or southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Wind speed is typically higher during the dry summer months than during the rainy winter months. Between periods of wind, air stagnation may occur in both the morning and evening hours. Air stagnation is one of the critical determinants of air quality conditions on any given day. During winter and fall, surface high-pressure systems over the SCAB, combined with other meteorological conditions, result in very strong, downslope Santa Ana winds. These winds normally continue for a few days before predominant meteorological conditions are reestablished.

The mountain ranges to the east affect the diffusion of pollutants by inhibiting the eastward transport of pollutants. Air quality in the SCAB generally ranges from fair to poor and is similar to air quality in most of coastal southern California. The entire region experiences heavy concentrations of air pollutants during prolonged periods of stable atmospheric conditions.

In addition to the characteristic wind patterns that affect the rate and orientation of horizontal pollutant transport, two distinct types of temperature inversions control the vertical depth through which air pollutants are mixed. These inversions are the marine inversion and the radiation inversion. The height of the base of the inversion at any given time is called the “mixing height.” The combination of winds and inversions is a critical determinant leading to highly degraded air quality for the SCAB in the summer and generally good air quality in the winter.

Air Pollutants of Concern

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by state and federal laws. These regulated air pollutants are known as “criteria air pollutants” and are categorized into primary and secondary pollutants.

Primary air pollutants are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_x), sulfur dioxide (SO₂), coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and lead are primary air pollutants. Of these, CO, NO_x, SO₂, PM₁₀, and PM_{2.5} are criteria pollutants. ROG and NO_x are criteria pollutant precursors and form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O₃) is formed by a chemical reaction between ROG and NO_x in the presence of sunlight. O₃ and nitrogen dioxide (NO₂) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in **Table 4.2-1, Air Contaminants and Associated Public Health Concerns**.

Table 4.2-1: Air Contaminants and Associated Public Health Concerns

Pollutant	Major Man-Made Sources	Human Health Effects
Particulate Matter (PM ₁₀ and PM _{2.5})	Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles, and others.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.
Ozone (O ₃)	Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC) ¹ and nitrogen	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when

Pollutant	Major Man-Made Sources	Human Health Effects
	oxides (NO _x) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills.	inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield.
Sulfur Dioxide (SO ₂)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO ₂)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to O ₃ . Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Lead (Pb)	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions to the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.	Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders. Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses and young children, resulting in learning deficits and lowered IQ.
1 Volatile Organic Compounds (VOCs or Reactive Organic Gases [ROG]) are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROG and VOCs. Both ROG and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).		
Source: Kimley-Horn & Associates. (2022). <i>Air Quality Assessment</i> . Page 7 – Table 1		

Toxic Air Contaminants

Toxic air contaminants (TACs) are airborne substances that can cause short-term (acute) or long-term (i.e., chronic, carcinogenic or cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

CARB identified diesel particulate matter (DPM) as a TAC. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine. Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, light-headedness, and nausea. DPM poses the greatest health risk among the TACs. Almost all diesel exhaust particle mass is 10 microns or less in diameter. Due to their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

Ambient Air Quality

CARB monitors ambient air quality at approximately 250 air monitoring stations across the State. These stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing levels of ambient air quality, historical trends, and projections near the Project are documented by measurements made by the South Coast Air Quality Management District (SCAQMD), the air pollution regulatory agency in the SCAB that maintains air quality monitoring stations which process ambient air quality measurements.

Pollutants of concern in the SCAB include O₃, PM₁₀, and PM_{2.5}. The closest air monitoring station to the Project that monitors ambient concentrations of these pollutants is the Lake Elsinore Monitoring Station (located approximately seven miles to the southwest). Local air quality data from 2020 to 2022 are provided in **Table 4.2-2, Ambient Air Quality Data**, which lists the monitored maximum concentrations and number of exceedances of State or federal air quality standards for each year.

Table 4.2-2: Ambient Air Quality Data

Criteria Pollutant	2020	2021	2022
Ozone (O₃)			
1-hour Maximum Concentration (ppm)	0.130	0.118	0.121
8-hour Maximum Concentration (ppm)	0.100	0.097	0.091
<i>Number of Days Standard Exceeded</i>			
CAAQS 1-hour (>0.09 ppm)	18	18	17
NAAQS 8-hour (>0.070 ppm)	54	44	37
Carbon Monoxide (CO)			
1-hour Maximum Concentration (ppm)	1.829	2.022	3.272
<i>Number of Days Standard Exceeded</i>			
NAAQS 1-hour (>35 ppm)	0	0	0
CAAQS 1-hour (>20 ppm)	0	0	0
Nitrogen Dioxide (NO₂)			
1-hour Maximum Concentration (ppm)	0.0436	0.0437	0.0372
<i>Number of Days Standard Exceeded</i>			
NAAQS 1-hour (>0.100 ppm)	0	0	0
CAAQS 1-hour (>0.18 ppm)	0	0	0
Particulate Matter Less Than 10 Microns (PM₁₀)			

Criteria Pollutant	2020	2021	2022
National 24-hour Maximum Concentration	192	90	91.8
State 24-hour Maximum Concentration	—	—	—
State Annual Average Concentration (CAAQS=20 µg/m ³)	—	—	—
<i>Number of Days Standard Exceeded</i>			
NAAQS 24-hour (>150 µg/m ³)	1	0	0
CAAQS 24-hour (>50 µg/m ³)	—	—	—
Particulate Matter Less Than 2.5 Microns (PM_{2.5})			
National 24-hour Maximum Concentration	—	—	—
State 24-hour Maximum Concentration	41.6	28.8	16.2
<i>Number of Days Standard Exceeded</i>			
NAAQS 24-hour (>35 µg/m ³)	—	—	—
NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million. µg/m ³ = micrograms per cubic meter; — = not measured Measurements taken at the Lake Elsinore-W Flint Street Monitoring Station at 506 W Flint Street, Lake Elsinore, California 92530 (CARB# 33158) All pollutant measurements are from the CARB Aerometric Data Analysis and Management system database (https://www.arb.ca.gov/adam) except for CO, which were retrieved from the CARB Air Quality and Meteorological Information System (https://www.arb.ca.gov/aqmis2/aqdselect.php). Source: Kimley-Horn & Associates. (2022). <i>Air Quality Assessment</i> . Page 9 – Table 2			

Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than is the general population. Sensitive receptors that are in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The Project site is surrounded by vacant/undeveloped, agriculture, and scattered residential land uses to the west, south, and east. Land use north of the Project site is primarily residential. Sensitive land uses nearest to the Project are shown in **Table 4.2-3, Sensitive Receptors**.

Table 4.2-3: Sensitive Receptors

Receptor Description	Distance and Direction from the Project
Single-family Residences	90 feet to the north
Single-family Residences	100 feet to the west
Single-family Residence	100 feet to the east
Single-family Residence	180 feet to the south
Source: Kimley-Horn & Associates. (2022). <i>Air Quality Assessment</i> . Page 10 – Table 3	

4.2.3 Regulatory Setting

Federal

Federal Clean Air Act

Air quality is federally protected by the Federal Clean Air Act (FCAA) and its amendments. Under the FCAA, the United States Environmental Protection Agency (EPA) developed the primary and secondary National

Ambient Air Quality Standards (NAAQS) for the criteria air pollutants including O₃, NO₂, CO, SO₂, PM₁₀, PM_{2.5}, and lead. Proposed projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The FCAA requires each state to prepare a State Implementation Plan to demonstrate how it would attain the NAAQS within the federally imposed deadlines.

The EPA can withhold certain transportation funds from states that fail to comply with the planning requirements of the FCAA. If a state fails to correct these planning deficiencies within two years of Federal notification, the EPA is required to develop a Federal implementation plan for the identified nonattainment area or areas. The provisions of 40 Code of Federal Regulations Parts 51 and 93 apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan. The EPA has designated enforcement of air pollution control regulations to the individual states. Applicable federal standards are summarized in **Table 4.2-4, State and Federal Ambient Air Quality Standards** below.

State

California Air Resources Board

CARB administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in **Table 4.2-4**, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates.

The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for the preparation of the State Implementation Plan for meeting federal clean air standards for the State of California. Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a State standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events such as wildfires, volcanoes, etc. are not considered violations of a State standard and are not used as a basis for designating areas as nonattainment. The applicable State standards are summarized in **Table 4.2-4** below.

Table 4.2-4: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards ¹	Federal Standards ²
Ozone (O ₃) ^{2, 5, 7}	1 Hour	0.09 ppm (180 µg/m ³)	NA
	8 Hour	0.070 ppm (137 µg/m ³)	0.070 ppm (137 µg/m ³)
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)
	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)
Nitrogen Dioxide (NO ₂)	1 Hour	0.18 ppm (339 µg/m ³)	0.100 ppm (188 µg/m ³)

	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)
Sulfur Dioxide (SO ₂) ⁸	1 Hour	0.25 ppm (655 µg/m ³)	0.075 ppm (196 µg/m ³)
	24 Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)
	Annual Arithmetic Mean	NA	0.03 ppm (80 µg/m ³)
Particulate Matter (PM ₁₀) ^{1, 3, 6}	24-Hour	50 µg/m ³	150 µg/m ³
	Annual Arithmetic Mean	20 µg/m ³	NA
Fine Particulate Matter (PM _{2.5}) ^{3, 4, 6, 9}	24-Hour	NA	35 µg/m ³
	Annual Arithmetic Mean	12 µg/m ³	9 µg/m ³
Sulfates (SO ₄₋₂)	24 Hour	25 µg/m ³	NA
Lead (Pb) ^{10, 11}	30-Day Average	1.5 µg/m ³	NA
	Calendar Quarter	NA	1.5 µg/m ³
	Rolling 3-Month Average	NA	0.15 µg/m ³
Hydrogen Sulfide (H ₂ S)	1 Hour	0.03 ppm (42 µg/m ³)	NA
Vinyl Chloride (C ₂ H ₃ Cl) ¹⁰	24 Hour	0.01 ppm (26 µg/m ³)	NA

Notes:

ppm = parts per million; µg/m³ = micrograms per cubic meter; mg/m³ = milligrams per cubic meter; – = no information available.

¹ California standards for O₃, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM₁₀, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e. all standards except for lead and the PM₁₀ annual standard), then some measurements may be excluded. Measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe carbon monoxide standard is 6.0 ppm, a level one-half the national standard and two-thirds the State standard.

² National standards shown are the "primary standards" designed to protect public health. National standards other than for O₃, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour O₃ standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour O₃ standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm or less. The 24-hour PM₁₀ standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m³. The 24-hour PM_{2.5} standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m³.

³ Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM₁₀ is met if the 3-year average falls below the standard at every site. The annual PM_{2.5} standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard. NAAQS are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.

⁴ On October 1, 2015, the national 8-hour O₃ primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour O₃ concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the O₃ level in the area.

⁵ The national 1-hour O₃ standard was revoked by the EPA on June 15, 2005.

⁶ In June 2002, CARB established new annual standards for PM_{2.5} and PM₁₀.

⁷ The 8-hour California O₃ standard was approved by the CARB on April 28, 2005 and became effective on May 17, 2006.

⁸ On June 2, 2010, the EPA established a new 1-hour SO₂ standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO₂ NAAQS however must continue to be used until one year following EPA initial designations of the new 1-hour SO₂ NAAQS.

⁹ In February 2024, EPA strengthened the annual PM_{2.5} NAAQS from 12.0 to 9.0 µg/m³. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels.

¹⁰ CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined.

¹¹ National lead standards, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.

Source: Kimley-Horn & Associates. (2022). *Air Quality Assessment*. Page 12 – Table 4

Diesel Risk Reduction Plan

The identification of DPM as a TAC in 1998 led CARB to adopt the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (DRRP) in October 2000. The DRRP's goals

include an 85 percent reduction in DPM by 2020 from the 2000 baseline.¹ CARB estimates that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and non-cancer health effects.² The DRRP includes regulations to establish cleaner new diesel engines, cleaner in-use diesel engines (retrofits), and cleaner diesel fuel.

Truck and Bus Regulation Reducing Emissions from Existing Diesel Vehicles

On December 12, 2008, CARB approved the Truck and Bus Regulation to significantly reduce particulate matter (PM) and oxides of nitrogen (NO_x) emissions from existing diesel vehicles operating in California. The regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Heavier trucks must be retrofitted with PM filters beginning January 1, 2012, and older trucks must be replaced starting January 1, 2015. Beginning January 1, 2023, nearly all trucks and buses are required to have 2010 model year engines or equivalent.

The regulation applies to most privately and federally-owned diesel fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. Small fleets with three or fewer diesel trucks can delay compliance for heavier trucks and there are several extensions for low-mileage construction trucks, early PM filter retrofits, adding cleaner vehicles, and other situations. Privately and publicly owned school buses have different requirements.

Heavy-Duty Vehicle Idling Emission Reduction Program

The purpose of the CARB ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling is to reduce public exposure to diesel particulate matter and criteria pollutants by limiting the idling of diesel-fueled commercial vehicles. The driver of any vehicle subject to this ATCM is prohibited from idling the vehicle's primary diesel engine for greater than five minutes at any location and is prohibited from idling a diesel-fueled auxiliary power system (APS) for more than five minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools).

CARB Final Regulation Order, Requirements to Reduce Idling Emissions from New and In-Use Trucks, beginning in 2008, requires that new 2008 and subsequent model-year heavy-duty diesel engines be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park", and the parking brake is engaged.

Section 2485 and Section 2449 of Title 13 of the California Code of Regulations limits diesel-fueled motor vehicle idling to no more than five minutes. Section 2485 limits idling for diesel-fueled commercial motor vehicles with gross vehicle weight ratings of greater than 10,000 pounds that are or must be licensed to operate on publicly maintained highways and streets within California. Section 2449 limits idling for off-road diesel-fueled fleets.

CARB Advanced Clean Truck Regulation

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every

¹ California Air Resources Board, *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*, October 2000.

² California Air Resources Board, *Overview: Diesel Exhaust & Health*, available at: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>, accessed October 2023.

new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission “last-mile” delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

- **Zero-Emission Truck Sales:** Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.
- **Company and Fleet Reporting:** Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

Executive Order N-79-20

Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045 where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment “requiring increasing volumes” of new zero emission vehicles (ZEVs) “towards the target of 100 percent.” The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division (CalGEM), and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

Regional

South Coast Air Quality Management District

The SCAQMD is the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. The agency’s primary responsibility is ensuring that State and federal ambient air quality standards are attained and maintained in the SCAB. The SCAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, and many other activities. All projects are subject to SCAQMD rules and regulations in effect at the time of construction.

The SCAQMD is also the lead agency in charge of developing the AQMP, with input from the Southern California Association of Governments (SCAG) and CARB. The AQMP is a comprehensive plan that includes control strategies for stationary and area sources, as well as for on-road and off-road mobile sources. The purpose of the AQMP is to set forth a comprehensive and integrated program that would lead the SCAB into compliance with the federal 24-hour PM_{2.5} air quality standard, and to provide an update to the SCAQMD's commitments towards meeting the federal 8-hour O₃ standards.

On October 1, 2015, the EPA strengthened the NAAQS for ground-level O₃. The 2022 AQMP, adopted by the SCAQMD Governing Board on December 2, 2022, was developed to address the requirements for meeting the 2015 8-hour O₃ standard. The 2022 AQMP builds upon measures already in place from previous AQMPs. It also includes a variety of additional strategies such as regulation, accelerated deployment of available cleaner technologies (e.g., zero emissions technologies, when cost-effective and feasible, and low NOX technologies in other applications), best management practices, co-benefits from existing programs (e.g., climate and energy efficiency), incentives, and other FCAA measures to achieve the 2015 8-hour ozone standard. The 2022 AQMP incorporates the latest scientific and technological information and planning assumptions, including the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) or Connect SoCal and updated emission inventory methodologies for various source categories.

The SCAQMD has published the CEQA Air Quality Handbook (approved by the SCAQMD Governing Board in 1993 and augmented with guidance for Local Significance Thresholds [LST] in 2008). The SCAQMD guidance helps local government agencies and consultants to develop environmental documents required by California Environmental Quality Act (CEQA) and provides identification of suggested thresholds of significance for criteria pollutants for both construction and operation. With the help of the CEQA Air Quality Handbook and associated guidance, local land use planners and consultants are able to analyze and document how proposed and existing projects affect air quality in order to meet the requirements of the CEQA review process. The SCAQMD periodically provides supplemental guidance and updates to the handbook on their website.

SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial counties and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. Under federal law, SCAG is designated as a Metropolitan Planning Organization and under State law as a Regional Transportation Planning Agency and a Council of Governments.

The SCAB is currently designated as a nonattainment area with respect to the State O₃, PM₁₀, and PM_{2.5} standards, as well as the national 8-hour O₃ and PM_{2.5} standards. The SCAB is designated as attainment or unclassified for the remaining State and federal standards. The State and federal attainment status designations for the SCAB are summarized in **Table 4.2-5, South Coast Air Basin Attainment Status**.

Table 4.2-5: South Coast Air Basin Attainment Status

Pollutant	State	Federal
Ozone (O ₃)	Non-Attainment	Non-Attainment (Extreme)

Pollutant	State	Federal
(1 Hour Standard)		
Ozone (O ₃) (8 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Particulate Matter (PM _{2.5}) (24 Hour Standard)	–	Non-Attainment (Serious)
Particulate Matter (PM _{2.5}) (Annual Standard)	Non-Attainment	Non-Attainment (Moderate)
Particulate Matter (PM ₁₀) (24 Hour Standard)	Non-Attainment	Attainment (Maintenance)
Particulate Matter (PM ₁₀) (Annual Standard)	Non-Attainment	–
Carbon Monoxide (CO) (1 Hour Standard)	Attainment	Attainment (Maintenance)
Carbon Monoxide (CO) (8 Hour Standard)	Attainment	Attainment (Maintenance)
Nitrogen Dioxide (NO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Nitrogen Dioxide (NO ₂) (Annual Standard)	Attainment	Attainment (Maintenance)
Sulfur Dioxide (SO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Sulfur Dioxide (SO ₂) (24 Hour Standard)	Attainment	–
Lead (Pb) (30 Day Standard)	–	Unclassifiable/Attainment
Lead (Pb) (3 Month Standard)	Attainment	–
Sulfates (SO ₄₋₂) (24 Hour Standard)	Attainment	–
Hydrogen Sulfide (H ₂ S) (1 Hour Standard)	Unclassified	–

Source: Kimley-Horn & Associates. (2022). *Air Quality Assessment*. Page 14– Table 5

The following is a list of SCAQMD rules that are required of construction and operational activities associated with the Project:

- **SCAQMD Rule 402 (Nuisance)** – This rule prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.
- **SCAQMD Rule 403 (Fugitive Dust)** – This rule requires fugitive dust sources to implement best available control measures for all sources, and all forms of visible particulate matter are prohibited from crossing any property line. This rule is intended to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. PM₁₀ suppression techniques are summarized below.

- a) Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
 - b) All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
 - c) All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - d) The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
 - e) Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.
- **SCAQMD Rule 1113 (Architectural Coatings)** – This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce ROG emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories.
 - **SCAQMD Rule 1301 (General)** – This rule is intended to provide that pre-construction review requirements to ensure that new or relocated facilities do not interfere with progress in attainment of the NAAQS, while future economic growth within the SCAQMD is not unnecessarily restricted. The specific air quality goal is to achieve no net increases from new or modified permitted sources of nonattainment air contaminants or their precursors. Rule 1301 also limits emission increases of ammonia, and Ozone Depleting Compounds (ODCs) from new, modified or relocated facilities by requiring the use of Best Available Control Technology (BACT).
 - **SCAQMD Rule 401 (Visible Emissions)** – A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any 1 hour that is as dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the U.S. Bureau of Mines.
 - **SCAQMD Rule 2305 (Warehouse Indirect Source Rule)** - Rule 2305 was adopted by the SCAQMD Governing Board on May 7, 2021, to reduce NO_x and PM emissions associated with warehouses and mobile sources attracted to warehouses. This rule applies to all existing and proposed warehouses over 100,000 square feet located in the SCAQMD. Rule 2305 requires warehouse operators to track annual vehicle miles traveled (VMT) associated with truck trips to and from the warehouse. These trip miles are used to calculate the warehouses WAIRE (Warehouse Actions and Investments to Reduce Emissions) Points Compliance Obligation. WAIRE Points are earned based on emission reduction measures and warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. Reduction strategies listed in the WAIRE menu include acquire zero emission (ZE) or near zero emission (NZE) trucks; require ZE/NZE truck visits; require ZE yard trucks; install on-site ZE charging/fueling infrastructure; install onsite energy systems; and install filtration systems in residences, schools, and other buildings in the adjacent community. Warehouse operators that do not earn a sufficient number of WAIRE points to satisfy the WAIRE Points Compliance Obligation would be required to

pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

Local

City of Menifee General Plan

Open Space & Conservation Element

The City of Menifee's Open Space & Conservation Element provides policy direction for Menifee's parks and open space areas, recreational trails, and the conservation, development, and utilization of the City's natural resources with an overall goal of maintaining the high quality of life Menifee residents have enjoyed for generations, while also preserving and protecting the numerous nonrenewable and unique cultural and historic resources located within the City.³ Goals and policies from the Open Space & Conservation Element applicable to air quality and the Project include:

Goal OSC-9	Reduced impacts to air quality at the local level by minimizing pollution and particulate matter.
Policy OCS-9.1	Meet state and federal clean air standards by minimizing particulate matter emissions from construction activities.
Policy OCS-9.2	Buffer sensitive land uses, such as residences, schools, care facilities, and recreation areas from major air pollutant emission sources, including freeways, manufacturing, hazardous materials storage, wastewater treatment, and similar uses.
Policy OCS-9.3	Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.
Policy OCS-9.5	Comply with the mandatory requirements of Title 24 Part 1 one of the California Building Standards Code (CALGreen) and Title 24 Part 6 Building and Energy Efficiency Standards.

City of Menifee Design Guidelines – Appendix A: Industrial Good Neighbor Policies⁴

According to the City's Design Guidelines, the purpose of the Good Neighbor Policies (Policies) is to provide local government and developers with ways to address environmental and neighborhood compatibility issues associated with permitting warehouse, logistics and distribution facilities. The Policies were designed to promote economic vitality and sustainability of businesses, while still protecting the general health, safety, and welfare of the public and sensitive receptors within the City of Menifee. Sensitive receptors include residential neighborhoods, schools, public parks, playgrounds, day care centers, nursing homes, hospitals, and other public places where residents are most likely to spend time.

The intent of the City of Menifee's Good Neighbor Policies, in siting new warehouse, logistics and distribution uses, include:

³ City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*. Available at: <https://www.cityofmenifee.us/250/Open-Space-and-Conservation-Element> (accessed August 2023).

⁴ City of Menifee. (2022). *Industrial Good Neighbor Policies*. Retrieved from: https://www.cityofmenifee.us/DocumentCenter/View/14902/Design-Guidelines_Amended-March-2-2022?bidId= (accessed August 2023).

1. Minimize impacts to sensitive uses
2. Protect public health, safety, and welfare by regulating the design, location, and operation of facilities
3. Protect neighborhood character of adjacent communities

The Policies apply to all new warehouse, logistics and distribution facilities (“industrial uses”), excluding pending applications that have been deemed complete as the effective day of this policy, that include any building larger than 100,000 square feet in size or any sized building with more than 10 loading bays (dock-high). There are general performance standards, as well as site design, access and layout standards, signage and information standards, and environmental considerations, including air quality and noise and traffic.

4.2.4 Impact Thresholds and Significance Criteria

The following significance criteria for air quality were derived from the Environmental Checklist Form in State CEQA Guidelines Appendix G. An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria:

- Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:
 - Conflict with or obstruct implementation of the applicable air quality plan?
 - Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable state or federal ambient air quality standard?
 - Expose sensitive receptors to substantial pollutant concentrations?
 - Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

SCAQMD Thresholds

The significance criteria established by SCAQMD may be relied upon to make the above determinations. According to the SCAQMD, an air quality impact is considered significant if the Project would violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. The SCAQMD has established thresholds of significance for air quality during construction and operational activities of land use development projects, as shown in **Table 4.2-6, South Coast Air Quality Management District Emissions Thresholds**.

Table 4.2-6: South Coast Air Quality Management District Emissions Thresholds

Criteria Air Pollutants and Precursors	Maximum Pounds Per Day	
	Construction-Related	Operational-Related
Reactive Organic Gases (ROG)	75	55
Carbon Monoxide (CO)	550	550

Nitrogen Oxides (NO _x)	100	55
Sulfur Oxides (SO _x)	150	150
Coarse Particulates (PM ₁₀)	150	150
Fine Particulates (PM _{2.5})	55	55
Source: Kimley-Horn & Associates. (2022). <i>Air Quality Assessment</i> . – Table 6		

Local Carbon Monoxide

In addition to the daily thresholds listed above, development associated with the Project would also be subject to the ambient air quality standards. These are addressed through an analysis of localized CO impacts. The significance of localized impacts depends on whether ambient CO levels near the Project site are above State and federal CO standards (the more stringent California standards are 20 ppm for 1-hour and 9 ppm for 8-hour). The SCAB has been designated as attainment under the 1-hour and 8-hour standards.

Localized Significance Thresholds

The SCAQMD also developed Local Significance Thresholds (LSTs) for emissions of NO₂, CO, PM₁₀, and PM_{2.5} generated at new development sites (off-site mobile source emissions are not included in the LST analysis). LSTs represent the maximum emissions that can be generated at a project without expecting to cause or substantially contribute to an exceedance of the most stringent state or federal ambient air quality standards. LSTs are based on the ambient concentrations of that pollutant within the Project source receptor area (SRA), as demarcated by the SCAQMD, and the distance to the nearest sensitive receptor. LST analysis for construction is applicable for all projects that disturb five acres or less on a single day. The Project site is located within SCAQMD SRA 24. **Table 4.2-7, Local Significance Thresholds for Construction/Operations** shows the LSTs for a 1-acre, 2-acre, 4-acre (interpolated), and 5-acre project in SRA 24. Because the nearest sensitive receptors are approximately 90 feet (27 meters) to the north of the Project site, the thresholds for distances of 25 meters or less are listed below (per SCAQMD guidance).

Table 4.2-7: Local Significance Thresholds for Construction/Operations

Project Size	Maximum Pounds Per Day			
	NO _x	CO	PM ₁₀	PM _{2.5}
1 Acre	118/118	602/602	4/1	3/1
2 Acres	170/170	883/883	7/2	4/1
4 Acres	237/237	1,346/1,346	11/3	7/2
5 Acres	270/270	1,577/1,577	13/4	8/2
NO _x = Nitrogen Oxides; CO = Carbon Monoxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less				
Source: Kimley-Horn & Associates. (2022). <i>Air Quality Assessment</i> . Page 18 – Table 7				

LSTs associated with all acreage categories are provided in **Table 4.2-7** for informational purposes. **Table 4.2-7** shows that the LSTs increase as acreages increase. It should be noted that LSTs are screening thresholds and are therefore conservative. The construction LST acreage is determined based on daily acreage disturbed. The operational LST acreage is based on the total area of the Project site. Although the Project site is greater than five acres, the 5-acre operational LSTs are conservatively used to evaluate the Project.

Methodology

The air quality impact analysis considers construction and operational impacts associated with the Project. Where criteria air pollutant quantification was required, emissions were modeled using the California Emissions Estimator Model (CalEEMod). CalEEMod is a Statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Air quality impacts were assessed according to methodologies recommended by CARB and the SCAQMD.

Construction

Construction equipment, trucks, worker vehicles, and ground-disturbing activities associated with Project construction would generate emissions of criteria air pollutants and precursors. Daily regional construction emissions are estimated by assuming construction occurs at the earliest feasible date (i.e., a conservative estimate of construction activities) and applying off-road, fugitive dust, and on-road emissions factors in CalEEMod.

Construction was modeled according to the following timeline:

- Demolition: February 1, 2024 to March 31, 2024
- Site Preparation: April 1, 2024 to May 15, 2024
- Grading: May 16, 2024 to June 30, 2024
- Building Construction and Infrastructure: July 1, 2024 to December 31, 2024
- Paving: January 1, 2025 to February 28, 2025
- Architectural Coating: January 1, 2025 to April 30, 2025

Operations

Project operations would result in emissions of area sources (consumer products, architectural coating, and landscape equipment), energy sources (natural gas usage), mobile sources (motor vehicles from Project generated vehicle trips), and off-road equipment. Project-generated increases in operational emissions would be predominantly associated with motor vehicle use. Emissions from each of these categories are discussed below.

- **Area Sources.** Area source emissions would be generated due to consumer products, on-site equipment, architectural coating, and landscaping that were previously not present on the site. Consumer products are various solvents used in non-industrial applications, which emit VOCs during product use. These typically include cleaning supplies, kitchen aerosols, cosmetics, and toiletries. It should be noted that the default area source VOC emission factor developed for CalEEMod is based on a Statewide factor and is not applicable to the Project. The entire Project would not use consumer products as specified by CalEEMod user guide. The warehouse includes an office and may have small kitchen areas and bathrooms that would use cleaning products, however the majority of the square footage for the Project (99 percent) would be used for

warehousing/distribution. Negligible quantities of personal care products, home, lawn, and garden products, disinfectants, sanitizers, polishes, cosmetics, and floor finishes would be used. As the CalEEMod consumer product rates are based on a Statewide average, ROG emissions are likely overestimated for the proposed warehouse Project and therefore conservative.

- **Energy Sources.** Energy source emissions would be generated due to electricity and natural gas usage associated with the Project. Primary uses of electricity and natural gas by the Project would be for miscellaneous warehouse equipment, space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Electricity usage was calculated outside of CalEEMod based on Project specific data provided by the applicant. Natural gas usage is based on default consumption rates in CalEEMod.
- **Mobile Sources.** Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_x, PM₁₀, and PM_{2.5} are all pollutants of regional concern. NO_x and ROG react with sunlight to form O₃, known as photochemical smog. Additionally, wind currents readily transport PM₁₀ and PM_{2.5}. However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions are based on the trip generation within **Appendix K1** incorporated into CalEEMod as recommended by the SCAQMD. Refer to **Section 4.13, Transportation** of this EIR for more information.

- **Off-Road Equipment.** Operational off-road emissions would be generated by off-road cargo handling equipment used during operational activities. For this Project, it was assumed that the warehouses would include 14 forklifts and 2 off-highway trucks for loading and unloading goods per the SCAQMD *High Cube Warehouse Truck Trip Study White Paper*.⁵ It should be noted that the Project does not include cold storage. Therefore, the air quality analysis models the warehouses as unrefrigerated, and the Project would not include emissions from transport refrigeration units (TRUs).
- **Emergency Backup Generators.** As the Project warehouse is speculative, it is unknown whether emergency backup generators would be used. Backup generators would only be used in the event of a power failure and would not be part of the Project's normal daily operations. Nonetheless, emissions associated with this equipment were included to be conservative. Emissions from an emergency backup generator for the warehouse building was calculated from CalEEMod; refer to Appendix A of **Appendix B1**. However, CalEEMod default emissions rates were used. If backup generators are required, the end user would be required to obtain a permit from the SCAQMD prior to installation. Emergency backup generators must meet SCAQMD's Best Available Control Technology (BACT) requirements and comply with SCAQMD Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines), which would minimize emissions.

⁵ Kimley-Horn & Associates. (2022). *Air Quality Assessment*. p. 20. Refer to **Appendix B1**

As discussed above, the SCAQMD provides significance thresholds for emissions associated with proposed Project construction and operations. The proposed Project's construction and operational emissions are compared to the daily criteria pollutant emissions significance thresholds in order to determine the significance of a Project's impact on regional air quality.

The localized effects from the Project's on-site emissions were evaluated in accordance with the SCAQMD's LST methodology, which uses on-site mass emissions rate look-up tables and Project-specific modeling. LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standards and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

According to the SCAQMD LST methodology, LSTs would apply to the operational phase of a project only if it includes area sources or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). However, the CalEEMod model outputs do not separate on- and off-site emissions for mobile sources. The on-site one-way trip length is conservatively anticipated to be 1.33 miles, which is approximately 4.0 percent of the 33.2-mile truck trip length modeled in CalEEMod.

4.2.5 Impacts and Mitigation Measures

Impact 4.2-1 *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Level of Significance: Less than Significant with Mitigation Incorporated

Construction and Operations

As part of its enforcement responsibilities, the EPA requires each state with nonattainment areas to prepare and submit a State Implementation Plan that demonstrates the means to attain the federal standards. The State Implementation Plan must integrate federal, State, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. Similarly, under State law, the CCAA requires an air quality attainment plan to be prepared for areas designated as nonattainment regarding the State and federal ambient air quality standards. Air quality attainment plans outline emissions limits and control measures to achieve and maintain these standards by the earliest practical date.

The Project is located within the SCAB, which is under the jurisdiction of the SCAQMD. The SCAQMD is required, pursuant to the FCAA, to reduce emissions of criteria pollutants for which the SCAB is in nonattainment. To reduce such emissions, the SCAQMD drafted the 2016 and 2022 AQMPs. The AQMPs establish a program of rules and regulations directed at reducing air pollutant emissions and achieving State (California) and national air quality standards. The AQMPs are a regional and multi-agency effort including the SCAQMD, the CARB, the SCAG, and the EPA. The plan's pollutant control strategies are based on the latest scientific and technical information and planning assumptions, including SCAG's 2020 RTP/SCS, updated emission inventory methodologies for various source categories, and SCAG's latest growth forecasts. SCAG's

latest growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project is subject to the SCAQMD's AQMPs.

Criteria for determining consistency with the AQMPs are defined by the following indicators:

- **Consistency Criterion No. 1:** The Project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMPs.
- **Consistency Criterion No. 2:** The Project will not exceed the assumptions in the AQMPs or increments based on the years of the Project build-out phase.

According to the SCAQMD's *CEQA Air Quality Handbook*, the purpose of the consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air quality plans, and thus if it would interfere with the region's ability to comply with CAAQS and NAAQS.

The violations to which Consistency Criterion No. 1 refers are CAAQS and NAAQS. As shown in **Table 4.2-8** in Impact 4.2-2 below, the Project would not exceed construction emission standards with Mitigation Measures (**MM**) **AQ-1** and **MM AQ-2**. As shown in **Table 4.2-10** in Impact 4.2-2 below, **MMs AQ-3** through **AQ-5** would reduce operational NO_x emissions to below operation emission standards. Thus, the Project would be consistent with the first criterion.

Concerning Consistency Criterion No. 2, the AQMPs contains air pollutant reduction strategies based on SCAG's latest growth forecasts, and SCAG's growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project's existing General Plan land use designation is Economic Development Corridor (EDC) Northern Gateway, and the Project's existing zoning designation is Economic Development Corridor – Northern Gateway (EDC – NG). The Project's proposed land uses would be consistent with the EDC land use designation and the City's Zoning Code. Furthermore, the Project would also be designed consistently with all applicable planning policies and design standards as set forth within the Menifee Municipal Code.

The AQMP contains air pollutant reduction strategies based on SCAG's latest growth forecasts, and SCAG's growth forecasts were defined in consultation with local governments and with reference to local general plans. The Project would not result in a change of land use designations reflected in the AQMP. Therefore, the Project is assumed to be consistent with the AQMPs regional emissions inventory for the SCAB. Thus, the Project is consistent with the second criterion.

As noted above (and discussed further in Impact 4.2-2 below), **MMs AQ-1** through **AQ-5** would reduce construction and operational air pollutant emissions below SCAQMD's emission thresholds. Therefore, the Project would not increase the frequency or severity of an existing air quality violation or cause or contribute to new violations for these pollutants. As the Project would not exceed any of the CAAQS and NAAQS, the Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP. In addition, because the Project is consistent with land use projections that form the basis of the AQMPs, the Project would be consistent with the emissions forecasts in the AQMP. Impacts would be mitigated to less than significant levels.

Mitigation Measures

- MM AQ-1** Prior to the issuance of grading or building permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all unpaved offsite access roads to either be stabilized using a chemical dust suppressant or paved prior to the start of the grading phase of construction.
- MM AQ-2** The Project's contractors shall be prohibited from idling heavy equipment for more than three minutes and prohibited from being in the "on" position for more than 10 hours per day. The Project's general contractor shall designate an officer to monitor the construction equipment operators on-site for compliance.
- MM AQ-3** Prior to issuance of tenant occupancy permits (not building shell permits), the Project operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single-occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool, and transit. The TDM shall include, but is not limited to the following:
- Provide a transportation information center and on-site TDM coordinator to educate residents, employers, employees, and visitors of surrounding transportation options.
 - Incorporate bicycle parking and storage, and self-service bicycle repair areas.
 - Provide on-site meal options in employee break areas as well as kitchen amenities to prepare and/or heat meals.
 - Provide a ride-matching service (e.g., bulletin boards, website, smartphone application) to connect carpool participants and provide preferential parking for rideshare vehicles to support carpool/vanpool/rideshare transportation modes.
 - Post Riverside Transit Agency schedules in conspicuous areas.
 - Reference Riverside Transit Agency schedules when creating employees' operating schedules.
- MM AQ-4** All outdoor cargo handling equipment (such as yard trucks, hostlers, yard goats, pallet jacks, and forklifts) shall be zero emission (i.e., powered by electricity or other alternative fuels). The warehouse building shall include the necessary charging stations for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.
- MM AQ-5** Prior to the issuance of a tenant occupancy permit, the Community Development Department shall confirm that all truck access gates and loading docks within the project site shall have posted signage posted that states:
- Truck drivers shall turn off engines when not in use.

- Truck drivers shall shut down the engine after three minutes of continuous idling operation (pursuant to City of Menifee’s Industrial Good Neighbor Policies). Once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged.
- Telephone numbers of the building facilities manager, the SCAQMD, and CARB to report violations.
- Signs shall also inform truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel idling regulations, and the importance of being a good neighbor by not parking in residential areas.
- The Operator shall designate an officer to monitor trucks on-site for compliance.
- To the extent feasible, the Project shall restrict the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors by posting signs at every truck exit driveway providing directional information to head northbound to Ethanac Road (designated truck route).
- Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.
- All signage installed as part of the Project shall be legible, durable, and weather-proof.

Impact 4.2-2 *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Level of Significance: Less than Significant with Mitigation Incorporated

Construction

Construction Emissions

Construction associated with the Project would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include O₃-precursor pollutants (i.e. ROG and NO_x) and PM₁₀ and PM_{2.5}. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD’s thresholds of significance.

Construction results in the temporary generation of emissions resulting from site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

Construction activities associated with the Project are conservatively estimated to be completed within approximately 15 months. Construction-generated emissions associated with the Project were calculated using the CARB-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements (see Appendix A of **Appendix B1** for more information regarding the construction assumptions).

Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the Project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. SCAQMD Rules 402 and 403 (prohibition of nuisances, watering of inactive and perimeter areas, track out requirements, etc.), are applicable to the Project and were applied in CalEEMod to minimize fugitive dust emissions. Standard Condition (SC) 1 requires the implementation of Rule 402 and 403 dust control techniques to minimize PM₁₀ and PM_{2.5} concentrations. While impacts would be considered less than significant, the Project would be subject to SCAQMD Rules for reducing fugitive dust, described in the Regulatory Setting subsection above and identified in PPP-1.

Table 4.2-8, Construction-Related Emissions, shows that unmitigated construction emissions would exceed the SCAQMD threshold for PM₁₀. The majority of PM₁₀ emissions are generated during the grading phase of construction and from construction vehicles accessing the Project site from unpaved roads. **MM AQ-1** requires all unpaved offsite access roads to either be stabilized using a chemical dust suppressant or paved prior to the start of the grading phase of construction. Implementation of mitigation measures would reduce construction PM₁₀ emissions to below the SCAQMD's thresholds. Additionally, **MM HRA-1** requires that the Project Applicant, prior to issuance of grading permit, to prepare and submit documentation to the City that demonstrates that all off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resources Board Tier 4 Final off-road emissions standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). Therefore, the Project's construction-related impact would be reduced to a less than significant level.

Table 4.2-8: Construction-Related Emissions

Construction Year	Emissions (Maximum Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Unmitigated Emissions¹						
Year 2024	4.52	92.53	47.41	0.37	245.19	26.80
Year 2025	43.62	10.05	21.92	0.04	2.27	0.92
<i>SCAQMD Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceed SCAQMD Threshold?	No	No	No	No	Yes	No
Mitigated Emissions^{1, 2, 3}						
Year 2024	3.37	77.22	47.41	0.37	47.62	26.26
Year 2025	42.84	1.67	21.92	0.04	1.84	0.53
<i>SCAQMD Threshold</i>	<i>75</i>	<i>100</i>	<i>550</i>	<i>150</i>	<i>55</i>	<i>150</i>
Exceed SCAQMD Threshold?	No	No	No	No	No	No
ROG = Reactive Organic Gases; NO _x = Nitrogen Oxides; CO = Carbon Monoxide; SO ₂ = Sulfur Dioxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less 1. SCAQMD Rule 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; water exposed surfaces three times daily; and limit speeds on unpaved roads to 15 miles per hour. Reduction percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. Refer to Appendix A of Appendix B1 for Model Data Outputs.						

2. Mitigation measure AQ-1 requires unpaved access roads either be stabilized with dust suppressing chemicals or paved prior to the grading phase of construction.
3. Although not required to meet SCAQMD NO_x thresholds, the Health Risk Assessment determined that MM HRA-1 was necessary to reduce carcinogenic and non-carcinogenic health risks during construction. MM HRA-1 requires construction equipment to meet CARB Tier 4 Final standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). The results of MM HRA-1 have been included in Table 4.2-8 for informational purposes.

Source: Kimley-Horn & Associates. (2022). *Air Quality Assessment*.— Table 8

Operations

Operational Emissions

Project-generated emissions would be primarily associated with motor vehicle use and off-road cargo handling equipment such as forklifts and yard trucks. Long-term operational emissions attributable to the Project are summarized in **Table 4.2-9, Unmitigated Operational Project Emissions**. **Table 4.2-9** shows that Project emissions would exceed SCAQMD thresholds for NO_x.

Table 4.2-9: Unmitigated Operational Project Emissions

Source	Maximum Pounds Per Day					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area Source Emissions	16.06	0.00	0.17	0.00	0.00	0.00
Energy Emissions	0.04	0.38	0.32	0.00	0.03	0.03
Mobile – Vehicle Emissions	11.90	25.61	102.28	0.30	27.30	7.55
Off-Road – Forklifts	1.76	16.66	23.51	0.03	0.88	0.81
Off-Road – Yard Trucks	1.02	8.83	9.94	0.02	0.42	0.39
Back-up Generators	1.69	4.71	4.30	0.01	0.25	0.25
Total Emissions	32.47	56.19	140.52	0.36	28.88	9.03
<i>SCAQMD Threshold</i>	<i>55</i>	<i>55</i>	<i>550</i>	<i>150</i>	<i>150</i>	<i>55</i>
Exceeds Threshold?	No	Yes	No	No	No	No
ROG = Reactive Organic Gases; NO _x = Nitrogen Oxides; CO = Carbon Monoxide; SO ₂ = Sulfur Dioxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less						
Source: Kimley-Horn & Associates. (2022). <i>Air Quality Assessment</i> .— Table 9						

As noted above, **Table 4.2-9** shows that unmitigated operational Project emissions would exceed the SCAQMD thresholds for NO_x. Mitigation measures would be required to reduce emissions to the maximum extent feasible; however, emissions of motor vehicles are controlled by State and Federal standards and the Project has no control over these standards. CARB is addressing emissions from heavy duty vehicles through various regulatory programs including lower emission standards, restrictions on idling, the use of post-combustion filter and catalyst equipment, and retrofits for diesel truck fleets. These programs are expected to result in significant reductions in ROG, NO_x, PM₁₀, PM_{2.5}, and CO emissions as they are fully implemented by 2023.

Federal and State agencies regulate and enforce vehicle emission standards. It is not feasible for the City of Menifee to effectively enforce a prohibition on trucks from entering the property that are otherwise permitted to operate in California and access other properties in the City, region, and State. Even if the City were to apply such a restriction, it would cause warehouse operators using older truck fleets to travel to other facilities in the SCAB where the restriction does not apply, thereby resulting in no improvement to regional air quality. Based on data from CARB, most heavy-duty trucks entering the Project site would meet or exceed 2010 model year emission standards when the Project becomes fully operational in 2025

as all trucks are required to meet or exceed such standards by 2023. Specifically, according to CARB EMFAC inventories, approximately 50 percent of all instate heavy-duty trucks met the 2010 engine standard in 2019, 59 percent in 2020, and 62 percent in 2021. Additionally, 65 percent and 90 percent of trucks are projected to meet the 2010 engine standard in 2022 and 2023 respectively.⁶

Table 4.2-10, Mitigated Operational Project Emissions shows operational emissions after incorporating operational mitigation measures. **MM AQ-3** requires the implementation of a Transportation Demand Management (TDM) program to reduce single occupant vehicle trips and encourage public transit. **MM AQ-4** requires that all forklifts used onsite are electric or employ other zero emission technology. **MM AQ-5** requires signage for on-site circulation and limiting idling emissions.

Table 4.2-10: Mitigated Operational Project Emissions

Source	Maximum Pounds Per Day					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area Source Emissions	16.06	0.00	0.17	0.00	0.00	0.00
Energy Emissions	0.04	0.38	0.32	0.00	0.03	0.03
Mobile – Vehicle Emissions ¹	11.84	25.52	101.21	0.30	26.99	7.47
Off-Road – Forklifts ²	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road – Yard Trucks	1.02	8.83	9.94	0.02	0.42	0.39
Back-up Generators	1.69	4.71	4.30	0.01	0.25	0.25
Total Emissions	30.65	39.44	115.94	0.33	27.69	8.14
<i>SCAQMD Threshold</i>	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No
ROG = Reactive Organic Gases; NO _x = Nitrogen Oxides; CO = Carbon Monoxide; SO ₂ = Sulfur Dioxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less						
1. Incorporates implementation of a Transportation Demand Management (TDM) program pursuant to MM AQ-2.						
2. MM AQ-3 requires all forklifts to be electric or use other zero emission technology.						
Source: Kimley-Horn & Associates. (2022). <i>Air Quality Assessment</i> . – Table 10						

Table 4.2-10 shows that with implementation of **MMs AQ-3** through **AQ-5**, operational emissions for NO_x would be reduced below the SCAQMD’s thresholds, and therefore impacts would be reduced to less than significant levels.

Plans, Programs, and Policies

Existing requirements based on local, state, or federal regulations or laws are frequently required independently of CEQA review. Typical requirements include compliance with the provisions of the Building Code, CalGreen Code, local municipal code, SCAQMD Rules, etc. Because Plans, Programs, and Policies (PPP) are neither Project specific nor a result of development of the Project, they are not considered to be project design features or Mitigation Measures.

PPP-1 Prior to the issuance of grading permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with South Coast Air Quality Management District’s (SCAQMD’s) Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to, the following:

⁶ Kimley-Horn & Associates. (2022). *Air Quality Assessment*. p. 25. Refer to **Appendix B1**

- Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
- All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
- All material transported off site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
- Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.

PPP-2 Pursuant to SCAQMD Rule 1113, the Project applicant shall require by contract specifications that the interior and exterior architectural coatings (paint and primer including parking lot paint) products used would have a volatile organic compound rating of 50 grams per liter or less.

PPP-3 Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.

PPP-4 Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and sensors for landscaping according to the City's Landscape Water Use Efficiency requirements (Chapter 15.04 of the City's Municipal Code).

PPP-5 The Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. The Title 24 Energy Efficiency Standards (Section 110.10) require buildings to be designed to have 15 percent of the roof area "solar ready" that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing additional rooftop solar panels, they will submit plans for solar panels prior to occupancy.

PPP-6 The Project shall be designed in accordance with the applicable California Green Building Standards (CALGreen) Code (24 CCR, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:

- Design buildings to be water efficient. Install water-efficient fixtures in accordance with Section 5.303 (nonresidential) of the California Green Building Standards Code Part 11.

- Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 (nonresidential) of the California Green Building Standards Code Part 11.
- Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 5.410 (nonresidential) of the California Green Building Standards Code Part 11.
- To facilitate future installation of electric vehicle supply equipment (EVSE), nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.

PPP-7 Pursuant to SCAQMD Rule 2305, the Project operator will track annual vehicle miles traveled associated with truck trips to and from the warehouse. These trip miles are used to calculate the warehouses WAIRE Points Compliance Obligation. WAIRE Points are earned based on emission reduction measures listed in the WAIRE menu include acquire zero emission (ZE) or near zero emission (NZE) trucks; require ZE/NZE truck visits; require ZE yard trucks; install on-site ZE charging/fueling infrastructure; install onsite energy systems; and install filtration systems in residences, schools, and other buildings in the adjacent community. Warehouse operators that do not earn a sufficient number of WAIRE points to satisfy the WAIRE Points Compliance Obligation would be required to pay a mitigation fee.

PPP-8 Trees shall be installed in automobile parking areas to provide 50 percent shade cover of parking areas within fifteen years in accordance with section 9.195.040 of the Menifee Municipal Code (Development Code). Trees shall be planted that are capable of meeting this requirement.

Mitigation Measures

Refer to **MMs AQ-1** through **AQ-5** in Impact 4.2-1 above.

HRA-1 Prior to issuance of grading permits, the applicant shall prepare and submit documentation to the City of Menifee that demonstrate the following:

- All off-road diesel-powered construction equipment greater than 50 horsepower meets California Air Resources Board Tier 4 Final off-road emissions standards or incorporate CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). These requirements shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment. A copy of each unit's Best Available Control Technology (BACT) documentation (certified tier specification or model year specification), and CARB or SCAQMD operating permit (if applicable) shall be provided to the City at the time of mobilization of each applicable unit of equipment.

Impact 4.2-3 *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

Level of Significance: Less than Significant with Mitigation Incorporated

Construction

Localized Construction Significance Analysis

The Project applicant proposes the development of approximately 700,037 SF of industrial warehouse space on a total of 36.8 net acres. The Project would include the construction of one concrete tilt-up building, parking lot, and offsite improvements. The Project is anticipated to be developed in one phase and construction is anticipated to occur over a period of approximately 14 months, beginning in 2024.

The nearest sensitive receptors to the Project are single-family residential buildings located approximately 90 feet (27 meters) to the north of the Project site. To identify impacts to sensitive receptors, the SCAQMD recommends addressing LSTs for construction. LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with Project-specific emissions.

Since CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment, **Table 4.2-11, Equipment-Specific Grading Rates**, is used to determine the maximum daily disturbed acreage for comparison to LSTs. The appropriate SRA for the localized significance thresholds is the Perris Valley (SRA 24) since this area includes the Project. LSTs apply to NO₂, CO, PM₁₀, and PM_{2.5}. The SCAQMD produced look-up tables for projects that disturb areas less than or equal to five acres in size. Project construction is anticipated to disturb a maximum of four acres in a single day. As the LST guidance provides thresholds for projects disturbing 1-, 2-, and 5-acres in size and the thresholds increase with size of the site, the LSTs for a four-acre threshold were interpolated and utilized in the Air Quality Assessment (**Appendix B1**) for this Project.

Table 4.2-11: Equipment-Specific Grading Rates

Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hours per Day	Acres Graded per Day
Grading	Tractors	2	0.5	8	1.0
	Graders	1	0.5	8	0.5
	Dozers	1	0.5	8	0.5
	Scrapers	2	1	8	2.0
	Total Acres Graded per Day				
Source: Kimley-Horn & Associates. (2022). <i>Air Quality Assessment</i> . – Table 11					

The SCAQMD's methodology states that "off-site mobile emissions from the Project should not be included in the emissions compared to LSTs." Therefore, only emissions included in the CalEEMod "on-site" emissions outputs were considered. The nearest sensitive receptors to the construction area are the residential buildings located approximately 90 feet (27 meters) to the north of the Project site. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. SCAQMD's LST guidance recommends using the 25-meter threshold for receptors located 25 meters or less from a project site. Therefore, the LSTs for 4 acres at 25 meters were used for the construction analysis which is consistent with the SCAQMD LST methodology. **Table 4.2-12, Localized Significance of Construction Emissions** presents the localized emissions during each construction activity for the Project

after incorporating mitigation measures. **Table 4.2-12** shows that emissions of these pollutants on the peak days of construction would not result in significant concentrations of pollutants at nearby sensitive receptors.

Table 4.2-12: Localized Significance of Construction Emissions

Construction Activity	Emissions (Maximum Pounds Per Day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Demolition 2024	20.88	19.71	1.03	0.90
Site Preparation 2024	27.18	18.34	8.90	5.07
Grading 2024	32.38	27.72	5.15	2.69
Building Construction 2024	13.44	16.17	0.61	0.58
Paving 2025	8.58	14.58	0.41	0.39
Architectural Coating 2025	1.15	1.81	0.05	0.05
Paving and Architectural Coating Combined ¹	9.73	16.39	0.46	0.44
<i>SCAQMD Localized Screening Threshold (adjusted for 4.0 acres at 25 meters)</i>	<i>237</i>	<i>1,346</i>	<i>11</i>	<i>7</i>
Exceed SCAQMD Threshold?	No	No	No	No
NO _x = Nitrogen Oxides; CO = Carbon Monoxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less				
1. Paving and Architectural Coating activities are scheduled to overlap, therefore emissions from both activities would occur on the same day.				
Source: Kimley-Horn & Associates. (2022). Air Quality Assessment.– Table 12				

Operations

Localized Operational Significance Analysis

According to the SCAQMD LST methodology, LSTs would apply to the operational phase of a project only if it includes stationary sources or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). Since the Project includes a warehouse, the operational phase LST protocol is conservatively applied to both the area source and a portion of the mobile source emissions for operations.

LSTs for receptors located at 25 meters in SRA 24 were utilized in the Project’s Air Quality Assessment because the closest receptors to the Project area are located approximately 90 feet (27 meters) to the north and the thresholds increase with distance. Although the Project site is approximately 36.8 acres, the 5-acre LST threshold was also conservatively used for the Project, as the LSTs increase with the size of the site.

The LST analysis only includes on-site sources. However, the CalEEMod model outputs do not separate on- and off-site emissions for mobile sources. For a worst-case scenario assessment, the emissions shown in **Table 4.2-13, Localized Significance of Operational Emissions** conservatively includes all on-site Project-related stationary sources and four percent of Project-related mobile sources (four percent of the daily VMT is approximately equal to the distance of each vehicle on-site driving around the perimeter of Project), since a portion of mobile sources could include trucks idling on-site. **Table 4.2-13** shows that the maximum daily emissions of these pollutants for Project operations would not result in significant concentrations of pollutants at nearby sensitive receptors.

Table 4.2-13: Localized Significance of Operational Emissions

Activity	Emissions (Maximum Pounds Per Day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Area Sources and On-Site Generators and Mobile Sources ¹	14.56	18.46	1.75	0.94
SCAQMD Localized Screening Threshold (adjusted for 5 acres at 25 meters)	270	1,577	4	2
Exceed SCAQMD Threshold?	No	No	No	No
NO _x = Nitrogen Oxides; CO = Carbon Monoxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less				
1. Includes all on-site emissions and four percent of warehouse mobile source emissions. Source: Kimley-Horn & Associates. (2022). Air Quality Assessment.— Table 13				

Criteria Pollutant Health Impacts

On December 24, 2018, the California Supreme Court issued an opinion identifying the need to provide sufficient information connecting a project's air emissions to health impacts or explain why such information could not be ascertained (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502). The SCAQMD has set its CEQA significance thresholds based on the FCAA, which defines a major stationary source (in extreme O₃ nonattainment areas such as the SCAB) as emitting 10 tons per year. The thresholds correlate with the trigger levels for the federal New Source Review (NSR) Program and SCAQMD Rule 1303 for new or modified sources. The NSR Program⁷ was created by the FCAA to ensure that stationary sources of air pollution are constructed or modified in a manner that is consistent with attainment of health-based federal ambient air quality standards. The federal ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, projects that do not exceed the SCAQMD's LSTs and mass emissions thresholds would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts.

NO_x and ROG are precursor emissions that form O₃ in the atmosphere in the presence of sunlight where the pollutants undergo complex chemical reactions. It takes time and the influence of meteorological conditions for these reactions to occur, so O₃ may be formed at a distance downwind from the sources. Breathing ground-level O₃ can result in health effects that include reduced lung function, inflammation of airways, throat irritation, pain, burning, or discomfort in the chest when taking a deep breath, chest tightness, wheezing, or shortness of breath. In addition to these effects, evidence from observational studies strongly indicates that higher daily O₃ concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The consistency and coherence of the evidence for effects upon asthmatics suggests that O₃ can make asthma symptoms worse and can increase sensitivity to asthma triggers.

According to the SCAQMD's AQMPs, O₃, NO_x, and ROG have been decreasing in the SCAB since 1975 and are projected to continue to decrease in the future. Although vehicle miles traveled in the SCAB continue to increase, NO_x and ROG levels are decreasing because of the mandated controls on motor vehicles and the replacement of older polluting vehicles with lower-emitting vehicles. NO_x emissions from electric

⁷ Ibid. p. 32

utilities have also decreased due to the use of cleaner fuels and renewable energy. The 2022 AQMP demonstrates how the SCAQMD's control strategy to meet the 2015 O₃ standard by 2037 would lead to sufficient NO_x emission reductions. In addition, since NO_x emissions also lead to the formation of PM_{2.5}, the NO_x reductions needed to meet the O₃ standards will likewise lead to improvement of PM_{2.5} levels and attainment of PM_{2.5} standards.

The SCAQMD's air quality modeling demonstrates that NO_x reductions prove to be much more effective in reducing O₃ levels and will also lead to significant improvement in PM_{2.5} concentrations. NO_x-emitting stationary sources regulated by the SCAQMD include Regional Clean Air Incentives Market (RECLAIM) facilities (e.g., refineries, power plants, etc.), natural gas combustion equipment (e.g., boilers, heaters, engines, burners, flares) and other combustion sources that burn wood or propane. The 2016 AQMP identifies robust NO_x reductions from new regulations on RECLAIM facilities, non-refinery flares, commercial cooking, and residential and commercial appliances. Such combustion sources are already heavily regulated with the lowest NO_x emissions levels achievable but there are opportunities to require and accelerate replacement with cleaner zero-emission alternatives, such as residential and commercial furnaces, pool heaters, and backup power equipment. The AQMD plans to achieve such replacements through a combination of regulations and incentives. Technology-forcing regulations can drive development and commercialization of clean technologies, with future year requirements for new or existing equipment. Incentives can then accelerate deployment and enhance public acceptability of new technologies.

There are significant challenges with correlating specific health effects that will occur as a result of a project's significant criteria air pollutant emissions. Generally, models that correlate criteria air pollutant concentrations with specific health effects focus on regulatory decision-making that will apply throughout an entire air basin or region. These models focus on the region-wide health effects of pollutants so that regulators can assess the costs and benefits of adopting a proposed regulation that applies to an entire category of air pollutant sources, rather than the health effects related to emissions from a specific proposed project or source. Because of the scale of these analyses, any one project is likely to have only very small incremental effects which may be difficult to differentiate from the effects of air pollutant concentrations in an entire air basin. In addition, such modeling efforts are costly, and the value of a project-specific analysis may be modest in relation to that cost. Furthermore, the results, while costly to produce, may not be particularly useful. For regional pollutants, it is difficult to trace a particular project's criteria air pollutant emissions to a specific health effect. Moreover, the modeled results may be misleading because the margin of error in such modeling is large enough that, even if the modeled results report a given health effect, the model is sufficiently imprecise that the actual effect may differ from the reported results; that is, the modeled results suggest precision, when in fact available models cannot be that precise on a project level.

As discussed above, the mass emissions thresholds developed by SCAQMD and used by CEQA lead agencies throughout southern California to determine potential significance of project-related regional changes in the environment are not directly indicative of exceedances of applicable ambient air standards. Meteorology, the presence of sunlight, and other complex chemical factors all combine to determine the ultimate concentration and location of O₃ or PM. The effects on ground-level ambient concentrations of

pollutants that may be breathed by people are also influenced by the spatial and temporal patterns of the emission sources. In other words, the effect on O₃ and PM concentrations from a given mass of pollutants emitted in one location may vary from the effect if that same mass of pollutants was emitted in an entirely different location in the SCAB. The same effect may be observed when the daily and seasonal variation of emissions is taken into account. Regional-scale photochemical modeling, typically performed only for NAAQS attainment demonstration and rule promulgation, account for these changes in the spatial, temporal, and chemical nature of regional emissions.

Emissions from the construction and operation of the Project would vary by time of day, month, and season, and the majority of Project-related emissions, being generated by mobile sources (cars and trucks) driving to and from the site, would be emitted throughout a wide area defined by the origins and destinations of people traveling to and from the Project. As SCAQMD has stated “it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels over an entire region.”⁸

Specifically, for extremely large regional projects, the SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources – as part of their rulemaking activity, specifically 6,620 pounds per day of NO_x and 89,180 pounds per day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to O₃. Based on its recent experiences applying regional scale models to relatively small increase in emissions, SCAQMD stated in its Amicus Brief in the *Sierra Club v. County of Fresno* case: “[A] project emitting only 10 tons per year of NO_x or VOC is small enough that its regional impact on ambient ozone levels may not be detected in the regional air quality models that are currently used to determine ozone levels.”⁹ The Brief makes it clear that SCAQMD does not believe that there must be a quantification of a project's health risks in CEQA documents prepared for individual projects. Any attempt to quantify the proposed Project's health risks would be considered unreliable and misleading. Also, the Project does not generate anywhere near 6,620 pounds per day of NO_x or 89,190 pounds per day of ROG (VOC) emissions, which SCAQMD stated was a large enough emission to quantify O₃-related health impacts. Therefore, the Project's emissions are not sufficiently high enough to use regional modeling program to correlate health effects on a basin-wide level.

As previously discussed, localized effects of on-site Project emissions on nearby receptors for the Project would be less than significant (refer to **Tables 4.2-12** and **4.2-13**). The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable State or federal ambient air quality standard. The LSTs were developed by the SCAQMD based on the ambient concentrations of that pollutant for each SRA and distance to the nearest sensitive receptor. The ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations. However, as discussed above, neither the SCAQMD nor any other air district currently have methodologies that would provide Lead Agencies and CEQA practitioners with a consistent, reliable, and meaningful analysis to correlate specific health impacts that may result from a proposed project's mass

⁸ Ibid. p. 34

⁹ Ibid. p. 34

emissions. Information on health impacts related to exposure to O₃ and particulate matter emissions published by the U.S. EPA and CARB have been summarized above and discussed in the Regulatory Setting section. Health studies are used by these agencies to set the NAAQS and CAAQS.

The NAAQS and CAAQS were developed to protect the most susceptible population groups from adverse health effects and were established in terms of parts per million or micrograms per cubic meter for the applicable emissions. As stated earlier, the mass emission thresholds were established primarily in conjunction with federal permitting “major source” thresholds. If emissions were below these “de minimis” emission rates, then the Project is presumed to conform with the NAAQS.¹⁰ While based on the status of an air basin level of attainment of the health-based NAAQS, emissions in excess of the mass emission thresholds from one project does not mean the air basin would experience measurably higher ground level concentrations, or more frequent occurrences of ground level concentrations in exceedance of standards, or delay timely attainment of a particular NAAQS.

O₃ concentrations are dependent upon a variety of complex factors, including the presence of sunlight and precursor pollutants, natural topography, nearby structures that cause building downwash, atmospheric stability, and wind patterns. Because of the complexities of predicting ground-level O₃ concentrations in relation to the NAAQS and CAAQS, none of the health-related information can be directly correlated to the pounds/day or tons/year of emissions estimated from a single, proposed project. Due to the uncertainty in the relationship between project-level mass emissions and regional O₃ formation as well as limitations with currently available technical tools, the resulting health effects associated with the Project cannot be identified. Given this is speculative, no meaningful conclusion can be drawn with respect to potential health effects from the criteria pollutant emissions of the proposed Project.

Carbon Monoxide Hotspots

An analysis of CO “hot spots” is needed to determine whether the change in the level of service of an intersection resulting from the Project would have the potential to result in exceedances of the CAAQS or NAAQS. It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined. Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard.

The SCAB was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD’s AQMP. The 2003 AQMP is the most recent version that addresses CO concentrations. As part of the SCAQMD *CO Hotspot Analysis*, the Wilshire Boulevard and Veteran Avenue intersection, one of the most congested intersections in southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles per day, was modeled for CO concentrations. The modeling effort identified a CO concentration high of 4.6 ppm, which is well below the 35-ppm Federal standard. The Project considered herein would

¹⁰ Ibid. p. 35

not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's *CO Hotspot Analysis*. As the CO hotspots were not experienced at the Wilshire Boulevard and Veteran Avenue intersection even as it accommodates 100,000 vehicles daily, it can be reasonably inferred that CO hotspots would not be experienced at any vicinity intersections resulting from 4,508 additional vehicle trips attributable to the Project. Therefore, impacts would be less than significant.

Construction and Operational Diesel Particulate Matter

Project construction would result in the generation of DPM emissions from the use of required off-road diesel equipment required. Operational activities would also include the use of heavy-duty diesel trucks. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer.

The use of diesel-powered construction equipment would be temporary and episodic. The duration of exposure would be short and exhaust from construction equipment dissipates rapidly. Current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. The California Office of Environmental Health Hazard Assessment (OEHHA) has not identified short-term health effects from DPM. Construction is temporary and would be transient throughout the site (i.e., move from location to location) and would not generate emissions in a fixed location for extended periods of time which would limit the exposure of any proximate individual sensitive receptor to TACs.

Additionally, construction is subject to and would comply with California regulations (e.g., California Code of Regulations, Title 13, Sections 2485 and 2449), which reduce DPM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. These regulations would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. Given the temporary and intermittent nature of construction activities likely to occur within specific locations in the Project site (i.e., construction is not likely to occur in any one location for an extended time), the dose of DPM that any one receptor is exposed to would be limited. Therefore, considering the relatively short duration of DPM-emitting construction activity at any one location, and the highly dispersive properties of DPM, sensitive receptors would not be exposed to substantial concentrations of construction-related TAC emissions.

The HRA (**Appendix B2**), was conducted based on the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis and the SCAQMD Risk Assessment Procedures and the guidance from OEHHA. Refer to the following discussion concerning carcinogenic risk and non-carcinogenic risk.

Carcinogenic Risk

Construction-related activities would result in Project-generated emissions of DPM from the exhaust of off-road, heavy-duty diesel equipment for site preparation (e.g., clearing, grading); paving; application of

architectural coatings; on-road truck travel; and other miscellaneous activities. For construction activity, DPM is the primary TAC of concern. On-road diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they would not stay on the site for long durations. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors.

Operational vehicle DPM emissions were estimated using emission factors for course particulate matter less than 10 microns in diameter (PM₁₀) generated with the EMFAC developed by CARB. EMFAC is a mathematical model that was developed to calculate emission rates from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by CARB to project changes in future emissions from on-road mobile sources. EMFAC incorporates regional motor vehicle data, information and estimates regarding the distribution of vehicle miles traveled (VMT) by speed, and number of starts per day. The model includes the emissions benefits of the truck and bus rule and the previously adopted rules for other on-road diesel equipment. The closest sensitive receptors to the Project site are residences approximately 90 feet north of Project site.

Table 4.2-14, Health Risk Results shows the unmitigated and mitigated health risk for the combined construction and operation of the Project. Based on OEHHA Risk Assessment Guidelines, the exposure duration for a resident is 30 years, beginning with the third trimester; the exposure duration for workers is 25 years. Operations would commence following construction. As such, construction would not overlap with operations. The analysis calculates risk based on exposure to construction concentrations during the initial 15 months of the exposure duration and operational concentrations for the remainder of the exposure duration. Project emissions would result in a maximum cancer risk of 13.94 in one million, which would exceed the SCAQMD threshold of 10 in one million. The Project includes **MM HRA-1**, which requires the use of Tier 4 construction equipment or incorporation of CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). Implementation of the **MM HRA-1** would reduce cancer risk to 1.8 in one million; refer to **Table 4.2-14**). Therefore, impacts associated with carcinogenic risk would be less than significant.

Table 4.2-14: Health Risk Results

Exposure Scenario	Maximum Cancer Risk (Risk per Million)	Chronic Noncancer Hazard
Unmitigated Emissions		
Residential Receptors Houses along Kuffel Road, 90 feet north of Project ¹	13.94	0.0083
Worker Receptors – Farm adjacent to southern boundary of Project ¹	0.33	0.0083
<i>Threshold</i>	10	1.0
Threshold Exceeded	Yes	No
Mitigated Emissions (Tier 4 Final Construction Equipment)²		
Residential Receptors Houses along Kuffel Road, 90 feet north of Project ¹	1.80	0.0012
Worker Receptors – Farm adjacent to southern boundary of Project ¹	0.09	0.0015
<i>Threshold</i>	10	1.0
Threshold Exceeded?	No	No
¹ According to OEHHA, the REL for DPM is 5 and the target organ is the respiratory system. ² The “Mitigated Emissions” exposure scenario shows the risk with the incorporation of MM HRA-1 (Tier 4 Final Construction Equipment). Source: Kimley-Horn & Associates. (2022). <i>Health Risk Assessment</i> . Page 21 – Table 3		

Non-Carcinogenic Risk

The significance thresholds for TAC exposure also require an evaluation of non-cancer risk stated in terms of a hazard index. Non-cancer chronic impacts are calculated by dividing the annual average concentration by the Recommended Exposure Limit (REL) for that substance. The REL is defined as the concentration at which no adverse non-cancer health effects are anticipated. RELs are designed to protect sensitive individuals within the population. According to OEHHA, the REL for DPM is 5 and the target organ is the respiratory system.¹¹

Chronic non-carcinogenic impacts are shown in **Table 4.2-14**. A chronic hazard index of 1.0 is considered individually significant. The hazard index is calculated by dividing the chronic exposure by the reference exposure level. The chronic hazard was calculated based on the highest annual average concentration at the maximally exposed individual receptor. The highest maximum chronic hazard index associated with emissions from the Project would be 0.0083, respectively which would not exceed the hazard index threshold of 1.0 for exposure to hazardous substances. It should be noted that there is no acute REL for DPM and acute health risk cannot be calculated. The Project includes **MM HRA-1**, which requires the use of Tier 4 construction equipment or incorporation CARB Level 3 Verified Diesel Emission Control Strategy (VDECS). Implementation of the **MM HRA-1** would further reduce the chronic hazard; refer to **Table 4.2-14**. Therefore, impacts associated with chronic exposure to hazardous substances would be less than significant.

Mitigation Measures

Refer to **MMs AQ-1** through **AQ-3** in Impact 4.2-1 above. Refer to **MM HRA-1** in Impact 4.2-2 above.

Impact 4.2-4 ***Would the Project Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?***

Level of Significance: Less than Significant

Construction

Odors that could be generated by construction activities are required to follow SCAQMD Rule 402 to prevent odor nuisances on sensitive land uses. SCAQMD Rule 402, Nuisance, states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

During construction, emissions from construction equipment, such as diesel exhaust, and volatile organic compounds from architectural coatings and paving activities may generate odors. However, these odors would be temporary, are not expected to affect a substantial number of people and would disperse

¹¹ Kimley-Horn & Associates. (2022). *Health Risk Assessment*. p. 21. Refer to **Appendix B2**

rapidly. Therefore, impacts related to odors associated with the Project's construction-related activities would be less than significant.

Operations

The SCAQMD *CEQA Air Quality Handbook* identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of the land uses that have been identified by the SCAQMD as odor sources. Therefore, the Project would not create objectionable odors.

Mitigation Measures

No mitigation is required.

4.2.6 Cumulative Impacts

Cumulative Short-Term Emissions

The SCAB is designated nonattainment for O_3 , PM_{10} , and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards. Appendix D of the SCAQMD White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution (2003) notes that projects that result in emissions that do not exceed the project-specific SCAQMD regional thresholds of significance should result in a less than significant impact on a cumulative basis unless there is other pertinent information to the contrary. Therefore, if a project is estimated to result in emissions that do not exceed the thresholds, the project's contribution to the cumulative impact on air quality in the SCAB would not be cumulatively considerable. As shown in **Table 4.2-8**, construction of the Project would exceed the SCAQMD significance thresholds for PM_{10} . However, with the implementation of **MM AQ-1** and **MM AQ-2**, construction impacts would be reduced to less than significant levels. In addition, as shown in **Table 4.2-14**, cancer risk exceeded the SCAQMD threshold of 10 in in one million due to TAC exposure from construction equipment. However, the implementation of MM HRA-1 reduced impacts to less than significant levels. Therefore, the Project would not generate a cumulatively considerable contribution to air pollutant emissions during construction.

Cumulative Long-Term Emissions

The SCAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, individual project emissions contribute to existing cumulatively significant adverse air quality impacts. The SCAQMD developed the operational thresholds of significance based on the level above which individual project emissions would result in a cumulatively considerable contribution to the SCAB's existing air quality conditions. Therefore, a project that exceeds the SCAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in **Table 4.2-9**, the Project operational emissions (primarily from vehicle and forklift emissions) would exceed SCAQMD thresholds for NO_x. However, with the implementation of **MMs AQ-3** through **AQ-5**, operational impacts would be reduced to less than significant levels. Therefore, the Project would not generate a cumulatively considerable long-term contribution to air pollutant emissions.

4.2.7 Significant Unavoidable Impacts

No significant unavoidable impacts concerning air quality would occur.

4.2.8 References

City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*. Retrieved from: <https://www.cityofmenifee.us/221/General-Plan>.

Menifee. (2022). *Industrial Good Neighbor Policies*. Retrieved from: https://www.cityofmenifee.us/DocumentCenter/View/14902/Design-Guidelines_Amended-March-2-2022?bidId=

Kimley-Horn and Associates. (2024). *Air Quality Assessment*. (**Appendix B1**)

Kimley-Horn and Associates. (2024). *Health Risk Assessment*. (**Appendix B2**)

4.3 BIOLOGICAL RESOURCES

4.3.1 Introduction

This section describes effects on biological resources that may result from implementation of the CADO Menifee Industrial Warehouse Project (Project). The following discussion addresses existing environmental conditions in the affected area, identifies and analyzes environmental impacts of the Project, and recommends measures to reduce or avoid significant impacts anticipated from implementation of the Project. This includes construction and operations of the warehouse building. In addition, existing laws and regulations relevant to biological resources are described. In some cases, compliance with these existing laws and regulations will serve to reduce or avoid certain impacts that might otherwise occur with the implementation of the Project.

The setting, context, and impact analysis in this section are based primarily on a biological resource study conducted by ELMT Consulting that is contained in **Appendix C, Biological Resources Report**:

- ELMT Consulting, Inc. (2022). *Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSCHP) Consistency Analysis*.
- ELMT Consulting, Inc. (2023). *Burrowing Owl Focused Survey Report*.

4.3.2 Environmental Setting

Project Site Conditions

At present, the northeast corner of the Project site consists of existing residential development, a vehicle storage yard, and vacant, undeveloped land. The majority of the Project site is undeveloped and has been subject to a variety of anthropogenic disturbances associated with historic agricultural activities, and routine weed abatement/disking activities. Historic aerials show these activities have been ongoing since at least 1966.

Surrounding Land Uses

The Project site occurs in a gradually urbanizing area that supports some primarily tract home developments and undeveloped parcels. Historically, the area supported agricultural land uses. At present, the Project site is bounded to the west, north, and east by Wheat Street, Kuffel Road, and Byers Road, respectively, with residential developments and undeveloped, vacant land beyond. The site is bounded to the south by residential development, former agricultural land, and undeveloped, vacant land. As part of the Project, off-site improvement would occur. Off-site improvements include Construct curb and gutter, sidewalk, and driveway improvements on Wheat Street, Byers Road, and Kuffel Road adjacent to Project site. Also refer to **Section 4.13, Transportation, Table 4.13-5, Mitigation Measures for Study Intersections**, which notes a list of other Project specific recommended improvements.

Like the Project site, the off-site areas that are to be improved have been previously disturbed as most of these are utilized for traffic movement around the Project site. The improvements would occur in areas currently in use. No undisturbed areas occur off-site and no impacts to biological resources would occur from the implementation of off-site improvements.

Topography and Soils

The Project site is relatively flat, is located at an approximate elevation of 1,424 to 1,458 feet above mean sea level, and slopes marginally from south to north. Based on the U.S. Department of Agriculture Natural Resources Conservation Service Web Soil Survey, the Project site is underlain by the following soil units: Auld clay (2 to 8 percent slopes), Buchenau loam (0 to 2 percent slopes, slightly saline-alkali), Las Posas loam (2 to 8 percent slopes), and Porterville clay (2 to 8 percent slopes, moderately deep). Soils on-site have been mechanically disturbed and heavily compacted from historic land uses (i.e., agricultural activities, grading activities, weed abatement).

Vegetation

No native plant communities occur within the boundaries of the Project site. The Project site supports one plant community: non-native grassland. In addition, the site supports two land cover types that would be classified as disturbed and developed. The vegetation community and land cover types are described in further detail below.

Non-Native Grassland

The majority of the Project site supports a non-native grassland that occurs in varying densities throughout the site, except the southwest and southeast corners and portions of the site perimeter. This plant community is dominated by non-native grasses such as oats (*Avena spp.*) and bromes (*Bromus spp.*) and supports primarily weedy/early successional species. Common plant species observed in the non-native grassland plant community include red-stemmed filaree (*Erodium cicutarium*), common mustard (*Brassica rapa*), Mediterranean mustard (*Hirschfeldia incana*), stinknet (*Oncosiphon pilulifer*), wild radish (*Raphanus sativa*), fiddleneck (*Amsinckia sp.*), annual lupine (*Lupinus bicolor*), and Mexican palo verde (*Parkinsonia aculeata*). Non-native grasses occur in the highest densities in the southern portion of the site, where they are nearly exclusive along a swale.

Disturbed

Disturbed portions of the Project site occur primarily on the perimeter of the Project site. These areas support the same species as the non-native grassland plant community, but dominance is shared among species such as Mediterranean mustard and red-stemmed filaree. These areas are routinely mowed for weed abatement.

Developed

The northeast corner of the Project site supports developed areas associated with the residential development.

Wildlife

Plant communities provide foraging habitat, nesting and denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed during the field survey or that are expected to occur within the Project site. The discussion is to be used as a general

reference and is limited by the season, time of day, and weather condition in which the field survey was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation.

Fish

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on the Project site. Therefore, no fish are expected to occur and are presumed absent from the Project site.

Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the Project site. Therefore, no amphibians are expected to occur and are presumed absent from the Project site.

Reptiles

The Project site provides a limited amount of habitat for a few reptile species adapted to a high degree of human disturbance associated with the on-site weed abatement activities. The only reptilian species observed during the field investigation was Great Basin fence lizard (*Sceloporus occidentalis longipes*). Other common reptilian species that are anticipated to occur within the Project site include common side-blotched lizard (*Uta stansburiana elegans*) and southern alligator lizard (*Elgaria multicarinata*). Due to the high level of anthropogenic disturbances on-site, and surrounding development, no special-status reptilian species are expected to occur on-site.

Birds

The Project provides suitable foraging and nesting habitat for bird species adapted to a high degree of human disturbance and agricultural land uses. Bird species detected during the field survey included:

- great egret (*Ardea alba*)
- Costa's hummingbird (*Calypte costae*)
- house sparrow (*Haemorrhous mexicanus*)
- rock pigeon (*Columba liva*)
- Eurasian collared dove (*Streptopelia decaocto*)
- Say's phoebe (*Sayornis saya*)
- Anna's hummingbird (*Calypte anna*)
- American kestrel (*Falco sparverius*)
- killdeer (*Charadrius vociferus*)
- Cassin's kingbird (*Tyrannus vociferans*)
- European starling (*Sturnus vulgaris*)
- red-tailed hawk (*Buteo jamaicensis*)

- bushtit (*Psaltirparus minimus*)
- black phoebe (*Sayornis nigricans*)

Nesting Birds

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted during breeding season. Although heavily disturbed, the Project site has the potential to provide minimal foraging and nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that are adapted to urban environments. Additionally, the disturbed habitats have the potential to support birds that nest on the open ground such as killdeer.

Mammals

The Project provides suitable foraging and denning habitat for mammalian species adapted to degraded conditions and routine anthropogenic disturbance. Mammalian species observed during the field investigation include pocket gopher (*Thomomys bottae*), coyote (*Canis latrans*), and desert cottontail (*Sylvilagus audubonii*). In addition, free-roaming domestic cats (*Felis cattus*) and dogs (*Canis familiaris*) were observed throughout the site. Other common mammalian species anticipated to occur within the Project site include California ground squirrel (*Otospermophilus beecheyi*), opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*). No bat species are expected to occur due to a lack of suitable roosting habitat (i.e., suitable trees, crevices, abandoned structures) within and surrounding the Project site.

Invertebrates

A review of recent and historic aerial photographs (1966-2018) of the Project site did not provide visual evidence of an astatic or vernal pool conditions within the Project site. No ponding was observed during the field investigation, further supporting the fact that the drainage patterns currently occurring on the Project site do not follow hydrologic regime needed for vernal pools. From this review of historic aerial photographs and observations during the field investigations, it can be concluded that there is no indication of vernal pools or suitable fairy shrimp habitat occurring within the Project site. For a summary of the fairy shrimp known to occur in Western Riverside County and their potential to occur on-site, see **Appendix C, Biological Resources Report**, Section 5.1.2: Vernal Pools.

4.3.3 Regulatory Setting

Federal

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits “take” of threatened or endangered species. “Take” under the ESA is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or

its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an ESA listed species and which may require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the U.S. Army Corps of Engineers [USACE]).

If USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 Code of Federal Regulations [CFR] 10, 21).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered “take.” This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds, and many relatively common species.

State

California Environmental Quality Act

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines “endangered” and “rare” species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, “endangered” species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while “rare” species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act

In addition to federal laws, the State of California implements the CESA which is enforced by the California Department of Fish and Wildlife (CDFW). The CESA program maintains a separate listing of species beyond the Federal ESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in “take” of individuals (defined in CESA as; “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) are regulated by CDFW. Habitat degradation or modification is not included in the definition of “take” under CESA. Nonetheless, CDFW has interpreted “take” to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, the USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not

receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

Fish and Game Code

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Fish and Game Code makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Native Plant Protection Act

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance rare and endangered plants in the state of California. The act requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

Vascular plants listed as rare or endangered by the California Native Plant Society (CNPS), but which have no designated status under the Federal ESA or CESA are defined as follows:

California Rare Plant Rank

- 1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere
- 1B- Plants Rare, Threatened, or Endangered in California and Elsewhere
- 2A- Plants Presumed Extirpated in California, But More Common Elsewhere
- 2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 3- Plants about Which More Information is Needed - A Review List
- 4- Plants of Limited Distribution - A Watch List

Threat Ranks

- .1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- .2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- .3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

Regional

Western Riverside County Multiple Species Habitat Conservation Plan

The Multiple Species Habitat Conservation Plan (MSHCP) is a comprehensive, multi-jurisdictional habitat conservation plan focusing on conservation of species and their associated habitats in western Riverside County. The goal of the MSHCP is to maintain biological and ecological diversity within a rapidly urbanizing region.

The approval of the MSHCP and execution of the Implementing Agreement (IA) by the wildlife agencies allows signatories of the IA to issue “take” authorizations for all species covered by the MSHCP, including state- and federal-listed species as well as other identified sensitive species and/or their habitats. Each city or local jurisdiction will impose a MSHCP mitigation fees for projects within their jurisdiction. With payment of the mitigation fee to the County and compliance with the survey requirements of the MSHCP where required and other applicable MSHCP requirements, full mitigation in compliance with the CEQA, National Environmental Policy Act (NEPA), California ESA, and Federal ESA will be granted.

Pursuant to Resolution 21-2011 and City of Meniffee Municipal Code (Meniffee MC) Chapter 8.27, all building permit applicants are required to pay their Western Riverside County MSHCP mitigation fees after receiving an approved Planning Application and have also submitted plans for Building Department review. All fees must be paid prior to issuance of a building permit. The Western Riverside County MSHCP mitigation fee varies according to project size and project description. The fee for the Project (industrial development) is currently \$19,066 per acre (County Ordinance 810.2)1. Payment of the mitigation fee and compliance with the requirements of Section 6.0 of the MSHCP are intended to provide full mitigation under CEQA, NEPA, California ESA, and Federal ESA for impacts to the species and habitats covered by the MSHCP pursuant to agreements with the USFWS, the CDFW, and/or any other appropriate participating regulatory agencies and as set forth in the IA for the MSHCP.

Local

City of Meniffee General Plan

Open Space and Conservation Element

The City of Meniffee's Open Space and Conservation Element provides policy direction for Meniffee's parks and open space areas, recreational trails, and the conservation, development, and utilization of the City's natural resources with an overall goal of maintaining the high quality of life Meniffee residents have

enjoyed for generations, while also preserving and protecting the numerous nonrenewable and unique cultural and historic resources located within the City.¹

Goals and policies from the Open Space and Conservation Element applicable to the Project include:

Goal OSC-8 **Protected biological resources, especially sensitive and special status wildlife species and their natural habitats.**

Policy OCS-8.2 Support local and regional efforts to evaluate, acquire, and protect natural habitats for sensitive, threatened, and endangered species occurring in and around the city.

Policy OCS-8.4 Identify and inventory existing natural resources in the City of Menifee.

Policy OCS-8.5 Recognize the impacts new development will have on the city's natural resources and identify ways to reduce these impacts.

4.3.4 **Impact Thresholds and Significance Criteria**

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the Project would have a significant environmental impact if one or more of the following occurs:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Methodology and Assumptions

The Project site and its associated design are evaluated against the aforementioned significance criteria as the basis for determining the level of impacts related to biological resources. This analysis considers existing regulations, laws and standards that serve to avoid or reduce potential environmental impacts.

¹ City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*. <https://www.cityofmenifee.us/250/Open-Space-Conservation-Element> (accessed August 2023).

Feasible mitigation measures are recommended, when warranted, to avoid or lessen the Project's significant adverse impacts.

Approach to Analysis

This analysis of impacts on biological resources examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site, and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on the aforementioned biological resources study; review of maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a project would or would not result in "substantial" adverse effects on biological resources considers how the potential for development and operation of the site would affect the resources.

4.3.5 Impacts and Mitigation Measures

Impact 4.3-1 *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Level of Significance: Less than Significant with Mitigation Incorporated

Special Status Plants

According to the California Natural Diversity Database (CNDDB) and CNPS, 31 special-status plant species have been recorded in the Steele Peak, Perris, Lake Elsinore, and Romoland quadrangles. No special-status plant species were observed on the Project site during the field investigation. The Project site and surrounding area have been subject to decades of anthropogenic disturbances which have removed native plant communities that historically occurred. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the site has a low to moderate potential to support smooth tarplant (*Centromadia pungens ssp. laevis*) and paniculate tarplant (*Deinandra paniculata*). There is minimal habitat on the Project site that would support the smooth tarplant (*Centromadia pungens ssp. laevis*) and paniculate tarplant (*Deinandra paniculata*). It was further determined that the site does not have potential to support any of the other special-status plant species known to occur in the vicinity of the site due to the lack of suitable habitat on the Project site.

These special-status plant species are not state or federally listed as threatened or endangered. They are designated as a CNPS Rare Plant Rank 1B.2 and 4.2, respectively. While the historic and ongoing land uses supported by the Project site have removed the natural plant communities that once occurred in the area, these species are known for their tolerance of disturbed conditions and are commonly found in disturbed areas in western Riverside County. As such, smooth tarplant and paniculate tarplant were determined to have a low/moderate potential to occur within the Project site. Since the Project is isolated from

undeveloped, native open spaces, it is not expected to provide conservation value for either of these species, if present.

Special-Status Plant Communities

The CNDDDB lists three special-status habitats as being identified within the Steele Peak, Perris, Lake Elsinore, and Romoland quadrangles: Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, and Southern Sycamore Alder Riparian Woodland, which do not occur on the Project site. No CDFW special-status plant communities occur within the boundaries of the Project site.

Special-Status Wildlife

According to the CNDDDB, 86 special-status wildlife species have been reported in the Steele Peak, Perris, Lake Elsinore, and Romoland quadrangles. Special-status wildlife species observed during the field investigation include great egret and Costa's hummingbird. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the Project site has a high potential to support Cooper's hawk (*Accipiter cooperii*), sharpshinned hawk (*Accipiter striatus*), great blue heron (*Ardea herodias*), northern harrier (*Circus hudsonius*), snowy egret (*Egretta thula*), white-tailed kite (*Elanus leucurus*), California horned lark (*Eremophila alpestris actia*), prairie falcon (*Falco mexicanus*), and loggerhead shrike (*Lanius ludovicianus*); and a low potential to support burrowing owl (*Athene cunicularia*) and western mastiff bat (*Eumops perotis californica*). All remaining special-status wildlife species were presumed to be absent from the Project site due to the lack of native habitat, routine on-site disturbances, and isolation of the site from suitable habitats.

None of the other aforementioned species are federally or state listed as threatened or endangered, however, white-tailed kite is fully protected under CESA. The majority of the aforementioned species are only expected to occur on-site while foraging due to the absence of suitable nesting/roosting opportunities and degree and type of routine on-site and surrounding disturbance.

To ensure impacts to aforementioned avian species do not occur from implementation of the Project, a pre-construction nesting bird clearance survey would be conducted prior to ground disturbance in accordance with Mitigation Measure **(MM) BIO-1**. With implementation of **MM BIO-1**, impacts to the aforementioned species would be less than significant.

Fairy Shrimp

Based on an assessment of species composition, hydrology, soils analysis, and individual characteristics for each of the listed fairy shrimp known in western Riverside County, it was determined that the Project site does not support riparian/riverine habitat or vernal pools, and, therefore, does not provide suitable habitat for federally/State and/or MSHCP listed fairy shrimp. Due to the lack of riparian/riverine habitat and vernal pools, the Project site was determined not to provide suitable habitat for federally/State and/or MSHCP listed fairy shrimp, and focused surveys for fairy shrimp are not required per the MSHCP. No impact would occur to fairy shrimp.

Burrowing Owl

Burrowing owl is currently designated as a California Species of Special Concern. The burrowing owl is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. In California, the burrowing owl breeding season extends from the beginning of February through the end of August.

Despite a systematic search of the Project site, no burrowing owls or sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. Portions of the Project site are vegetated with a variety of low-growing plant species that allow for minimal line-of-sight observation favored by burrowing owls. Further, multiple small mammal burrows that have the potential to provide suitable burrowing owl nesting habitat (>4 inches in diameter). However, the site supports and is surrounded by tall trees, structures, and utility poles – including a Southern California Edison transmission line to the south - that provide perching opportunities for large raptors (i.e., red-tailed hawk) that can prey on burrowing owls. In addition, multiple domestic cats and dogs were observed roaming freely near occupied residential developments, which likely precludes burrowing owls from occupying suitable burrows in these areas as these domestic species would likely harass burrowing owls.

Despite regular disturbance, the ample presence of perching opportunities for predators of burrowing owls, and the presence of free-roaming domestic cats and dogs, the Project site supports suitable foraging habitat and suitable burrows for burrowing owl. In order to comply with the conservation goals of Section 6.3.2 of the MSHCP, a Part B-Focused burrowing owl survey was conducted in accordance with the Burrowing Owl Survey Instructions for the Western Riverside MSHCP Area. Four focused burrowing owl surveys were conducted on June 27, July 12, July 26, and August 29, 2023.² Based on the results of the 2023 burrowing owl focused surveys, no burrowing owls or evidence of recent or historic use burrowing owls were observed on the Project site.³ As a result, burrowing owls are presumed to be absent from the Project site.⁴ To ensure that burrowing owl remain absent from the Project site, the Project would implement **MM BIO-2** which would require that a 30-day burrowing owl pre-construction clearance survey be conducted prior to obtaining a grading permit.

Overall, based on the Project footprint, and with the implementation of **MMs BIO-1** and **BIO-2**, none of the special-status species known to occur in the general vicinity of the Project site would be directly or indirectly impacted from implementation of the Project. A less than significant impact would occur with mitigation incorporated.

Mitigation Measures

MM BIO-1 If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts

² ELMT Consulting, Inc. 2023. *Burrowing Owl Focused Survey Report*. Page 7.

³ Ibid, Page 12.

⁴ Ibid.

to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer (generally 300 feet for migratory and non-migratory songbirds and 500 feet raptors and special-status species) will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

MM BIO-2

The Project Developer shall retain a qualified biologist to conduct a 30-day pre-construction survey for burrowing owl. The results of the single one-day survey shall be submitted to the City prior to obtaining a grading permit. If at any time there is a lapse of Project activities for 30 days or more, another burrowing owl survey shall be conducted and submitted to the City.

If burrowing owl are not detected during the pre-construction survey, no further mitigation is required. If active burrowing owl burrows are detected during the breeding season, the on-site biologist will review and establish a conservative avoidance buffer surrounding the nest based on their best professional judgment and experience and verify compliance with this buffer and will verify the nesting effort has finished. Work can resume when no other active burrowing owl nesting efforts are observed. If active burrowing owl burrows are detected outside the breeding season, then passive and/or active relocation pursuant to a Burrowing Owl Plan that shall be prepared by the Applicant and approved by the City in consultation with CDFW, or the Project Developer shall stop construction activities within the buffer zone established around the active nest and shall not resume construction activities until the nest is no longer active. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the MSHCP. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied and backfilled to ensure that animals do not reenter the holes/dens.

Impact 4.3-2 *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Level of Significance: No Impact

Review of the USFWS's National Wetland Inventory mapper did not identify any riparian habitat on the Project site.⁵ No jurisdictional drainage features, riparian/riverine areas, or vernal pools were observed within the Project site during the field survey. Therefore, regulatory approvals from the USACE, Regional Water Quality Control Board (RWQCB), and/or CDFW would not be required for implementation of the Project. Further, site development would not result in impacts to riparian/riverine habitats and a Determination of Biologically Equivalent or Superior Preservation would not be required under the MSHCP for the loss of riparian/riverine habitat. Further, no sensitive habitats were identified within the Project site. Thus, no sensitive natural communities will be impacted from Project implementation. Overall, no impact would occur.

Mitigation Measures

No mitigation required.

Impact 4.3-3 *Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Level of Significance: No Impact

Review of the USFWS's National Wetland Inventory mapper did not identify any wetlands on the Project site.⁶ No inundated areas, wetland features, or wetland plant species that would be considered wetlands as defined by Section 404 of the Clean Water Act occur within the Project footprint. As a result, implementation of the Project would not result in any impacts or have substantial adverse effect on state or federally protected wetlands.

Mitigation Measures

No mitigation required.

Impact 4.3-4 *Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Level of Significance: Less than Significant

The Project site has not been identified as occurring in a wildlife corridor or linkage. The nearest linkage to Project, as identified by the MSHCP, occurs approximately 0.7 mile to the northwest of the Project in association with the San Jacinto River. The Project would be confined to existing areas that have been

⁵ USFWS. 2022. *National Wetlands Inventory Wetlands Mapper*. Available at: <https://www.fws.gov/wetlands/data/mapper.html> (accessed August 2023).

⁶ Ibid.

heavily disturbed and are isolated from regional wildlife corridors. Therefore, the Project site does not function as a major wildlife movement corridor or linkage. As such, implementation of the Project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area. Due to the lack of any identified impacts to wildlife movement, migratory corridors or linkages or native wildlife nurseries, no mitigation is required. Therefore, impacts to wildlife corridors or linkages are not expected to occur and impacts would be less than significant.

Mitigation Measures

No mitigation required.

Impact 4.3-5 Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Level of Significance: Less than Significant

The Project would be constructed in compliance with the requirements of the Menifee General Plan (GP) and the Menifee Municipal Code. The Menifee GP provides goals and policies for the conservation of biological resources. Goal OSC-8 protects biological resources and Policy OCS-8-5 calls for the recognition of the impacts new development will have on the City's natural resources and to identify ways to reduce these impacts.

The purpose of Chapter 9.205: Tree Preservation of the Comprehensive Development Code is to “protect trees, considered to be a valuable community resource, from indiscriminate cutting or removal, to ensure and enhance public health, safety and welfare through proper care, maintenance and preservation of trees. Such landscaping, irrigation systems and tree preservation represent a substantial investment in and potential benefit to the community. Heritage trees such as those with certain characteristics (age, size, species, location, historical influence, aesthetic quality or ecological value) are subject to special attention and preservation efforts.”

The majority of the Project site supports vacant/undeveloped land that has historically been used for agricultural purposes. However, surrounding the residential property in the northeast portion of the Project site are privacy trees. Most of the trees are Peruvian pepper (*Schinus mole*) with a small number of palo verde (*Parkinsonia florida*). The pepper is non-native and the palo verde is native, but planted (it's not typically naturally growing in this region). All of these trees were planted around 2008/2009; therefore, it is unlikely that they qualify as heritage trees.

Upon Project completion, maintenance of new trees on the Project site would be conducted in accordance with § 9.205.060 of the Comprehensive Development Code, as follows:

- B. **Industry standard maintenance.** All trees on public and private property, within all zoning districts, shall be maintained in accordance with industry standards and in accordance with the International Society of Arboriculture or ANSI A 300 tree care standards.
- C. **Free of damage.** Builders shall be required to prune, treat and maintain existing trees and plant new ones in such a fashion that when the trees come under the purview of the City, an

association, or a private property owner, the trees will be free of damage, pests, diseases and dead branches. The trees shall be in good biological and aesthetic condition upon acceptance.

- D. **Trees overhanging a street.** Pruning of branches is required so that branches shall not significantly obstruct a streetlight or the view of a street intersection. There shall be a clear space of 14.5 feet above the surface of the street and 8 feet above the sidewalk. The owner shall remove all dead, diseased or dangerous trees or portions of trees with broken or decayed limbs which may pose a threat to public safety.

Through adherence to the Comprehensive Development Code and the above guidelines, impacts would be less than significant.

Mitigation Measures

No mitigation required.

Impact 4.3-6 *Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

Level of Significance: Less than Significant with Mitigation Incorporated

The Project site is located in the Sun City/Menifee Valley Area Plan of the MSHCP, but is not located within any designated Criteria Cells or conservation areas.

Since the City is a permittee under the MSHCP and, while the Project is not specifically identified as a Covered Activity under Section 7.1, Covered Activities Outside Criteria Area and PQP Lands, of the MSHCP, public and private development that are outside of Criteria Areas and Public/Quasi-Public (PQP)⁷ Lands are permitted under the MSHCP, subject to consistency with MSHCP policies that apply to area outside of Criteria Areas. As such, to achieve coverage, the Project must be consistent with the following policies of the MSHCP:

- The policies for the protection of species associated with Riparian/Riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP;
- The policies for the protection of Narrow Endemic Plant Species as set forth in Section 6.1.3;
- The Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4; and
- The requirements for conducting additional surveys as set forth in Section 6.3.2.

The Project site was reviewed to determine consistency with the MSHCP.

Riparian/Riverine Areas and Vernal Pools

The MSHCP requires that an assessment be completed if impacts to riparian/riverine areas and vernal pools would occur as a result of implementation of the proposed project. According to the MSHCP, the

⁷ PQP Lands are a subset of MSHCP Conservation Area lands totaling approximately 347,000 acres of lands known to be in public/private ownership and expected to be managed for open space value and/or in a manner that contributes to the Conservation of Covered Species (including lands contained in existing reserves). The acreage of PQP Lands has been accounted for in the MSHCP tracking process for assembling the Conservation Area.

documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species listed in Section 6.1.2 of the MSHCP, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools.

Aerial photography was reviewed prior to conducting the field investigation. The aerials were used to locate and inspect potential natural drainage features, ponded areas, or water bodies that may be considered riparian/riverine habitat and/or fall under the jurisdiction of the USACE, RWQCB, or CDFW. In general, surface drainage features indicated as blue-line streams on U.S. Geological Survey maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory authorities.

Additionally, a review of recent and historic aerial photographs (1966-2018) of the Project site did not provide visual evidence of an astatic or vernal pool conditions within the Project site. No ponding was observed during the field investigation, further supporting the fact that the drainage patterns currently occurring on the Project site do not follow hydrologic regime needed for vernal pools. From this review of historic aerial photographs and observations during the field investigations, it can be concluded that there is no indication of vernal pools or suitable fairy shrimp habitat occurring within the proposed Project site.

No jurisdictional drainage features, riparian/riverine areas, or vernal pools were observed within the Project site during the field investigation. Therefore, a DBESP analysis under the MSHCP would not be required and the Project is consistent with Section 6.1.2 of the MSHCP. Also, see Impact 4.3-2.

Narrow Endemic Plant Species

Section 6.1.3 of the MSHCP, Protection of Narrow Endemic Plant Species, states that the MSHCP database does not provide sufficient detail to determine the extent of the presence/distribution of Narrow Endemic Plant Species within the MSHCP Plan Area. Additional surveys may be needed to gather information to determine the presence/absence of these species to ensure that appropriate conservation of these species occurs. Based on the RCA MSHCP Information Map query and review of the MSHCP, it was determined that the Project site is located within the designated survey area for Narrow Endemic Plant Species Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), many stemmed dudleya (*Dudleya multicaulis*), spreading navarretia (*Navarretia fossallis*), California Orcutt grass (*Orcuttia californica*), and Wright's trichoronis (*Trichocoronis wrightii* var. *wrightii*) as depicted in Figure 6-1 within Section 6.1.3 of the MSHCP. Based on the results of the literature review, the Project site has not supported natural plant communities since at least 1966. Based on the results of the field investigation, the Project site does not provide suitable habitat for these MSHCP listed Narrow Endemic Plant Species.

Urban/Wildlands Interface Guidelines

Section 6.1.4 of the MSHCP, Guidelines Pertaining to Urban/Wildlands Interface, is intended to address indirect effects associated with development in proximity to MSHCP Conservation Areas. The Urban/Wildlife Interface Guidelines are intended to ensure that indirect project-related impacts to the MSHCP Conservation Area, including drainage, toxics, lighting, noise, invasive plant species, barriers, and grading/land development, are avoided or minimized. The Project site is not located within or in close

proximity of any Criteria Cells or designated conservation areas. Therefore, the Project would not need to comply with the Urban/Wildlands Interface Guidelines.

Additional MSCHP Considerations

In accordance with Section 6.3.2 of the MSHCP, Additional Survey Needs and Procedures, additional surveys may be needed for certain species in order to achieve coverage for these species. The query of the RCA MSHCP Information Map and review of the MSHCP determined that the Project site is located within the designated survey area for burrowing owl as depicted in Figure 6-4 within Section 6.3.2 of the MSHCP. In order to comply with the conservation goals of Section 6.3.2 of the MSHCP, a Part B-Focused burrowing owl would be conducted during the breeding season prior to development in accordance with MM BIO-2. If burrowing owls are found to occupy the Project site at the time of the focused survey, a relocation plan would need to be written, approved, and implemented prior to site development. If no burrowing owls or sign are found during the focused survey, a final pre-construction burrowing owl clearance survey would be required in accordance with MM BIO-3 to ensure burrowing owl remains absent from the Project site. No other special-status wildlife species surveys were identified.

Stephens' Kangaroo Rat Habitat Conservation Plan

Separate from the consistency review against the policies of the MSHCP, Riverside County established a boundary in 1996 for protecting the Stephens' kangaroo rat (*Dipodomys stephensi*, SKR), a federally endangered and state threatened species. The SKR is protected under the Stephens' Kangaroo Rat Habitat Conservation Plan (County Ordinance No. 663.10; SKR HCP). As described in the MSHCP Implementation Agreement, a Section 10(a) Permit, and California Fish and Game Code Section 2081 Management Authorization were issued to the Riverside County Habitat Conservation Agency (RCHCA) for the Long-Term SKR HCP and was approved by the USFWS and CDFW in August 1990. Relevant terms of the SKR HCP have been incorporated into the MSHCP and its Implementation Agreement. The SKR HCP will continue to be implemented as a separate HCP; however, to provide the greatest conservation for the largest number of Covered Species, the Core Reserves established by the SKR HCP are managed as part of the MSHCP Conservation Area consistent with the SKR HCP. Actions shall not be taken as part of the implementation of the SKR HCP that will significantly affect other Covered Species. Take of SKR outside of the boundaries but within the MSHCP area is authorized under the MSHCP and the associated permits.

The Project site is located within the Mitigation Fee Area of the SKR HCP, but is not located within or adjacent to any of the Core Reserve Areas. Since the Project site is not located within or adjacent to any of the Core Reserve Areas, no focused SKR surveys or on-site mitigation would be required. On-site mitigation is only recommended in Ordinance 663.10 when a site is located within or adjacent to a Core Reserve Area. As a result, the applicant would only be required to pay the SKR HCP Mitigation Fee prior to development of the Project site.

Mitigation Measures

See **MMs BIO-1** and **BIO-2** in Impact 4.3-1 above.

4.3.6 Cumulative Impacts

For purposes of biological resources, cumulative impacts are considered for projects located within the City of Menifee; see **Table 3-1, Cumulative Projects List**. As discussed above, all Project potential impacts to biological resources would be less than significant in consideration of compliance with existing laws, ordinances, regulations, and standards, including the MSHCP, and implementation of EIR mitigation measures. Cumulative projects would require implementation of the same measures as the Project, such as the MBTA and burrowing owl pre-construction surveys. There were no special-status plant or animal species observed on the Project site and the presence of such species on the Project is unlikely. However, implementation of mitigation would avoid potential impacts to burrowing owls and nesting bird species that have even a low potential to occur on the Project site. In addition, the Project would not impact jurisdictional waters of the U.S. or State, including wetlands.

As discussed above, Project-level impacts to biological resources would be less than significant. Standard regulatory requirements and procedures are required of other present and reasonably foreseeable future projects. As a result, the Project taken in sum with past, present, and reasonably foreseeable projects would not result in cumulatively considerable impacts on biological resources.

4.3.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.3.8 References

City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*.

<https://www.cityofmenifee.us/250/Open-Space-Conservation-Element>.

ELMT Consulting, Inc. (2022). *Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis* (Refer to **Appendix C**).

USFWS. (2022). *National Wetlands Inventory Wetlands Mapper*.

<https://www.fws.gov/wetlands/data/mapper.html>.

4.4 CULTURAL RESOURCES

4.4.1 Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions related to cultural resources, identify potential impacts that could result from CADO Menifee Industrial Warehouse Project (Project) implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts.

Information in this section is based primarily on the following source:

- BCR Consulting LLC (BCR) (2022). *Phase I Cultural Resources Assessment (CRA)* (**Appendix D**).

Additional resource information was obtained from available public resources, including among others, the City of Menifee (City) General Plan (Menifee GP).

Cultural Resources Terminology and Concepts

Key terms and concepts used in this section to describe and assess the potential cultural resource impacts are defined below:

Archeological Site. A site is defined by the National Register of Historic Places (NRHP) as the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains. Archeological remains usually take the form of artifacts (e.g., fragments of tools, vestiges of utilitarian or non-utilitarian objects), features (e.g., remnants of walls, cooking hearths, or midden deposits), and ecological evidence (e.g., pollen remaining from plants that were in the area when the activities occurred). Prehistoric archaeological sites generally represent the material remains of Native American groups and their activities dating to the period before European contact. In some cases, prehistoric sites may contain evidence of trade contact with Europeans. Ethnohistoric archaeological sites are defined as Native American settlements occupied after the arrival of European settlers in California. Historic archaeological sites reflect the activities of non-native populations during the Historic period.

Artifact. An object that has been made, modified, or used by a human being.

Cultural Resource. A cultural resource is a location of human activity, occupation, or use identifiable through field inventory, historical documentation, or oral evidence. Cultural resources include archaeological resources and built environment resources (sometimes known as historic architectural resources), and may include sites, structures, buildings, objects, artifacts, works of art, architecture, and natural features that were important in past human events. They may consist of physical remains or areas where significant human events occurred, even though evidence of the events no longer remains. Cultural resources also include places that are of traditional, cultural, or religious importance to social or cultural groups.

Cultural Resources Study Area (or study area). All areas of potential permanent and temporary impacts for a reasonable worst-case development within a project site and off-site impact areas.

Ecofact. An object found at an archaeological site that has an archaeological significance but has not been technologically altered, such as seeds, pollens, or shells.

Ethnographic. Relating to the study of human cultures. “Ethnographic resources” represent the heritage resource of an ethnic or cultural group, such as Native Americans or African, European, Latino, or Asian immigrants. They include traditional resource-collecting areas, ceremonial sites, value-imbued landscape features, cemeteries, shrines, or ethnic neighborhoods.

Historic Period. The period that begins with the arrival of the first non-native population and thus varies by area.

Historical Resource. This term is used for the purposes of California Environmental Quality Act (CEQA) and is defined in the State CEQA Guidelines (14 California Code of Regulations [CCR] § 15064.5) as: (1) a resource listed in, or determined to be eligible for listing in the California Register of Historical Resources (CRHR); (2) a resource included in a local register of historical resources, as defined in Public Resources Code (PRC) § 5020.1(k) or identified as significant in a historical resource survey meeting the requirements which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by the lead agency, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Historical resources may also include tribal cultural resources including sites, features, places, cultural landscapes, sacred places, objects, and/or archeological resources with value to a California Native American Tribe per PRC § 21074.

Isolate. An isolated artifact or small group of artifacts that appear to reflect a single event, loci, or activity. Isolates typically lack identifiable context and thus have little interpretative or research value. Isolates are not considered to be significant under CEQA and do not require avoidance mitigation (PRC § 21083.2 and State CEQA Guidelines § 15064.5). All isolates located during the field effort, however, are recorded and the data are transmitted to the appropriate California Historical Resources Information System (CHRIS) Information Center.

Lithic. Of or pertaining to stone. Specifically, in archaeology, lithic artifacts are chipped or flaked stone tools, and the stone debris resulting from their manufacture.

Native American Sacred Site. An area that has been, or continues to be, of religious significance to Native American peoples, such as an area where religious ceremonies are practiced or an area that is central to their origins as a people.

Prehistoric Period. The era prior to 1772. The later part of the prehistoric period (post-1542) is also referring to as the protohistoric period in some areas, which marks a transitional period during which native populations began to be influenced by European presence resulting in gradual changes to their lifeways.

Stratigraphy. The natural and cultural layers of soil that make up an archaeological deposit, and the order in which they were deposited relative to other layers.

Tribal Cultural Resource. This term refers to a site, feature, place, cultural landscape, sacred place, object, or archaeological resource with cultural value to a California Native American tribe that is listed or eligible for listing in national, California, or local registers. A lead agency also has the discretion to determine that a resource is a tribal cultural resource if the determination is supported by substantial evidence. Tribal cultural resources are addressed in **Section 4.14, Tribal Cultural Resources**.

Unique Archeological Resource. This term is used for the purposes of CEQA and is defined in PRC § 21083.2(g) as an archaeological artifact, object, or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it either contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; has a special and particular quality such as being the oldest of its type or the best available examples of its type; or, is directly associated with a scientifically recognized important prehistoric or historic event or person.

4.4.2 Environmental Setting

The Project site is located in the City of Menifee, western Riverside County (County). The Project site is situated in the Perris Valley, which occupies a portion of California's Peninsular Range geologic province which encompasses western Riverside County. Elevation of the Project site ranges from approximately 1,430 to 1,450 feet above mean sea level. As such, the Project site is characterized as lower Sonoran Life Zone, represented in cismontane valleys and low-mountain slopes. Crystalline rocks in the area include gabbro and granodiorite of the southern California batholith. These resistant rocks weather to form dark or light colored, boulder-covered conical buttes and hills. They are granitic and have intruded and metamorphosed to locally form gneissic and schistose rocks. The crystalline rocks in the area are covered by Older Pleistocene alluvium that, in turn, is covered by a thin horizon of Holocene soils and recent stream sediments in channels. Pedogenic carbonate (caliche or hardpan) is a depositional product associated with the Holocene soils and invades the Pleistocene sediments. The southern tip of the Northern Peninsular Range has a number of igneous rocks utilized by Native Americans for food processing. These include granodiorites, quartz monzonites, and breccias, which are found locally. Metamorphosed sedimentary rocks, such as metamorphosed quartzite, are also found near the Project site. Olivine basalt and andesite-containing phenocrysts have also been locally utilized for the prehistoric manufacture of chipped stone tools.

Cultural Setting

According to the CRA, two primary regional syntheses are commonly utilized in the archaeological literature for southern California. The first was advanced by Wallace in 1955, and defines four cultural horizons, each with characteristic local variations: Early Man Horizon, Milling Stone, Intermediate, and Late Prehistoric. The CRA determined that five periods defined the southern California prehistory: Lake Mojave, Pinto, Gypsum, Saratoga Springs, and Protohistoric. Many changes in settlement patterns and subsistence focus are viewed as cultural adaptations to a changing environment, beginning with the gradual environmental warming in the late Pleistocene, the desiccation of the desert lakes during the early Holocene, the short return to pluvial conditions during the middle Holocene, and the general warming and drying trend, with periodic reversals, that continue to this day.

See the Phase I CRA (**Appendix D**), for detailed information regarding the Prehistoric Context (beginning on page 6). Additionally, see **Section 4.14, Tribal Cultural Resources** for the Ethnographic Setting.

History

In southern California, the historic era is generally divided into three periods: the Spanish or Mission Period (1769 to 1821), the Mexican or Rancho Period (1821 to 1848), and the American Period (1848 to present).

Spanish Period. The Spanish period (1769-1821) is represented by exploration of the region; establishment of the San Diego Presidio and missions at San Gabriel and San Luis Rey; and the introduction of livestock, agricultural goods, and European architecture and construction techniques. Spanish influence continued to some extent after 1821 due to the continued implementation of the mission system.

Mexican Period. The Mexican period (1821-1848) began with Mexican independence from Spain and continued until the end of the Mexican-American War. The Secularization Act of 1834 resulted in the transfer, through land grants (called ranchos) of large mission tracts to politically prominent individuals. Sixteen ranchos were granted in the County. At that time, cattle ranching was a more substantial business than agricultural activities, and trade in hides and tallow increased during the early portion of this period. Until the Gold Rush of 1849, livestock and horticulture dominated California's economy.

American Period. The American Period, 1848–Present, began with the Treaty of Guadalupe Hidalgo. In 1850, California was accepted into the Union of the United States primarily due to the population increase created by the Gold Rush of 1849. The cattle industry reached its greatest prosperity during the first years of the American Period. Mexican Period land grants had created large pastoral estates in California, and demand for beef during the Gold Rush led to a cattle boom that lasted from 1849–1855. However, beginning about 1855, the demand for beef began to decline due to imports of sheep from New Mexico and cattle from the Mississippi and Missouri Valleys. When the beef market collapsed, many California ranchers lost their ranchos through foreclosure. A series of disastrous floods in 1861–1862, followed by a significant drought diminished the economic impact of local ranching. This decline combined with ubiquitous agricultural and real estate developments of the late 19th century, set the stage for diversified economic pursuits of the 20th century.

Economic and ethnic diversification and growth have resulted in California's most visible 20th century hallmarks. Prior to World War II agriculture, oil, tourism, railroad, and film industries all flourished, and while the Great Depression of the 1930s slowed (and in many cases stopped) growth, these all remained important throughout the century. The wartime economy helped alleviate many causes of the Great Depression, and the subsequent years saw further diversification in which the aerospace and electronics industries emerged. During World War II, many people had relocated to California in support of the military industrial complex, and a large number remained post-war in search of employment and to start families. The subsequent population boom coincided with the greatest economic growth in the history of the state, and accompanied large-scale land subdivision, construction of bedroom communities, and development of a comprehensive freeway system and a state system of higher education. These factors have all helped reshape California's landscape, economy, and material culture.

Menifee. In 1880, Kentucky-born gold miner Luther Menifee Wilson discovered a substantial gold and quartz deposit eight miles south of Perris in what was then northern San Diego County, along present-day Murrieta Road. The discovery became widely known as the Menifee Quartz Lode, and it attracted many people to settle in the relatively barren region. The Menifee Mining District developed around the lode and subsequently included half a dozen mines. Wilson sold the mine to the Allen Gold Mining Company in 1889. A small, sparsely populated settlement associated with the mine became known as Menifee. By 1893, Menifee was made up of scattered farmsteads, a one-room schoolhouse, a general store that doubled as a post office, and a blacksmith shop. That same year, Menifee was also seriously considered to become the county seat of the newly formed County, receiving 459 votes among county delegates.

A nearby 3,000-acre property was purchased by Charles Cooper and investors from the Los Angeles Farmers and Merchants Bank in 1891, which for several years thereafter was used as a game hunting reserve named Quail Valley. Mining activity soon died down in the area as it proved to be unprofitable and grain farming became the predominant industry. The City remained highly rural in character through the remainder of the nineteenth century and first decades of the twentieth century, with a few local families owning vast acreages for ranches and dry farming. In the 1920s, the Quail Valley property was sold to investors who developed the Lake Elsinore Lodge, an enclave of recreational and residential facilities that included a clubhouse, tennis courts, equestrian stables, a restaurant, a small store, and a gas station. In 1947, this resort community would be renamed the Quail Valley Country Club. The greater community developed slowly. Electricity became widely available in 1946 in the area, and telephone service arrived in 1958. Occupancy remained so low that residents had to petition municipal authorities for such luxuries, as the City's small population didn't initially qualify for service.

A catalyst for urban development arrived in the early 1960s, when Del Webb, a contractor and developer from Arizona, planned for a retirement residential community in the City area called Sun City. After initially purchasing 14,000 acres of former ranch and farmlands for the development, Sun City was built on 1,200 acres with the remainder eventually being sold to future developers. The Sun City community was built as a four square-mile enclave complete with residences, retail stores, two golf courses, and two recreation centers. Soon after its completion and occupancy, it became its own Census Designated Place, separate from the unincorporated community of Menifee. Quail Valley, whose country club amenities were largely abandoned by the 1970s, was repurposed as a residential community adjacent to the City with many new residences and its own schools.

Local development picked up more steam in the 1980s and 1990s. In 1989, a real estate development firm, the Lusk Company, constructed a nearly 2,000-acre residential community around a 45-acre artificial lake and golf course called Menifee Lakes. The development, which also featured country club facilities, drew more middle-class families to settle in the City. Accompanying the development of Menifee Lakes was the construction of new parks, schools, and commercial areas. The establishment of the Menifee Valley Campus of Mt. San Jacinto College in 1990 further bolstered commercial activity and residency in the area. By 2005, the formerly rural farming settlement of the City had been transformed into a suburban bedroom community of more than 27,000 people.

As the local population grew, a movement for cityhood gained traction and the annexation of Sun City, Quail Valley, Romoland (a nearby ranching community developed in 1924), and other smaller communities on the peripheries of Menifee was contemplated. In June 2008, Menifee's residents voted with the local Chamber of Commerce to incorporate as Riverside County's twenty-sixth city. By October, the City was formally established, and the surrounding communities had been incorporated into Menifee's city limits, bringing its total area to exceed fifty square miles and 70,000 residents. Today, the population has increased to approximately 102,527 residents.

Methodology

The CRA was prepared to determine whether cultural resources are located within the Project boundaries, whether any cultural resources are significant pursuant to the below referenced regulations and standards, and to develop specific mitigation measures that will address potential impacts to existing or potential resources. The following tasks were conducted to achieve the aforementioned results:

- Sacred Lands File search through the Native American Heritage Commission, and communications with recommended tribes and individuals;
- Cultural resources records search through the Eastern Information Center (EIC) to review any previous studies conducted and the resulting cultural resources recorded within one half-mile of the Project site boundaries; and
- Systematic pedestrian survey of the entire Project site.

Records Search

Prior to fieldwork, a records search request was submitted to the EIC. The records search included a review of all prerecorded historic-period and prehistoric cultural resources, as well as a review of known cultural resources surveys and excavation reports generated from projects located within one half-mile of the Project site. In addition, a review was conducted of the NRHP, the CRHR, and documents and inventories from the California Office of Historic Preservation (OHP) including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures.

Field Survey

An intensive-level cultural resources field survey of the Project site was conducted on July 11, 2022. The survey was conducted by walking parallel transects spaced approximately 10-15 meters apart across 100 percent of the accessible Project site. Digital photographs were taken at various points within the Project boundaries (see Appendix C of the CRA) and all soil exposures were carefully examined for evidence of cultural resources.

Results

Records Search

A cultural resource records search was conducted by the EIC at the University of California, Riverside. The records search revealed that 24 cultural resource studies have taken place resulting in the recording of

two cultural resources within the research radius. Of these studies one assessed the Project site for cultural resources. This study was updated twice resulting in no cultural resources previously identified within the Project boundaries.

Additional Land Use Research

A review of aerial photos and assessor documents indicate that the majority of the Project site has never been cultivated or developed. The northeast corner of the Project site contains a rural residential complex consisting of two modern residences and three ancillary buildings that were developed between 2002 and 2018.

Predictive Modeling

Cultural resources recorded in this portion of the County indicate that historic agricultural and residential developments are locally common. Additionally, prehistoric use of bedrock for milling stations and lithic scatters and fire affected rock have also been identified in the general area. These resources are commonly associated with vegetal (particularly seed) processing, chipped stone tool manufacture, trade, and cooking. As a result, the field survey emphasized careful inspection for artifacts and features associated with historic agricultural and residential use, and of suitable rock outcrops and soil exposures for the presence of related features and artifacts.

Field Survey

During the field survey, archaeologists carefully inspected the Project site for evidence of cultural resources, using the methods described above. Representatives from two local tribes accompanied archaeologists during the pedestrian field survey. Ground visibility averaged approximately 70 percent within the Project site boundaries. Sediment included yellowish-brown, dry, semi-compact, sandy silt with minimal gravel content. Several boulders have been pushed into a pile in the southeast corner of the Project site. These were carefully checked for prehistoric grinding slicks, which were not present. The Project site has been subject to mechanical clearing and discing for weed abatement. It contains a rural residential complex consisting of two modern residences and three modern ancillary buildings in the northeast corner. No cultural materials (including historic-period or prehistoric archeological resources or historic-period built environment resources) were identified within the Project site.

Tribal Consultation

A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in California Public Resources Code Section 21080.3.2(b)(1) as discussed in AB 52. Findings were negative during the Sacred Lands File search with the Native American Heritage Commission (NAHC).

Based on the City's prior experience with and written request from potentially interested Tribes, AB 52 Notices were sent to the following four Tribes on December 9, 2021:

- Agua Caliente Band of Cahuilla Indians;
- Pechanga Band of Luiseño Mission Indians;

- Rincon Band of Luiseño Indians; and
- Soboba Band of Luiseño Indians.

To date, no response from the Rincon Band of Luiseño Indians Cultural Resources Department has been received. The Agua Caliente Band of Cahuilla Indians closed consultation on August 23, 2022, following review of the cultural resources assessment. Soboba Band of Luiseño Indians requested that the Cultural Resources and Tribal Cultural Resources Section be sent to them upon completion. On October 3, 2022, during a quarterly meeting with the City, the Pechanga Tribe stated they were satisfied with the City's standard conditions of approval for cultural/tribal cultural resources. The AB 52 consultation letters can be found in **Appendix D** and are discussed further in **Section 4.14, Tribal Cultural Resources**.

4.4.3 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) was passed in 1966 and is codified in Title 16, Section 470 et seq. of the U.S. Code (USC). The goal of the Act is to ensure federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. Among the regulations of the NHPA, Section 106 requires federal agencies to consider the effects of their undertakings on historic properties and afford the Advisory Council on Historic Properties (ACHP) a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP. See Title 36 Code of Federal Regulations (CFR) Part 800, "Protection of Historic Properties."

Section 106 applies when two thresholds are met: 1) there is a federal or federally licensed action, including grants, licenses and permits, and 2) that action has the potential to affect properties listed in or eligible for listing in the NRHP. Section 106 requires each federal agency to identify and assess the effects of its actions on historic resources. The responsible federal agency must consult with appropriate state and local officials, Indian Tribes, applicants for federal assistance and members of the public, and consider their views and concerns about historic preservation issues when making final project decisions. The agency should also plan to involve the public and identify any other potential consulting parties. If the agency determines that it has no undertaking or that its undertaking is a type of activity that has no potential to affect historic properties, the agency has no further Section 106 obligations.

Pursuant to Section 106, impacts to a cultural site or artifact must be declared "significant," "potentially significant" or "not significant." Under NHPA regulations, impacts to "significant" archeological sites must be mitigated for, while "not significant" archeological remains need not. A "potentially significant" determination is utilized when there is not enough information to make a conclusive ruling. NHPA mitigation would not be necessary for archeological sites avoided during development.

National Register of Historic Places

Developed in 1981 pursuant to Title 36 CFR Section 60, the NRHP provides an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or

impairment. It should be noted that the listing of a private property on the NRHP does not prohibit any actions which may otherwise be taken by the property owner with respect to the property. The listing of sites in California to the NRHP is initiated through an application submitted to the State OHP. Applications deemed suitable for potential consideration are handled by the State Historic Preservation Officer (SHPO). All NRHP listings for sites in California are also automatically added to the CRHR by the State of California. The listing of a site on the NRHP does not generally result in any specific physical protection. Among other things, however, it does create an additional level of CEQA (and NEPA [National Environmental Protection Act]) review to be satisfied prior to the approval of any discretionary action occurring that might adversely affect the resource.

National Historic Landmarks Program

The National Historic Landmarks (NHL) Program, developed in 1982 and as authorized by the Historic Site Act, identifies and designates NHLs to “encourage the long-range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the U.S.” The program is administered by the Department of the Interior pursuant to 36 CFR Section 65.5. Unlike any of the other state or federal registries, sites listed on the NHL are explicitly preserved and protected from harm under federal law.

Antiquities Act of 1906

The only federal law protecting fossil resources on public lands is the Antiquities Act of 1906 (16 USC 431 433). Enacted when Theodore Roosevelt was president, the Antiquities Act was designed to protect nonrenewable fossil and cultural resources from indiscriminate collecting. NEPA (42 USC 4321) directs Federal agencies to use all practicable means to “...preserve important historic, cultural, and natural aspects of our national heritage...”.

State

Assembly Bill (AB) 52 is addressed in **Section 4.14, Tribal Cultural Resources**.

California Register of Historical Resources

The State’s OHP manages and oversees the CRHR, which is intended to serve as “an authoritative guide to the state’s significant historical and archeological resources.” As outlined in PRC § 5020 et seq., resources listed must meet one of four “significance criteria” related to events, people, construction/artistic value, or information. Sites must also retain sufficient integrity to convey their significance. The CRHR includes a number of types of resources, including: all properties listed in or determined formally eligible for listing in the NRHP; all California Historical Landmarks from #770 onward; specific California Historical Landmarks issued prior to #770 and certain California Points of Historical Interest, as deemed appropriate for listing by the California Historic Resources Commission; and any properties nominated per OHP regulations. California Historical Landmarks are intended to recognize resources of statewide significance. Points of Historical Interest recognize resources of local or countywide significance. Lastly, as mentioned above, all NRHP listings within California are automatically added to the CRHR. The listing of a site on a California State register does not generally result in any specific physical

protection. Among other things, however, it does create an additional level of CEQA review to be satisfied prior to any discretionary action occurring that might adversely affect the resource.

California Code of Regulations

CCR Title 14 § 1427 recognizes that “California’s archaeological resources are endangered by urban development and population growth and by natural forces.” Accordingly, the State Legislature finds that “these resources need to be preserved in order to illuminate and increase public knowledge concerning the historic and prehistoric past of California.” Lastly, it states that any person “not the owner thereof, who willfully injures, disfigures, defaces or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.” The code also specifies that it is a misdemeanor to “alter any archaeological evidence found in any cave or to remove any materials from a cave.”

California Health and Safety Code (Sections 7050.5, 7051, and 7054)

Sections 7050.5, 7051, and 7054 of the California Health and Safety Code (HSC) collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the PRC), as well as the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, treatment of the remains prior to, during and after evaluation, and reburial procedures.

California Environmental Quality Act

The Project is subject to compliance with CEQA, as amended. Compliance with CEQA statutes and guidelines requires both public and private projects with financing or approval from a public agency to assess the project’s impact on cultural resources (PRC §§ 21082, 21083.2 and 21084 and CCR § 10564.5). The first step in the process is to identify cultural resources that may be impacted by the project and then determine whether the resources are “historically significant” resources.

CEQA defines historically significant resources as “resources listed or eligible for listing in the California Register of Historical Resources” (PRC § 5024.1). A cultural resource may be considered historically significant if the resource is 45 years old or older, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and meets any of the following criteria for listing on the CRHR:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
4. Has yielded, or may be likely to yield, information important in prehistory or history (PRC § 5024.1).

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance. CEQA states that if a project will have a significant impact on important cultural resources, deemed “historically significant,” then project alternatives and mitigation measures must be considered.

Local

City of Menifee General Plan

Open Space & Conservation Element

The Menifee GP Open Space & Conservation Element provides policy direction for the City's parks and open space areas, recreational trails, and the conservation, development, and utilization of the City's natural resources with an overall goal of maintaining the high quality of life Menifee residents have enjoyed for generations, while also preserving and protecting the numerous nonrenewable and unique cultural and historic resources located within the City.¹

Goals and policies from the Open Space & Conservation Element applicable to the Project include:

Goal OSC-5	Archaeological, historical, and cultural resources are protected and integrated into the city's-built environment
Policy OCS-5.1	Preserve and protect archaeological and historic resources and cultural sites, places, districts, structures, landforms, objects and native burial sites, traditional cultural landscapes and other features, consistent with state law and any laws, regulations or policies which may be adopted by the city to implement this goal and associated policies.
Policy OCS-5.4	Establish clear and responsible policies and best practices to identify, evaluate, and protect previously unknown archaeological, historic, and cultural resources, following applicable CEQA and NEPA procedures and in consultation with the appropriate Native American tribes who have ancestral lands within the city.

4.4.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been used as significance criteria in this section. Accordingly, the Project may have a significant environmental impact if one or more of the following occurs:

- Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5; or
- Disturb any human remains, including those interred outside of formal cemeteries.

¹ City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*. Available at: <https://www.cityofmenifee.us/250/Open-Space-Conservation-Element> (accessed August 2023).

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds as the basis for determining the impact's level of significance concerning cultural resources. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impacts. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on cultural resources examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on site conditions at the time of field reconnaissance conducted by BCR; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that any components of the Project may result in "substantial" adverse effects on historical and archaeological resources and human remains considers the existing site's historical resource value and the severity of the Project implementation on resources that may be considered historical.

4.4.5 Impacts and Mitigation Measures

Impact 4.4-1 *Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*

Level of Significance: No Impact

Construction and Operations

A field survey of the Project site was conducted on July 11, 2022. During the field survey, a rural residential complex consisting of two modern residences and three modern ancillary buildings was identified in the northeast corner of the Project site. This complex is not historic in age (i.e., 45 or more years old) and as such does not warrant further consideration.

No other historic-age resources were observed within the Project boundaries. Overall, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5. No impact would occur.

Mitigation Measures

No mitigation is required.

Impact 4.4-2 *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

Level of Significance: Less than Significant

Construction and Operations

The CRA did not encounter any prehistoric or archaeological resources within the Project site. Outside the Project site, one prehistoric archaeological site has been recorded within the one-half-mile search radius. The prehistoric-period resource, located approximately 0.25 mile southeast of the Project site, was identified as a bedrock milling feature. Because the resource is not located within the Project site, no impact to the resource by the Project would occur.

Given the negative results of the assessment, no additional work in conjunction with cultural resources is recommended for the Project. The cultural report did not warrant or recommend further monitoring as the chance of encountering buried archaeological deposits is considered low. However, to avoid any inadvertent discovery of archaeological resources, monitoring of future earth-disturbing activities will be conducted according to COA-CUL-1 through COA-CUL-8. Additionally, a record search of the NAHC SLF was completed for the area of potential effect “the Project site” and the search returned negative results. Therefore, the Project’s potential impacts concerning the significance of an archaeological resource would be less than significant. Adherence to Standards Conditions of Approval COA-CUL-3 through COA-CUL-7 would further minimize impacts.

Mitigation Measures

No mitigation is required.

Impact 4.4-3 *Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?*

Level of Significance: Less than Significant

Construction and Operations

No formal cemeteries are on or near the Project site. Most Native American human remains are found in association with prehistoric archaeological sites. Given the low potential for the Project’s ground-disturbing activities to encounter archaeological remains, human remains to be potentially encountered are considered low. Notwithstanding, if previously unknown human remains are discovered during the Project’s ground-disturbing activities, a substantial adverse change in the significance of such a resource could occur.

COA-CUL-1 and COA-CUL-2 are required to reduce potentially significant impacts to previously unknown human remains that may be unexpectedly discovered during Project implementation to a less than significant level. COA-CUL-1 requires that in the unlikely event that human remains are uncovered the contractor is required to halt work in the immediate area of the find and to notify the County Coroner, in accordance with HSC § 7050.5, who must then determine whether the remains are of forensic interest. If the Coroner, with the aid of a supervising archaeologist, determines that the remains are or appear to be

of a Native American, he/she must contact the NAHC for further investigations and proper recovery of such remains, if necessary. Impacts would be less than significant with implementation of the aforementioned Standard Conditions.

Further, pursuant to PRC § 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the NAHC shall be contacted within the period specified by law (24 hours). Subsequently, the NAHC shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in PRC § 5097.98. Human remains from other ethnic/cultural groups with recognized historical associations to the Project area shall also be subject to consultation between appropriate representatives from that group and the Community Development Director. Thus, compliance with the above-referenced state laws would reduce impacts to less than significant levels.

Mitigation Measures

No mitigation is required.

Standard Conditions of Approval

- COA-CUL-1** **Human Remains.** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.
- COA-CUL-2** **Non-Disclosure of Location Reburials.** It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r)., parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).
- COA-CUL-3** **Inadvertent Archeological Find.** If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but

may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance as determined in consultation with the Native American Tribe(s).

- a. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the tribal representative(s) and the Community Development Director to discuss the significance of the find.
- b. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archaeologist, a decision shall be made, with the concurrence of the Community Development Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.
- c. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional Tribal monitors if needed.
- d. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition.
- e. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the City Community Development Director for decision. The City Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council."

COA-CUL-4

Cultural Resources Disposition. In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Menifee Community Development Department:
 - i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.
 - ii. Reburial of the resources on the Project property. The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.
 - iii. If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

COA-CUL-5

Archeologist Retained. Prior to issuance of a grading permit the project applicant shall retain a Riverside County qualified archaeologist to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources.

The Project Archaeologist and the Tribal monitor(s) shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition and etc. The Project Archaeologist and the Tribal monitor(s), shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required special interest or tribal monitors.

The developer/permit holder shall submit a fully executed copy of the contract to the Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this condition.

In addition, the Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

- a. Project grading and development scheduling;
- b. The Project archeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the Project archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis;
- c. The protocols and stipulations that the contractor, City, Consulting Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

COA-CUL-6

Native American Monitoring (Soboba Band of Mission Indians). Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Soboba Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribes and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.

- COA-CUL-7** **Native American Monitoring (Pechanga).** Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Tribal Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.
- COA-CUL-8** **Archeology Report - Phase III and IV.** Prior to final inspection of the first building permit associated with each phase of grading, the developer/permit holder shall prompt the Project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if conducted for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).

4.4.6 Cumulative Impacts

As concluded above, the Project would not cause an adverse change in the significance of a historical resource pursuant to State CEQA Guidelines § 15064.5. Therefore, no cumulative impact concerning historical resources would occur.

As discussed above, the potential, although low, exists for undiscovered archaeological resources to be adversely impacted during Project construction. Cumulative projects could involve actions that damage known or as-yet undiscovered archaeological cultural resources specific to those development sites. However, as with the Project, all cumulative development would undergo environmental and design review on a project-by-project basis pursuant to CEQA to evaluate potential impacts to cultural resources. This would include studies of historical and archaeological cultural resources that are present or could be present within a development site. Additionally, cumulative development would be subject to compliance with the established federal, state, and local regulatory framework concerning the protection of cultural resources on a project-by-project basis. Where significant or potentially significant impacts are identified, implementation of all feasible site-specific mitigation would be required to avoid or reduce impacts. The Project's cumulative impacts to archaeological cultural resources would be less than significant given compliance with the established regulatory framework and standard conditions of approval.

As concluded above, previously undiscovered human remains could be encountered during Project construction activities; however, a less than significant impact would occur in this regard following compliance with the established state regulatory framework and conditions of approval. Cumulative development could impact previously undiscovered human remains during construction. However, all cumulative development would undergo environmental review on a project-by-project basis to evaluate the site-specific archaeological sensitivity. Additionally, cumulative development would be subject to compliance with the established state regulatory framework concerning the discovery of human remains on a project-by-project basis. The Project's cumulative impacts concerning the potential to disturb human remains would be less than significant given compliance with the established regulatory framework would be required.

4.4.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.4.8 References

BCR Consulting LLC. (2022). *Phase I Cultural Resources Assessment*. Refer to **Appendix D**.

City of Menifee. (2013). City of Menifee General Plan. *Open Space and Conservation Element*. Retrieved from: <https://www.cityofmenifee.us/250/Open-Space-Conservation-Element>.

4.5 ENERGY

4.5.1 Introduction

According to California Environmental Quality Act (CEQA) Guidelines § 15126.2(b), § 15126.4 (a)(1)(C), and Appendix F, the goal of conserving energy implies the wise and efficient use of energy including decreasing reliance on natural gas and oil and increasing reliance on renewable energy sources (renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat). The CADO Menifee Industrial Warehouse Project (Project) would be constructed in conformance with the latest Title 24 Standards, which includes, but not limited to, the 2022 Building Energy Efficiency Standards which are designed to reduce energy demand in all new construction.

This section of the Draft EIR describes the existing setting of the Project as it relates to energy conservation, identifies associated regulatory conditions and requirements, presents the criteria used to evaluate potential impacts related to use of fuel and energy upon implementation of the Project, and identifies mitigation measures to reduce or avoid potential significant impacts, where applicable. The significance of each impact is included at the end of this section. This analysis is based primarily on the following energy assessment herein referred as **Appendix E, Energy Assessment**.

- Kimley-Horn & Associates. (2024). *Energy Assessment*.

4.5.2 Environmental Setting

Existing Electricity and Natural Gas Supplies

Electricity

Electricity as a utility is a man-made resource. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves a number of system components including substations and transformers that lower transmission line power (voltage) to a level appropriate for on-site distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands.

Energy capacity, or electrical power, is generally measured in watts (W) while energy use is measured in watt-hours (Wh). For example, if a light bulb has a capacity rating of 100 W, the energy required to keep the bulb on for 1 hour would be 100 Wh. If ten 100 W bulbs were on for 1 hour, the energy required would be 1,000 Wh or 1 kilowatt-hour (kWh). On a utility scale, a generator's capacity is typically rated in megawatts (MW), which is one million watts, while energy use is measured in megawatt-hours (MWh) or gigawatt-hours (GWh), which is one billion watt-hours.

Electrical services are provided to the Project and surrounding area by Southern California Edison (SCE). SCE provides electricity to approximately 15 million people, 180 incorporated cities, 15 counties, 5,000

large businesses, and 280,000 small businesses throughout its 50,000-square-mile service area.¹ SCE produces and purchases their energy from a mix of conventional and renewable generating sources. **Table 4.5-1, Energy Resources Used to Generate Electricity for SCE (2022)** reflects the most-recent SCE electric power mix. As shown in **Table 4.5-1**, the SCE electric power mix of 2022 is compared to the Statewide 2022 power mix. In 2022, electricity use attributable to the County of Riverside was approximately 17,781 GWh from residential and non-residential sectors.²

Table 4.5-1: Energy Resources Used to Generate Electricity for SCE (2022)

Energy Resources	2022 SCE Power Mix	2022 CA Power Mix
Eligible Renewable:	33.2%:	35.8%:
Biomass and Biowaste	0.1%	2.1%
Geothermal	5.7%	4.7%
Eligible Hydroelectric	0.5%	1.1%
Solar	17.0%	17.0%
Wind	9.8%	10.8%
Coal	0%	2.7%
Large Hydroelectric	3.4%	9.2%
Natural Gas	24.7%	36.4%
Nuclear	8.3%	9.2%
Other	0.1%	0.1%
Unspecified Sources of Power ¹	30.3%	7.1%
Total	100%	100%
¹ Electricity from transactions that are not traceable to specific generation sources. Source: SCE. (2022). <i>2022 Annual Power Content Label</i> , Southern California Edison. Retrieved from SCE Website: https://www.sce.com/sites/default/files/custom-files/PDF_Files/SCE_2022_Power_Content_Label_B%26W.pdf (accessed March 5, 2024).		

Natural Gas

The Southern California Gas Company (SoCalGas) is the service provider for the Project and surrounding area. SoCalGas services approximately 21.1 million people in a 24,000-square mile service territory.³ SoCalGas has four storage fields; Aliso Canyon, Honor Rancho, La Goleta, and Playa del Rey, as well as a combined storage capacity of approximately 134 billion cubic feet. According to the California Energy Commission (CEC), natural gas demand in the SoCalGas service area was 5,026 million therms in 2022.⁴

According to the 2022 California Gas Report, the total demand for natural gas in the SoCalGas area would decline at an annual rate of 1.1 percent each year through 2035⁵, driven by modest economic growth and the forecasted energy efficiency and fuel substitution. Other factors that contribute to the downward

¹ Southern California Edison. (2024). *By the Numbers: Who We Serve*. Retrieved from SEC Website: <https://www.sce.com/about-us/who-we-are> (accessed March 5, 2024).

² California Energy Commission. (2022). *Electricity Consumption by County*. Retrieved from CEC Website: <http://ecdms.energy.ca.gov/electbycounty.aspx> (accessed March 5, 2024).

³ Southern California Gas Company. (2021). *About Us*. Retrieved from: <https://www.socalgas.com/> (accessed March 5, 2024).

⁴ California Energy Commission. (2022). *Gas Consumption by Southern California Gas*. Retrieved from CEC Website: <http://ecdms.energy.ca.gov/gasbutil.aspx> (accessed March 5, 2024).

⁵ California Gas and Electric Utilities. (2022). *2022 California Gas Report*. Retrieved from: https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf (accessed March 5, 2024).

trend are tighter standards created by revised Title 24 Codes and Standards, and renewable energy goals that impact gas-fired electricity.

Energy Use

Energy use/consumption is typically quantified using the British Thermal Unit (BTU). Total energy consumption in California was 7,359 trillion BTU in 2021 (the most recent year for which this specific data is available), which equates to an average of approximately 189 million BTU total consumption per capita.⁶

Table 4.5-2, 2021 Consumption By End-Use Sector shows the breakdown of energy consumption in California by end-use sector.

Table 4.5-2: 2021 Consumption By End-Use Sector

End-Use Sector	Energy Consumption	Percentage (%)
Residential	1,473 trillion Btu	20.0
Commercial	1,397 trillion Btu	19.0
Industrial	1,704 trillion Btu	23.2
Transportation	2,785 trillion Btu	37.8
Total California Energy Consumption	7,359 trillion Btu	100%
Source: US Energy Information Administration (2024). California Energy Consumption Estimates. Retrieved from EIA Website: https://www.eia.gov/state/print.php?sid=CA		

Electricity and natural gas in California are generally used by stationary sources such as residences, commercial sites, and industrial facilities, whereas petroleum use is generally accounted for by transportation-related energy use. In 2023, net taxable gasoline sales (including aviation gasoline) in California accounted for 12,456,525,983 gallons of gasoline.⁷

4.5.3 Regulatory Setting

Federal

Energy Independence and Security Act of 2007

The Energy Independence and Security Act (EISA; Public Law 110-140) was signed into law by President George W. Bush on December 19, 2007. The Act's goal is to achieve energy security in the United States by increasing renewable fuel production, improving energy efficiency and performance, protecting consumers, improving vehicle fuel economy, and promoting research on greenhouse gas (GHG) capture and storage. Under the EISA, the Renewable Fuel Standard (RFS) program (RFS2) was expanded in several key ways:

- Expanded the RFS program to include diesel, in addition to gasoline;
- Increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022;

⁶ US Energy Information Administration. (2022). *California Energy Consumption Estimates*. Retrieved from EIA Website: <https://www.eia.gov/state/print.php?sid=CA> (accessed March 5, 2024).

⁷ California Department of Tax and Fee Administration. (2023). *Net Taxable Gasoline Gallons*. Retrieved from CDTFA Website: <https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm> (accessed March 5, 2024).

- Established new categories of renewable fuel and set separate volume requirements for each; and
- Required the U.S. Environmental Protection Agency (EPA) to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

RFS2 lays the foundation for achieving significant reductions of GHG emissions from the use of renewable fuels, for reducing imported petroleum, and encouraging the development and expansion of our nation's renewable fuels sector.

The EISA also includes a variety of new standards for lighting and for residential and commercial appliance equipment. The equipment includes residential refrigerators, freezers, refrigerator-freezers, metal halide lamps, and commercial walk-in coolers and freezers.

State

Assembly Bill 32 and Senate Bill 32

California's major initiative for reducing GHG emissions is outlined in Assembly Bill (AB) 32, the "California Global Warming Solutions Act of 2006." AB 32 codifies the Statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05) and requires the California Air Resources Board (CARB) to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of Statewide GHG emissions. Reductions in overall energy consumption have been implemented to reduce emissions. See **Section 4.7, Greenhouse Gas Emissions** for a further discussion of AB 32.

In September 2016, the Governor signed into legislation Senate Bill (SB) 32, which builds on AB 32 and requires the State to cut GHG emissions to 40 percent below 1990 levels by 2030. With SB 32, the Legislature also passed AB 197, which provides additional direction for updating the Scoping Plan to meet the 2030 GHG reduction target codified in SB 32. CARB has published a draft update to the Scoping Plan and has received public comments on this draft but has not released the final version.

Additional energy efficiency measures beyond the current regulations are needed to meet these goals as well as the AB 32 GHG reduction goal of reducing Statewide GHG emissions to 1990 levels by 2020 and the SB 32 goal of 40 percent below 1990 levels by 2030 (see **Section 4.7, Greenhouse Gas Emissions**, for a discussion of AB 32 and SB 32). Part of the effort in meeting California's long-term reduction goals include reducing petroleum use in cars and trucks by 50 percent, increasing from one-third to more than one-half of California's electricity derived from renewable sources, doubling the efficiency savings achieved at existing buildings and making heating fuels cleaner; reducing the release of methane, black carbon, and other short-lived climate pollutants, and managing farm and rangelands, forests, and wetlands so they can store carbon.

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat even with rapid population growth.

Title 20 Appliance Efficiency Regulations. The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

Title 24 Building Energy Efficiency Standards. California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The CEC adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

Title 24 California Green Building Standards Code. The California Green Building Standards Code (CCR Title 24, Part 11 code) commonly referred to as the CALGreen Code, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen provides mandatory provisions for commercial, residential and public school buildings. Voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The 2022 CALGreen Code went into effect January 1, 2023 ("2022 CALGreen"). The 2022 CALGreen standards improve upon the previous standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The new 2022 CALGreen standards requires EV capable spaces and construction shall facilitate future installation of electric vehicle supply equipment for warehouses, grocery stores and retail stores with planned off-street loading spaces. Refer to section 5.106 . The CEC adopted the 2022 CALGreen Code, which went into effect on January 1, 2023.

2008 California Energy Action Plan Update

The 2008 Energy Action Plan Update provides a status update to the 2005 Energy Action Plan II, which is the State of California's principal energy planning and policy document. The plan continues the goals of the original Energy Action Plan, describes a coordinated implementation plan for State energy policies,

and identifies specific action areas to ensure that California's energy is adequate, affordable, technologically advanced, and environmentally sound. First-priority actions to address California's increasing energy demands are energy efficiency, demand response (i.e., reduction of customer energy usage during peak periods in order to address system reliability and support the best use of energy infrastructure), and the use of renewable sources of power. If these actions are unable to satisfy the increasing energy and capacity needs, the plan supports clean and efficient fossil-fired generation.

2006 Appliance Efficiency Regulations

The California Energy Commission adopted Appliance Efficiency Regulations (Title 20, California Code of Regulations §§ 1601 through 1608) on October 11, 2006. The regulations were approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both federally regulated appliances and non-federally regulated appliances. While these regulations are now often viewed as "business-as-usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

Senate Bill 1078 and 107; Executive Order S-14-08, S-21-09, and SB 2X

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010. In November 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, which expands the State's Renewable Portfolio Standard to 33 percent renewable power by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the CARB under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In April 2011, Governor Brown signed SB 2X, which legislated the prior Executive Order S-14-08 renewable standard.

Executive Order B-30-15, Senate Bill 350, and Senate Bill 100

In April 2015, the Governor issued Executive Order B-30-15, which established a GHG reduction target of 40 percent below 1990 levels by 2030. SB 350 (Chapter 547, Statutes of 2015) advanced these goals through two measures. First, the law increases the renewable power goal from 33 percent renewables by 2020 to 50 percent by 2030. Second, the law requires the CEC to establish annual targets to double energy efficiency in buildings by 2030. The law also requires the California Public Utilities Commission (CPUC) to direct electric utilities to establish annual efficiency targets and implement demand-reduction measures to achieve this goal. In 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

Appendix F to CEQA Guidelines

Public Resources Code § 21100(b)(3) and *CEQA Guidelines* § 15126.4 require Environmental Impact Reports (EIRs) to describe, where relevant, the wasteful, inefficient, and unnecessary use of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the California State Legislature

adopted AB 1575, which created the CEC. The CEC’s statutory mission is to forecast future energy needs, license thermal power plants of 50 megawatts or larger, develop energy technologies and renewable energy resources, plan for and direct State responses to energy emergencies, and promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards. AB 1575 also amended Public Resources Code § 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary use of energy caused by a project. In addition, *CEQA Guidelines* § 15126.4 was adopted in 1998 which requires that an EIR describe feasible mitigation measures which would minimize the inefficient and unnecessary use of energy. Thereafter, the State Resources Agency created *CEQA Guidelines*, Appendix F.

Pursuant to Appendix F, an EIR must include a “discussion of the potential energy impacts of proposed projects...” However, because lead agencies have not consistently included such analysis in their EIRs, California's Natural Resources Agency amended Appendix F to the *CEQA Guidelines* in 2009 “to ensure that lead agencies comply with the substantive directive in § 21100(b)(3).” *CEQA Guidelines*, Appendix F lists environmental impacts and mitigation measures that an EIR may include. What is required is a “discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.” Potential impacts that may be discussed include:

- The Project’s energy requirements and its energy use efficiencies by amount and fuel type for each stage of the Project including construction, operation, maintenance, or removal. If appropriate, the energy intensiveness of materials may be discussed.
- The effects of the Project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the Project on peak and base period demands for electricity and other forms of energy.
- The degree to which the Project complies with existing energy standards.
- The effects of the Project on energy resources.
- The Project’s projected transportation energy use requirements and its overall use of efficient transportation alternatives.

State CEQA Guidelines, Appendix F assists EIR preparers in determining whether a Project will result in the inefficient, wasteful, and unnecessary use of energy. The discussion below analyzes the Project’s effect on energy resources.

Local

City of Meniffee General Plan

Open Space & Conservation Element

The City’s General Plan (City GP) Open Space & Conservation Element provides policy direction for the City’s parks and open space areas, recreational trails, and the conservation, development, and utilization of the City's natural resources with an overall goal of maintaining the high quality of life Meniffee residents

have enjoyed for generations, while also preserving and protecting the numerous nonrenewable and unique cultural and historic resources located within the City.⁸

Goals and policies from the Open Space & Conservation Element applicable to the Project include:

- Goal OSC-4** **Efficient and environmentally appropriate use and management of energy and mineral resources to ensure their availability for future generations.**
- Policy OCS-4.1** Apply energy efficiency and conservation practices in land use, transportation demand management, and subdivision and building design.
- Policy OCS-4.2** Evaluate public and private efforts to develop and operate alternative systems of energy production, including solar, wind, and fuel cell.

4.5.4 **Impact Thresholds and Significance Criteria**

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the Project would create a significant environmental impact if it causes one or more of the following to occur:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.
- Conflict with or obstructs a state or local plan for renewable energy or energy efficiency.

Methodology and Assumptions

This section analyzes energy use on three sources of energy that are relevant to the Project, including electricity, natural gas, and transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for Project construction. The analysis of the Project's electricity and natural gas use is based on the California Emissions Estimator Model (CalEEMod), which quantifies energy use for occupancy. The results of CalEEMod are included in **Appendix B** (Air Quality and Health Risk Assessments), **Appendix G** (Greenhouse Gas Assessment), and **Appendix E** (Energy Assessment) of this Draft EIR.

4.5.5 **Impacts and Mitigation Measures**

Impact 4.5-1 *Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?*

Level of Significance: Less than Significant

Construction

The Project is anticipated to be constructed in one phase. Construction is anticipated to occur over a period of approximately 15 months, beginning as early as February 1, 2024, with an anticipated completion date of April 30, 2025. The energy associated with Project construction includes electricity use

⁸ City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*. Available at: <https://www.cityofmenifee.us/250/Open-Space-Conservation-Element> Error! Hyperlink reference not valid.(accessed August 2023).

associated with water utilized for dust control, diesel fuel from on-road hauling trips, vendor trips, and off-road construction diesel equipment, as well as gasoline fuel from on-road worker commute trips. Because construction activities typically do not require natural gas, it is not included in the following discussion. The methodology for each category is discussed below. This analysis relies on the construction equipment list and operational characteristics, as stated in **Section 4.2, Air Quality** and **Section 4.7, Greenhouse Gas Emissions**. Quantifications of construction energy are provided for the Project below; see **Table 4.5-3, Energy Use During Construction**.

Table 4.5-3: Energy Use During Construction

Project Source	Total Construction Energy	Riverside County Annual Energy	Percentage Increase Countywide
Electricity Use		GWh	
Water Use ¹	0.0087	17,780	0.00005%
Diesel Use		Gallons	
On-Road Construction Trips ²	83,973	259,549,258	0.0324%
Off-Road Construction Equipment ³	41,745		0.0161%
Construction Diesel Total	125,718		0.0484%
Gasoline		Gallons	
On-Road Construction Trips	56,412	698,621,144	0.0081%
¹ Construction water use based on acres disturbed per day per construction sequencing and estimated water use per acre. ² On-road mobile source fuel use based on vehicle miles traveled (VMT) from CalEEMod and fleet-average fuel consumption in gallons per mile from EMFAC2021 in Riverside County for construction year 2025. ³ Construction fuel use was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. Source: Refer to energy calculations in Draft EIR Appendix E .			

Electricity

Water for Construction Dust Control. Electricity use associated with water use for construction dust control is calculated based on total water use and the energy intensity for supply, distribution, and treatment of water. The total number of gallons of water used is calculated based on acreage disturbed during grading and site preparation, as well as the daily watering rate per acre disturbed.

- The total acres disturbed are calculated using the methodology described in Chapter 4.2 of Appendix A of the CalEEMod User's Guide, available at: <http://www.caleemod.com/>.
- The water application rate of 3,020 gallons per acre per day is from the Air and Waste Management Association's Air Pollution Engineering Manual (1992).

The energy intensity value is based on the CalEEMod default energy intensity per gallon of water for Riverside County. As summarized in **Table 4.5-3**, the total electricity demand associated with water use for Project construction dust control would be approximately 0.0087 GWh over the duration of construction.

Petroleum Fuel

On-Road Diesel Construction Trips. The diesel fuel associated with on-road construction mobile trips is calculated based on vehicle miles traveled (VMT) from vehicle trips (i.e., worker, vendor, and hauling), the CalEEMod default diesel fleet percentage, and vehicle fuel efficiency in miles per gallon (MPG). VMT for

the entire construction period is calculated based on the number of trips multiplied by the trip lengths for each phase shown in CalEEMod. Construction fuel was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry.⁹ Total diesel fuel consumption associated with on-road construction trips for the Project would be approximately 83,973 gallons (see **Table 4.5-3**).

Off-Road Diesel Construction Equipment. Similarly, the construction diesel fuel associated with the off-road construction equipment is calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. The total diesel fuel associated with Project off-road construction equipment is approximately 41,745 gallons (see **Table 4.5-2**).

On-Road Gasoline Construction Trips. The gasoline fuel associated with on-road construction mobile trips is calculated based on VMT from vehicle trips (i.e., worker, vendor, and hauling), the CalEEMod default gasoline fleet percentage, and vehicle fuel efficiency in MPG using the same methodology as the construction on-road trip diesel fuel calculation discussed above. The total gasoline fuel associated with Project on-road construction trips would be approximately 56,412 gallons (see **Table 4.5-3**).

Construction Energy Use Analysis

As indicated in **Table 4.5-3**, Project construction electricity use would represent approximately 0.00005 percent of the current electricity use in Riverside County. In 2025, Californians are anticipated to use approximately 13,873,601,586 gallons of gasoline and approximately 3,189,458,169 gallons of diesel fuel.¹⁰ Riverside County annual gasoline fuel use in 2025 is anticipated to be 698,621,144 gallons and diesel use would be approximately 259,549,258 gallons. Total Project construction gasoline fuel would represent approximately 0.008 percent of annual gasoline used in the County, and total Project construction diesel fuel would represent approximately 0.05 percent of annual diesel used in the County. Total Project construction gasoline and diesel fuel would also represent 0.0004 percent of the State's gasoline use and 0.004 percent of the State's diesel use. Based on the total Project's relatively low construction fuel use proportional to annual County use, the Project would not substantially affect existing energy fuel supplies or resources. New capacity or additional sources of construction fuel are not anticipated to be required.

SCE's total energy demands are projected to be 114,658 GWh of electricity in 2024.¹¹ The Project's construction-related net annual electricity consumption of 0.0087 GWh would represent approximately 0.000008 percent of SCE's projected demand. Therefore, it is anticipated that SCE's existing and planned electricity capacity and electricity supplies would be sufficient to serve the Project's temporary construction electricity demand. Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current crude oil production would be sufficient to meet 50 years of worldwide consumption.¹²

⁹ The Climate Registry. (2023). Available at: <https://theclimateregistry.org/> (accessed January 2024).

¹⁰ California Air Resources Board. (2021). EMFAC - Emissions Inventory. Retrieved from CARB Website: <https://arb.ca.gov/emfac> (accessed March 2024).

¹¹ California Energy Commission, *CED 2021-2035 Baseline Forecast –SCE High Demand Case* <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report/2021-1>

¹² BP Global, *Statistical Review of World Energy*, 2021.

As such, it is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's temporary construction demand.

Furthermore, there are no unusual characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. In addition, some energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel use.

The Project would involve construction activities that would use energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools). Contractors would be required to monitor air quality emissions of construction activities using applicable regulatory guidance such as from SCAQMD CEQA Guidelines. Additionally, construction is subject to and would comply with California regulations (e.g., California Code of Regulations, Title 13, Sections 2485 and 2449), which reduce diesel PM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced from the monitoring and the efficient use of equipment and materials, energy use is reduced. There are no aspects of the Project that would foreseeably result in the inefficient, wasteful, or unnecessary use of energy during construction activities.

Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary use of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive and that there is a significant cost-savings potential in green building practices. Substantial reduction in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The Project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest in minimizing the costs of business.

As described above, the Project's fuel consumption and energy usage from the entire construction period would increase fuel use in the County by less than one percent. It should be noted that the State CEQA Guideline Appendix G and Appendix F criteria require the Project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A less than one percent increase in temporary demand is not anticipated to trigger the need for additional capacity. Project construction would have a nominal effect on the local and regional energy supplies. Additionally, use of construction fuel would be temporary and would cease once the Project is fully developed. As such, Project construction would have a nominal effect on the local and regional energy supplies.

As stated above, there are no unusual characteristics that necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. It is expected that construction fuel use associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. Therefore, potential impacts are considered less than significant.

Operations

The Project would be constructed in one phase and is anticipated to be operational in 2025. The energy consumption associated with Project operations would occur from building energy (electricity and natural gas) use, water use, and transportation-related fuel use. The methodology for each category is discussed below.

Annual energy use during operations is shown in **Table 4.5-4: Project Annual Energy Use During Operations**.

Table 4.5-4: Project Annual Energy Use During Operations

Project Source	Annual Operational Energy	Riverside County Annual Energy	Percentage Increase Countywide
Electricity Use		GWh	
Total Electricity (Electricity Demand + Water Conveyance)	2.10	17,780	0.01%
Natural Gas Use		Therms	
Area ¹	14,213	436,941,555	0.003%
Diesel Use		Gallons	
Mobile ²	199,539	259,549,258	0.08%
Gasoline Use		Gallons	
Mobile ²	499,561	698,621,144	0.07%
¹ The natural gas and water usage are based on Project-specific estimates and CalEEMod defaults. Building electricity usage provided by the project developer and construction contractor. ² Calculated based on the mobile source fuel use based on vehicle miles traveled (VMT) and fleet-average fuel consumption (in gallons per mile) from EMFAC2017 for operational year 2025. Source: Refer to energy calculations in Draft EIR Appendix E .			

Petroleum Fuel

The gasoline and diesel fuel associated with on-road vehicular trips is calculated based on total VMT calculated for the analyses within **Section 4.2: Air Quality**, and **Section 4.7: Greenhouse Gas Emissions**, and average fuel efficiency from the EMFAC model. The EMFAC fuel efficiency data incorporates the Pavley Clean Car Standards and the Advanced Clean Cars Program.¹³ As summarized in **Table 4.5-4**, the total gasoline and diesel fuel associated with on-road trips would be approximately 499,561 gallons per year and 199,539 gallons per year, respectively.

¹³ The CARB EMFAC 2017 Technical Documentation from March 2018 notes that emissions are estimated with all current controls active, except Low Carbon Fuel Standards (LCFS). The reason for excluding LCFS is that most of the emissions benefits due to the LCFS come from the production cycle (upstream emissions) of the fuel rather than the combustion cycle (tailpipe). As a result, LCFS is assumed to not have a significant impact on CO2 emissions from EMFAC's tailpipe emission estimates.

Electricity

The electricity use during Project operations was calculated outside of CalEEMod based on Project specific data provided by the applicant. The Project would use approximately 2.10 GWh of electricity per year (see **Table 4.5-4**). The electricity associated with water treatment and conveyance for use by the Project is estimated based on the annual water use and the energy intensity factor is the CalEEMod default energy intensity per gallon of water for Riverside County. Project area water use is based on the CalEEMod default rates. The Project would use approximately 137 million gallons annually of water annually which would require approximately 1.77 GWh per year for treatment and conveyance.

Natural Gas

The methodology used to calculate the natural gas use associated with the Project is based on CalEEMod default rates. The Project would use 14,213 therms of natural gas per year (see **Table 4.5-4**).

Operational Energy Use Analysis

Operation of the Project would annually use approximately 2.1 GWh of electricity; 14,213 therms of natural gas; 499,561 gallons of gasoline; and 199,539 gallons of diesel.

Section 4.7: Greenhouse Gas Emissions includes mitigation measures that would reduce energy consumption. **MM GHG-1** requires the Project to install a minimum 49 kwdc solar photovoltaic (PV) system or offset an equivalent amount of energy demand through the purchase of renewable energy or implementation of alternative renewable measures.

Californians used 287,826 GWh of electricity in 2022, of which Riverside County used 17,780 GWh. The Project's operational electricity use would represent 0.0001 percent of electricity used in the state, and 0.02 percent of the energy use in Riverside County. The Project's electricity consumption estimated above includes reductions associated with compliance with the 2022 Title 24 building code and PV panels to generate electricity for portion of the Project. Regarding natural gas, Californians used 11,711 million therms of natural gas and 431 million therms of natural gas in Riverside County in 2022. Therefore, the Project's operational natural gas use would represent 0.0001 percent of California's usage and 0.003 percent of Riverside County's natural gas use.

Riverside County annual gasoline fuel use in 2025 is anticipated to be 698,621,144 gallons and diesel fuel is anticipated to be 259,549,258 gallons. Expected Project operational use of gasoline and diesel would represent 0.07 percent of gasoline use and 0.08 percent of diesel use in the County.

Based on the California Energy Demand 2021-2035 Baseline Forecast,¹⁴ SCE's total energy demand in 2030 will be 127,858 GWh of electricity. As such, the Project-related net annual electricity consumption of 2.1 GWh would represent approximately 0.002 percent of SCE's projected demand in 2030. SCE would review the Project's estimated electricity consumption in order to ensure that the estimated power requirement would be part of the total load growth forecast for their service area and accounted for in the planned growth of the power system. Based on these factors, it is anticipated that SCE's existing and

¹⁴ California Energy Commission, *CED 2021-2035 Baseline Forecast –Tables High Demand Case* <https://efiling.energy.ca.gov/GetDocument.aspx?tn=241209>.

planned electricity capacity and electricity supplies would be sufficient to serve the Project's electricity demand.

Based on the 2022 California Gas Report, the California Energy and Electric Utilities estimates natural gas consumption within SoCalGas' planning area will be approximately 2,735 million cubic feet per day in 2025.¹⁵ Accordingly, the Project's 14,213 therms (1.42 million cubic feet) of annual natural gas consumption would account for approximately 0.05 percent of the forecasted natural gas consumption in the SoCalGas planning area. As such, the Project's consumption of natural gas is expected to fall within SoCalGas' projected consumption and supplies for the area. According to the United States Energy Information Administration (EIA), the United States currently has over 80 years of natural gas reserves based on 2018 consumption.¹⁶

Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current crude oil production would be sufficient to meet 50 years of worldwide consumption.¹⁷ As such, it is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's demand.

All of the Project's energy uses are far less than one percent of their corresponding County use. Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant.

Compliance With Energy Efficiency Measures

As discussed above, California's Energy Efficiency Standards for Residential and Non-Residential Buildings create uniform building codes to reduce California's energy use and provide energy efficiency standards for residential and non-residential buildings. These standards are incorporated within the California Building Code and are expected to substantially reduce the growth in electricity and natural gas use. 2022 Title 24 standards for nonresidential buildings focuses on encouraging electric heat pump technology and use, promoting electric-ready buildings to get owners to use cleaner electric heating, cooking, and vehicle charging, and expanding solar photovoltaic systems and battery storage systems to reduce reliance on fossil fuel power plants.

Regarding water energy conservation, the Project would incorporate drought-tolerant landscaping throughout portions of the site. Water-efficient irrigation controls would also be used in landscape areas. Comprehensive water conservation strategies would be developed to each respective land use as part of the Project plan development. Buildings would incorporate water-efficient fixtures and appliances, to comply with Title 24.

It should also be noted that SCE is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to

¹⁵ California Gas and Electric Utilities. (2022). *2022 California Gas Report*. Retrieved from: https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf (accessed August 2023).

¹⁶ U.S. Energy Information Administration, *Frequently Asked Questions, How Much Natural Gas Does the United States Have, and How Long Will It Last?*, February 2021.

¹⁷ BP Global, *Statistical Review of World Energy*, 2021.

increase total procurement from eligible renewable energy resources to 50 percent by 2030. SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat.

As discussed above, California's Energy Efficiency Standards create uniform building codes to reduce California's energy use and provide energy efficiency standards for residential and non-residential buildings. These standards are incorporated within the California Building Code and are expected to substantially reduce the growth in electricity and natural gas use.

None of the Project energy uses exceed one percent of the corresponding uses within the County. Project operations would not substantially affect existing energy or fuel supplies or resources. All Project buildings will comply with energy and fuel efficiency laws and regulations; thus, the Project would not be wasteful or inefficient. In addition, **MM GHG-1** requires the Project to install a 49 kwdc solar photovoltaic (PV) panel system. Therefore, potential impacts are considered less than significant.

Mitigation Measures

No mitigation is required.

Impact 4.5-2 Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?

Level of Significance: Less than Significant

As discussed in Impact 4.5-1 above, the energy conservation policies and plans relevant to the Project include the California Title 24 energy standards and the CALGreen Building Code. The Project would be required to comply with these existing energy standards. Compliance with state and local energy efficiency standards would ensure that the Project meets all applicable energy conservation policies and regulations. As such, the Project would not conflict with applicable plans for renewable energy or energy efficiency. SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) (RTP/SCS), adopted in September 2020, integrates transportation, land use, and housing to meet GHG reduction targets set by CARB. The document establishes GHG emissions goals for automobiles and light-duty trucks, as well as an overall GHG target for the region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of SB 375. The Project would not conflict with the stated goals of the RTP/SCS, as identified in Section 4.10, Land Use and Planning. Potential impacts are considered less than significant. Additionally, the Project would be consistent with all applicable Menifee GP policies concerning energy efficiency, as identified in Section 4.10, Land Use and Planning. Conformance with all applicable laws, regulations, and policies would ensure that the Project not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Mitigation Measures

No mitigation is required.

4.5.6 Cumulative Impacts

Potential cumulative impacts to energy would result if the Project, in combination with past, present, and future projects, would result in the wasteful or inefficient use of energy. This could result from development that would not incorporate sufficient building energy efficiency features, would not achieve building energy efficiency standards, or would result in the unnecessary use of energy during construction and/or operation.

The cumulative projects within the areas serviced by the energy service providers would be applicable to this analysis. All projects listed in **Table 3-1 Cumulative Projects List** are within the service area of SCE and SoCalGas and therefore are applicable to this cumulative analysis. Projects that include development of large buildings or other structures that would have the potential to consume energy in an inefficient manner would have the potential to contribute to a cumulative impact.

Construction and operations associated with implementation of the Project would result in the use of energy, but not in an inefficient or wasteful manner. The use of energy would not be substantial in comparison to statewide electricity, natural gas, gasoline, and diesel demand; refer to **Table 4.5-3**. As discussed above, the Project-related construction electricity consumption would represent approximately 0.000005 percent of SCE generated electricity. The electricity used for construction would be less than that required during operation of the Project, would be temporary and would have a minimal contribution to the Project's overall energy consumption. Construction of the Project would not typically involve the consumption of natural gas. The Project's construction electricity consumption would be negligible relative to SCE's generated electricity and electricity supplies would be sufficient to serve the Project's temporary construction electricity demand.

During operations the Project-related net annual electricity consumption would represent approximately 0.002 percent of SCE's projected sales in 2030. SCE would review the Project's estimated electricity consumption in order to ensure that the estimated power requirement would be part of the total load growth forecast for their service area and accounted for in the planned growth of the power system. The Project's natural gas consumption would account for approximately 0.05 percent of the forecasted natural gas in the SoCalGas planning area. It should be noted that the planning projections of SCE and SoCalGas consider planned development for their service areas and are in and of themselves providing for cumulative growth. Therefore, it is likely that the cumulative growth associated with the related projects is already accounted for in the planning of future supplies to cover projected demand.

SCE and SoCalGas have policies, programs, and projects in place to provide continued, adequate energy to their users, including the Project. Substantial reductions to the cumulative demand for energy can result from an increased reliance on renewable energy systems (as required by the State's Renewable Portfolio Standards) and the construction of energy-efficient buildings. Cumulative projects would be subject to applicable Title 24 and CALGreen requirements similar to the Project, which includes energy efficiency standards to minimize the wasteful and inefficient use of energy.

Furthermore, transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current

crude oil production would be sufficient to meet 50 years of worldwide consumption.¹⁸ As such, it is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's construction and operational demand. New capacity or supplies of energy resources would not be required. Additionally, the Project would be subject to compliance with all federal, state, and local requirements for energy efficiency. State regulations, including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program, would serve to reduce the transportation fuel demand of cumulative projects.

In consideration of cumulative energy use, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Additionally, as discussed above, the Project would increase overall electricity and natural gas demand but would not require additional facilities other than local connections to, or undergrounding of, existing facilities in the Project vicinity. Therefore, the Project's incremental demand for electricity and natural gas facilities would not be cumulatively considerable. Thus, the Project would not contribute to a cumulative impact to the wasteful or inefficient use of energy. A less than significant cumulative impact would occur.

The Project and new development projects located within the cumulative study area would also be required to comply with all the same applicable federal, state, and local measures aimed at reducing fossil fuel consumption and the conservation of energy. The anticipated Project impacts, in conjunction with cumulative development in the vicinity, would increase urbanization and result in increased energy use. Potential land use impacts are site-specific and require evaluation on a case-by-case basis. As noted above, the Project would not result in significant impacts to state or local plans for renewable energy or energy efficiency. Therefore, the Project and identified cumulative projects are not anticipated to result in a significant cumulative impact. Therefore, potential impacts are considered less than significant.

4.5.7 Significant Unavoidable Impacts

No significant unavoidable energy impacts have been identified.

4.5.8 References

BP Global, *Statistical Review of World Energy*, 2021.

California Air Resources Board. (2021). EMFAC - *Emissions Inventory*. Retrieved from CARB Website: <https://arb.ca.gov/emfac>

California Department of Tax and Fee Administration. (2023). *Net Taxable Gasoline Gallons*. Retrieved from CDTFA Website: <https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm>

California Energy Commission, *CED 2021-2035 Baseline Forecast – SCE High Demand Case*, <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report/2021-1>

¹⁸ BP Global, *Statistical Review of World Energy*, 2021.

- California Energy Commission. (2022). *Electricity Consumption by County*. Retrieved from CEC Website: <http://ecdms.energy.ca.gov/elecbycounty.aspx>.
- California Energy Commission. (2022). *Electricity Consumption by Southern California Edison*. Retrieved from CEC Website: <http://ecdms.energy.ca.gov/elecbyutil.aspx>.
- California Energy Commission. (2022). *Gas Consumption by County*. Retrieved from CEC Website: <http://ecdms.energy.ca.gov/gasbycounty.aspx>.
- California Energy Commission. (2020). *Gas Consumption by Southern California Gas*. Retrieved from CEC Website: <http://ecdms.energy.ca.gov/gasbyutil.aspx>.
- California Gas and Electric Utilities. (2022). *2022 California Gas Report*. Retrieved from: [https://www.socalgas.com/sites/default/files/Joint Utility Biennial Comprehensive California Gas Report 2022.pdf](https://www.socalgas.com/sites/default/files/Joint%20Utility%20Biennial%20Comprehensive%20California%20Gas%20Report%202022.pdf).
- City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*. Available at: <https://www.cityofmenifee.us/250/Open-Space-Conservation-Element>.
- Southern California Gas Company. (2024). *About Us*. Retrieved from: <https://www.socalgas.com/>
- Southern California Gas Company. (2022). *2022 California Gas Report*. Retrieved from: [https://www.socalgas.com/sites/default/files/Joint Utility Biennial Comprehensive California Gas Report 2022.pdf](https://www.socalgas.com/sites/default/files/Joint%20Utility%20Biennial%20Comprehensive%20California%20Gas%20Report%202022.pdf).
- Southern California Edison. (2024). *By the Numbers: Who We Serve*. Retrieved from: <https://www.sce.com/about-us/who-we-are>.
- Southern California Edison. (2022). *2022 Annual Power Content Label*. Retrieved from: [https://www.sce.com/sites/default/files/custom-files/PDF Files/SCE 2022 Power Content Label B%26W.pdf](https://www.sce.com/sites/default/files/custom-files/PDF%20Files/SCE%202022%20Power%20Content%20Label%20B%26W.pdf).
- U.S. Energy Information Administration (2024). *California Energy Consumption Estimates*. Retrieved from: <https://www.eia.gov/state/print.php?sid=CA>.
- U.S. Energy Information Administration, *Frequently Asked Questions, How Much Natural Gas Does the United States Have, and How Long Will It Last?*, February 2021.

4.6 GEOLOGY AND SOILS

4.6.1 Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions related to the geologic, soil, and seismic characteristics within the CADO Menifee Industrial Warehouse Project (Project). This section identifies potential impacts that could result from implementation of the Project, and as necessary, recommends mitigation measures to reduce potentially significant impacts. The issues addressed in this section are risks associated with faults, strong seismic ground shaking, seismic-related ground failure such as liquefaction, landslides, substantial erosion or the loss of topsoil, and unstable geological units and/or soils.

The environmental setting discussion is based largely on review of aerial photographs and maps of the Project site and its surroundings. Other information in this section, such as regulatory framework, is derived from the various planning documents including the City of Menifee General Plan (GP), Federal Occupational Safety and Health Administration (OSHA) Regulations, Seismic Hazards Mapping Act (SHMA) of 1990, the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), the California Geological Survey, and pertinent State of California building codes.

The analysis in this section is based, in part, upon the following source(s):

- *Geotechnical and Infiltration Evaluation for Proposed Warehouse*, GeoTek, Inc., June 2021. See **Appendix F**.
- BCR Consulting LLC (BCR) (2022). *Phase I Cultural Resources Assessment* (CRA). See **Appendix C**.

4.6.2 Environmental Setting

Regional Geologic Setting

The Project site is situated in the Peninsular Ranges geomorphic province. The Peninsular Ranges province is one of the largest geomorphic units in western North America. It extends approximately 975 miles south of the Transverse Ranges geomorphic province to the tip of Baja California. This province varies in width from about 30 to 100 miles. It is bounded on the west by the Pacific Ocean, on the south by the Gulf of California and on the east by the Colorado Desert Province.

The Peninsular Ranges are essentially a series of northwest-southeast oriented fault blocks. Several major fault zones are found in this province. The Elsinore Fault zone and the San Jacinto Fault zone trend northwest-southeast and are found near the middle of the province. The San Andreas Fault zone borders the northeasterly margin of the province. More specific to the subject property, the site is in an area geologically mapped to be underlain by tonalite. No active faults are shown in the immediate Project site vicinity on the maps reviewed for the area.

Local Geologic Setting

The Project site is located approximately 1.5 miles west of Interstate 215 (I-215) and approximately 3.0 miles south of State Highway (SH) 74, within the City of Menifee, County of Riverside. Access to the

site is available from Wheat Street, Kuffel Road and Byers Road, all unimproved dirt roads located adjacent to the western, northern, and eastern boundaries of the Project site, respectively. The Project site is bordered to the northeast and southeast by residential and agricultural developments with vacant land situated to the southwestern edge of the site. Several dirt paths and trails trend throughout the Project site. Topographically, the Project site slopes gently downward to the north at an approximate two percent gradient. Elevation of the southern portion of the site is approximately 1,460 feet with approximately 30 feet of elevation differential across the site. The site was vegetated with a sparse covering of grass.

Geotechnical Conditions

A geotechnical study was performed by GeoTek Inc. (GeoTek), in order to gather information about the properties of the soil and rock makeup of the Project site. The subsurface exploration conducted for this Project consisted of six borings advanced to depths of 9.3 to 15.1 feet below the existing site grades. The approximate locations of the borings are indicated on the Boring Location Map, included as Figure 2 of the Geotechnical Investigation (see **Appendix F**). Site reconnaissance, subsurface exploration, field testing, and engineering analysis were also conducted to determine the infiltration rates of the on-site soils. These studies provided information regarding baseline geologic conditions of the Project site.

Older Alluvium

A thin veneer of older alluvial soil was present at the ground surface within the borings. Where encountered, the older alluvium consisted of a dense to very dense silty sand or hard sandy silt or sandy clay. The older alluvium, where encountered, ranged from about 2 to 6 feet thick.

Based on the results of laboratory testing, the older alluvial soils are considered to have a “very low” (0-20) to “low” (21-50) expansion potential.

Granitic Bedrock (Tonalite)

Granitic bedrock was encountered beneath the older alluvium in all the exploratory borings. Where weathered, the granitic bedrock was generally sampled as a very dense silty sand. Auger refusal was encountered within the granitic bedrock at depths ranging from about 9.3 to 15.1 feet below existing grade.

Surface Water

If encountered during earthwork operations, surface water on the Project site is the result of precipitation or possibly some minor surface run-off from the surrounding areas. Overall Project site drainage varies due to the site topography.

Groundwater

Groundwater was not encountered within any of the test borings drilled at the site. Based on the presence of shallow granitic bedrock and the lack of groundwater in the borings, it is estimated that the depth to high groundwater at the Project site is greater than about 50 feet below grade. According to the geotechnical investigation, review of the Project site area geomorphology and geology, groundwater is not anticipated to adversely affect the proposed improvements.

Faulting and Seismicity

The geologic structure of the entire California area is dominated mainly by northwest-trending faults associated with the San Andreas system. The Project site is in a seismically active region. However, the site is not situated within a State of California designated “Alquist-Priolo” Earthquake Fault Zone. The nearest known active fault is the Elsinore fault zone located about 10 miles to the southwest.

Geologic Hazards

Liquefaction and Related Ground Failure

Liquefaction describes a phenomenon in which cyclic stresses, produced by earthquake-induced ground motion, create excess pore pressures in relatively cohesionless and some low-plastic silt and clay soils. These soils may thereby acquire a high degree of mobility, which can lead to lateral movement, sliding, settlement of loose sediments, sand boils and other damaging deformations. This phenomenon occurs only below the water table, but, after liquefaction occurs, the liquefied soil/water matrix can propagate upward into overlying non-saturated soil as excess pore water dissipates.

The factors known to influence liquefaction potential include soil type and grain size, relative density, plasticity, groundwater level, confining pressures, and both intensity and duration of ground shaking. In general, materials that are susceptible to liquefaction are loose, saturated granular soils having low fines content under low confining pressures and some low plastic silts and clays.

According to the geotechnical investigation, the Project site is not located within an area mapped as being susceptible to liquefaction and is not susceptible to liquefaction during a seismic event. Due to the presence of shallow bedrock, seismic induced (“dry sand”) settlements are estimated to be minimal.

Due to the general flat terrain, the potential for seismic induced landslides or lateral spreading is considered non-existent. The potential for secondary seismic hazards such as a seiche and tsunami is considered negligible due to site elevation and distance from an open body of water.

Expansive Soils

Laboratory testing performed on representative samples of the near surface soils indicates that these materials possess very low to low expansion potentials. Based on the expansion index testing performed and visual examination of the Project site soils, the site soils possess a “low” (21-50) expansion potential (ASTM D4829). Therefore, it is GeoTek’s opinion that conventional foundations supported by engineered fill and/or granitic bedrock may be used for the Project site.

Soluble Sulfates

Soluble sulfates are naturally present in soils, and if the concentration is high enough, can result in degradation of concrete which comes into contact with these soils. The results of the soluble sulfate testing indicate that the selected samples of the on-site soils contain concentrations of soluble sulfates that are less than 0.1 percent by weight, which is considered negligible, with respect to the American Concrete Institute (ACI) Publication 318-14 Building Code Requirements for Structural Concrete and

Commentary, Section 4.3. Therefore, based upon the test results, no special recommendations for concrete are required for the Project due to soil sulfate exposure.

Corrosive Soils

The results of laboratory testing indicate that representative samples of the on-site soils possess saturated resistivity values of 4,422 ohm-cm, and pH values of 8.9. Based on these factors, the on-site soils are considered to be corrosive to buried ferrous metal in accordance with current standards used by corrosion engineers. Therefore, based on these test results, it is recommended that a corrosion engineer be consulted to provide recommendations for the protection of buried ferrous metal at the Project site.

Shrinkage/Bulking

For planning purposes, a shrinkage loss of less than about 5.0 percent is anticipated for excavations within the older alluvium at the site. A bulking factor of about 5.0 to 15.0 percent is estimated for excavations extending into the underlying bedrock materials. Due to the presence of shallow granitic bedrock, a negligible subsidence factor is also anticipated. Several factors will impact earthwork balancing on the site, including shrinkage, trench spoil from utilities and footing excavations, as well as the accuracy of topography. Shrinkage and bulking are primarily dependent upon the compact effort degree achieved during construction, depth of fill and underlying site conditions. Site balance areas should be available in order to adjust project grades, depending on actual field conditions at the conclusion of earthwork construction.

Paleontological Resources

A Paleontological Overview was prepared for the Project site, by Western Science Center. According to the Paleontological Overview, the geologic units underlying the Project area are mapped as middle to early Pleistocene alluvial gravel, silt, sand, and clay, and as Cretaceous grandiorite and tonalite. While the grandiorite and tonalite units are considered to be of low paleontological value, the Pleistocene alluvial units are considered highly paleontologically sensitive. Western Science Center does not have localities within the Project area or within a one-mile radius, but does have numerous localities in similarly mapped Pleistocene units in the City.

Any fossil specimens recovered from the Project site would be scientifically significant. Excavation activity associated with development of the Project area would impact the paleontologically sensitive Pleistocene units, and it is the recommendation of the Western Science Center that a paleontological resource mitigation program be put in place to monitor, salvage, and curate any recovered fossils associated with the current Project area.

4.6.3 Regulatory Setting

Federal

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act was enacted in 1997 to “reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective

earthquake hazards and reduction program.” To accomplish this, the act established the National Earthquake Hazard Reduction Program (NEHRP), which refined the description of agency responsibilities, program goals, and objectives. NEHRP’s mission includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improvement of building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improvement of mitigation capacity; and accelerated application of research results. NEHRP designates the Federal Emergency Management Agency as the lead agency of the program and assigns it several planning, coordinating, and reporting responsibilities. Programs under NEHRP help inform and guide planning and building code requirements such as emergency evacuation responsibilities and seismic code standards.

State

Alquist-Priolo Earthquake Fault Zoning Act

The California Alquist-Priolo Earthquake Fault Zoning Act was signed into state law in 1972, and amended, with its primary purpose being to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy across the trace of an active fault. This act (or state law) was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures. The act requires the State Geologist to delineate regulatory zones known as “earthquake fault zones” along faults that are “sufficiently active” and “well defined” and to issue and distribute appropriate maps to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Pursuant to this act and as stipulated in § 3603(a) of the California Code of Regulations (CCR), structures for human occupancy are not permitted to be placed across the trace of an active fault. The act also prohibits structures for human occupancy within 50 feet of the trace of an active fault, unless proven by an appropriate geotechnical investigation and report that the development site is not underlain by active branches of the active fault, as stipulated in § 3603(a) of the CCR. Furthermore, the act requires that cities and counties withhold development permits for sites within an earthquake fault zone until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting, as stipulated in § 3603(d) of the CCR.

Seismic Hazard Mapping Act

The Seismic Hazard Mapping Act was adopted by the state in 1990 for the purpose of protecting the public from the effects of non-surface fault rupture earthquake hazards, including strong ground shaking, liquefaction, seismically induced landslides, or other ground failure caused by earthquakes. The goal of the act is to minimize loss of life and property by identifying and mitigating seismic hazards. The California Geological Survey (CGS) prepares and provides local governments with seismic hazard zones maps that identify areas susceptible to amplified shaking, liquefaction, earthquake-induced landslides, and other ground failures.

California Building Code

Current law states that every local agency enforcing building regulations, such as cities and counties, must adopt the provisions of the California Building Code (CBC) within 180 days of its publication. The publication date of the CBC is established by the California Building Standards Commission, and the code is under Title 24, Part 2, of the CCR. The CBC provides minimum standards to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, retaining walls, and other building elements to mitigate the effects of seismic shaking and adverse soil conditions. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground shaking with a specified probability at a site. The 2022 CBC took effect on January 1, 2023. Requirements for geotechnical investigations are included in CBC Appendix J, Grading, § J104; additional requirements for subdivisions requiring tentative and final maps and for other specified types of structures are in California Health and Safety Code (HSC) § 17953 to § 17955 and in CBC § 1802. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness. CBC § J105 sets forth requirements for inspection and observation during and after grading.

Storm Water Pollution Prevention Plans

Pursuant to the Clean Water Act (CWA), in 2012, the State Water Resources Control Board (SWRCB) issued a statewide general National Pollutant Discharge Elimination System (NPDES) Permit for stormwater discharges from construction sites (NPDES No. CAS000002). Under this Statewide General Construction Activity permit, discharges of stormwater from construction sites with a disturbed area of one or more acres are required to either obtain individual NPDES permits for stormwater discharges or be covered by the General Permit. Coverage by the General Permit is accomplished by completing and filing a Notice of Intent with the SWRCB and developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). Each applicant under the General Construction Activity Permit must ensure that an SWPPP is prepared prior to grading and is implemented during construction. The SWPPP must list best management practices (BMPs) implemented on the construction site to protect stormwater runoff and must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a monitoring plan if the site discharges directly to a water body listed on the state’s 303(d) list of impaired waters.

California Public Resources Code

The State of California Public Resources Code (PRC), Chapter 1.7, § 5097.5 and § 30244, includes additional state level requirements for the assessment and management of paleontological resources. These statutes require reasonable mitigation of adverse impacts to paleontological resources resulting from development on state lands, define the removal of paleontological “sites” or “features” from state lands as a misdemeanor, and prohibit the removal of any paleontological “site” or “feature” from state land without permission of the jurisdictional agency. These protections apply only to State of California land.

Local

City of Menifee General Plan

Safety Element

The Menifee GP Safety Element provides a strategy for city staff, residents, developers, and business owners to effectively address natural and man-made hazards in Menifee, including seismic and geological issues; flood hazards; fire hazards; hazardous materials; wind hazards; and disaster preparedness, response, and recovery.¹

Goals and policies from the Safety Element applicable to the Project include:

- Goal S-1** **A community that is minimally impacted by seismic shaking and earthquake-induced or other geologic hazards.**
- Policy S-1.1** Require all new habitable buildings and structures to be designed and built to be seismically resistant in accordance with the most recent California Building Code adopted by the city.
- Goal S-2** **A community that has used engineering solutions to reduce or eliminate the potential for injury, loss of life, property damage, and economic and social disruption caused by geologic hazards such as slope instability; compressible, collapsible, expansive or corrosive soils; and subsidence due to groundwater withdrawal.**
- Policy S-2.1** Require all new developments to mitigate the geologic hazards that have the potential to impact habitable structures and other improvements.
- Policy S-2.2** Monitor the losses caused by geologic hazards to existing development and require studies to specifically address these issues, including the implementation of measures designed to mitigate these hazards, in all future developments in these areas.
- Policy S-2.3:** Minimize grading and modifications to the natural topography to prevent the potential for man-induced slope failures.

Menifee Municipal Code Title 8, Chapter 8.26 – Grading Regulations.²

The City of Menifee Municipal Code (Menifee MC) Title 8, Chapter 8.26 regulates grading work to protect against potential slope and wall failure and adverse impacts on the proper use and enjoyment of property, environmentally sensitive areas and biological and wildlife resources within and surrounding the City, and the health safety, welfare of public.

4.6.4 **Impact Thresholds and Significance Criteria**

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the Project site would have a significant environmental impact if one or more of the following occurs:

¹ City of Menifee. (2013). *Menifee General Plan Safety Element*. Available at: https://cityofmenifee.us/DocumentCenter/View/14707/FINAL_Safety-Element-11222_complete (accessed August 2023).

² City of Menifee. (2023). *Menifee MC Title 8, Chapter 8.26 – Grading Regulations*. Available at: <https://cityofmenifee.us/DocumentCenter/View/8423/Menifee-Grading-Ordinance-Draft?bidId=>

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - Strong seismic ground shaking?
 - Seismic-related ground failure, including liquefaction?
 - Landslides?
- Result in substantial soil erosion or loss of topsoil?
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning geology and soils. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce a potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the proposed Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on geology and soils examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on review of available documentation related to geologic conditions, review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects

on geology and soils considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.6.5 Impacts and Mitigation Measures

Impact 4.6-1 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Level of Significance: Less Than Significant

Construction and Operations

According to the Geotechnical Investigation (**Appendix F**), the Project site is not within an Alquist-Priolo fault zone and there was no evidence of faulting. The nearest faults to the Project site are located within Sun City and Quail Valley.³ These two mapped faults within the City do not affect sediments of about 15,000 years or younger ages and thus are not considered active faults.⁴ The nearest known active fault to the Project site is the Elsinore fault zone, located about 10 miles to the southwest. This distance would minimize risks attributed to ground rupture and gapping. Therefore, the impacts associated with the rupture of a known fault would be less than significant and no mitigation would be required.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-2 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- ii) *Strong seismic ground shaking?*

Level of Significance: Less Than Significant

Construction and Operations

Surface Fault Rupture

As stated previously, the Project site is not within an Alquist-Priolo Earthquake Fault Zone. The Project site is not subject to surface rupture of a known active fault, therefore the possibility of significant fault rupture on the Project site is considered to be low. Impacts would be less than significant.

³ City of Menifee, Exhibit S-1, Fault Map. (2014). Retrieved from: https://www.cityofmenifee.us/DocumentCenter/View/1028/S-1_FaultMap_HD0913?bidId= (accessed August 2023).

⁴ City of Menifee. (2013). *Menifee GP Section 5.6, Geology and Soils*, page 5.6-25. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/1106/Ch-05-06-GEO?bidId=#;~:text=Elsinore%20Fault%20Zone.&text=The%20section%20closest%20to%20Menifee,to%20the%20northwest%20of%20Menifee> (accessed August 2023).

Ground Shaking

Southern California is considered a seismically active region and regional vicinity of the areas being evaluated contains a number of known earthquake faults. As part of the geotechnical report, 2022 CBC Seismic Design Parameters were generated for the Project. Structures for human occupancy must be designed to meet or exceed 2022 CBC standards for earthquake resistance. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock on-site, and the strength of ground motion with a specified probability at the site. Therefore, future development of habitable structures within the Project site would be conducted in accordance with the 2022 CBC Seismic Design Parameters generated as part of the geotechnical report, which would reduce impacts from seismic ground shaking to a less than significant level.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-3 ***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

iii) Seismic-related ground failure, including liquefaction?

Level of Significance: Less Than Significant

Construction and Operations

Liquefaction

Liquefaction occurs when saturated fine-grained sands or silts lose their strengths during an earthquake and behave as a liquid. Three main factors contribute to susceptibility to liquefaction: 1) shallow groundwater; 2) low density non-cohesive (granular) soil; and 3) strong ground shaking. According to the geotechnical report, the Project site is located within a zone of low liquefaction susceptibility. In addition, the soil conditions encountered at the boring locations are not considered to be conducive to liquefaction. Due to the presence of shallow bedrock, seismic induced (“dry sand”) settlements are estimated to be minimal. In addition, the static groundwater table does not exist within 50 feet of the ground surface. Based on these considerations, liquefaction is not considered to be a design concern for this Project. Therefore, Project development would not subject people or structures to liquefaction hazards, and impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-4 ***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

iv) Landslides?

Level of Significance: Less Than Significant

Construction and Operations

Topographically, the Project site slopes gently downward to the north at an approximate two percent gradient. No extreme elevation differences exist in or around the Project site that would potentially lead to landslide effects. According to the City's Liquefaction and Landslides map⁵, the Project site and the immediate area are not within a zone of generalized landslide susceptibility. The Project site is also outside of the hazard zone for rockfall/debris-flow. The relatively flat topography of the Project site along with its location outside of identified landslide susceptibility and rockfall/debris-flow hazard areas would lead to a less than significant impact.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-5 Would the Project result in substantial soil erosion or the loss of topsoil?

Level of Significance: Less Than Significant

Construction and Operations

The Project site was found to contain near-surface older alluvium soils. It was then concluded that the older alluvium soils would not be suitable to support the proposed structures due to the non-uniform nature and thickness, and the soils should be removed (where present) beneath the planned building footprint to a depth of at least 3 feet below existing grade or to the granitic bedrock contact, whichever is less. It is recommended to replace the near-surface older alluvium soils with engineered fill soils. The on-site soils are generally considered suitable for reuse as engineered fill provided, they are free from vegetation, debris, oversized materials (~6 inches) and other deleterious material. All areas should be brought to final subgrade elevations with fill materials that are placed and compacted in general accordance with minimum Project standards. Engineered fill should be placed in 6-to-8-inch loose lifts, moisture conditioned to approximately two percent above the optimum moisture content and compacted to a minimum relative compaction of 90 percent as determined by ASTM D-1557 test procedures.

Exploratory borings encountered slightly moist, but not wet soils. Should wet soils be encountered during remedial grading, methods for drying soils such as stockpiling or mixing with dry soils may be required to bring the soils to the required moisture content for placement as engineered fill. Placement of engineered fill should be observed and tested on a full-time basis by a GeoTek representative during grading activities.

The construction of the Project would involve excavation activities that would affect surface and near-surface soils. Over excavation of the Project would be implemented to remove any older alluvium and the upper portion of the granitic bedrock. In addition to the excavation and removal of the fill material, the development of the Project would require grading preparation, excavation, trenching and paving activities that could result in soil erosion if exposed to periods of high wind or storm-related events. Dust control measures such as watering would be utilized to control the potential for erosion to occur. Construction contractors would also be required to implement a dust control plan in compliance with South Coast Air

⁵ City of Menifee. (2014). *Exhibit S-3, Liquefaction and Landslides Map*. Retrieved from: https://www.cityofmenifee.us/DocumentCenter/View/1030/S-3_LiquefactionandLandslides_HD0913?bidId= (accessed August 2023).

Quality Management District Rule 403 to reduce wind erosion (further information about dust control can be found in **Section 4.2, Air Quality** of this EIR).

Construction activities such as excavation and grading would be minimal given that the Project site is relatively flat. No major grading or excavation would be needed to substantially alter the slope of the site, create, or remove steep slopes, create retaining walls, or make other landform modifications. Nevertheless, grading and earthwork activities during construction would expose soils to potential short-term erosion by wind and water. During construction, the Project site would be required to comply with erosion and siltation control measures. This would include measures such as sandbagging, placement of silt fencing, erosion control blankets, straw wattles, mulching, etc., to reduce runoff from the site and to hold topsoil in place during all grading activities. As mass grading proceeds, finish grading commences, and construction begins the erosion measures would be removed or relocated as necessary. Additionally, the construction on the Project site would be required to comply with the NPDES; refer to **Section 4.9, Hydrology and Water Quality** for discussion of the anticipated NPDES permitting process. Construction impacts on the Project site would be minimized through compliance with the Construction General Permit (CGP). The NPDES permit requires development and implementation of a SWPPP and monitoring plan, which must include erosion-control and sediment-control BMPs. The BMPs would be required to meet or exceed measures required by the CGP to control potential construction-related pollutants and would comply with the Menifee Municipal Code (MMC) Title 8, Chapter 8.26 – Grading Regulations.⁶ Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. All required permits and the erosion control plan would be verified by the City prior to initiation of any construction and prior to the issuance of any grading permit. Conformance to these requirements and verification by the City as part of the development approval process would ensure that potential impacts from construction of the Project is less than significant.

Per GeoTek recommendations, excavation, filling, and subgrade preparation would be performed in a manner and sequence that would provide drainage at all times and proper control of erosion to reduce impacts of substantial erosion. Operation of the Project would not involve procedures which would result in substantial soil erosion. Following construction of the Project, the Project site would be covered with hardscape which would not contribute to erosion, and it would contain some landscaping, but these areas would include ground covers to reduce erosion and loss of on-site soils post-construction. This would ensure that operation of the Project site would not result in the loss of topsoil or sedimentation into local drainage facilities and water bodies; refer to **Section 4.9, Hydrology and Water Quality**. In addition, a network of storm drains and gutters would be installed and maintained as necessary throughout the developed site. Therefore, the potential for substantial soil erosion or the loss of topsoil is considered less than significant.

Mitigation Measures

No mitigation is necessary.

⁶ City of Menifee. (2023). *Menifee MC Title 8, Chapter 8.26 – Grading Regulations*. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/8423/Menifee-Grading-Ordinance-Draft?bidId=> (accessed August 2023).

Impact 4.6-6 *Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Level of Significance: Less Than Significant Impact

Construction and Operations

As discussed under Impact 4.6-3, liquefaction and landslides would not be a design concern for the Project, and potential for lateral spreading would be low.

The major cause of ground subsidence is the excessive withdrawal of groundwater. According to the geotechnical report, groundwater was not encountered. Based on the conditions encountered in the borings and trenches conducted for the geotechnical report, groundwater was not encountered. Based on the lack of any water within the borings, and the moisture contents of the recovered soil samples, the static groundwater table is considered to have existed at a depth in excess of 50 feet below existing site grades. Recent water level data was obtained from the California Department of Water Resources Water Data Library website, (<http://wdl.water.ca.gov/>) indicates that the highest groundwater level is approximately 410 feet below ground surface in the vicinity of the Project site. Therefore, based on anticipated groundwater depths, it is not expected that groundwater would affect excavations for the foundations and utilities. Additionally, due to the presence of shallow granitic bedrock, a negligible subsidence factor is also anticipated. Therefore, based on anticipated groundwater depths, it is not expected that groundwater would affect excavations for the foundations and utilities. The City adopts the CBC by reference and compliance with the recommendations of the geotechnical report, impacts would be less than significant level.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-7 *Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Level of Significance: Less Than Significant with Mitigation Incorporated

The geotechnical report provides recommendations to support the proposed structures and offset impacts from shrinkage, trench spoil from utilities and footing excavations, as well as the accuracy of topography.

Construction and Operations

Expansive soils are soils that expand and contract depending on their moisture level. This change can occur seasonally as water levels and precipitation changes throughout the year. These soils normally occur within the first five feet below the surface. Expansive soils can lead to structural damage as their compositions and volume changes dramatically. The near-surface soils encountered during the geotechnical investigation consisted of older alluvium which is dense to very dense silty sand or hard

sandy silt or sandy clay and granitic bedrock that is locally overlain by older alluvium. Based on the results of laboratory testing for the geotechnical investigation, the older alluvial soils are considered to have a “very low” to “low” expansion potential. Although grading activities would likely involve relatively significant mixing and blending of the site materials and a reduction of the overall expansion potential of the fill soils, sandy silt soils of low expansion index would still remain beneath the fill in most areas. The Project would implement the design recommendations listed in the geotechnical reports and 2022 CBC design standards, and **MM GEO-1** to reduce impacts from expansive soils. Additionally, the Project would comply with City standard conditions of approval requiring Compliance with the design recommendations listed in the geotechnical reports, 2022 CBC design standards, and City standard conditions of approval would reduce impacts from expansive soil to less than significant levels.

Mitigation Measures

MM GEO-1 Initial site preparation shall commence with removal of debris, deleterious materials, and vegetation within the limits of the planned improvements. These materials shall be properly disposed of off-site. Voids resulting from removing any materials shall be replaced with engineered fill materials with expansion characteristics similar to the on-site materials.

Impact 4.6-8 *Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Level of Significance: Less Than Significant Impact

Construction and Operations

No septic tanks or other alternative wastewater disposal systems are proposed. As discussed in **Section 4.8, Hazards and Hazardous Materials**, the three existing septic tanks serving the residential homes did not represent a significant environmental concern and would be removed as part of the Project’s development. The Project proposes a sewer infrastructure plan that includes a network of new public sewer mains that would connect to the existing Eastern Municipal Water District sewer system surrounding the Project boundaries. Water and wastewater systems and their development are further discussed in **Section 4.15, Utilities and Service Systems** of this Draft EIR. A less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-9 *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Level of Significance: Less Than Significant with Mitigation Incorporated

As stated previously, the geologic units underlying the Project area are mapped as middle to early Pleistocene alluvial gravel, silt, sand, and clay, and as Cretaceous granodiorite and tonalite. While the

granodiorite and tonalite units are considered to be of low paleontological value, the Pleistocene alluvial units are considered highly paleontologically sensitive. Based on these results, the **MM GEO-2** will be implemented. With implementation of **MM GEO-2**, impacts would be reduced to less than significant.

Mitigation Measures

MM GEO-2

Prior to issuance of grading permits, the Applicant/Developer will retain a qualified paleontologist to create and implement a Paleontological Resource Mitigation Program (PRIMP). The project paleontologist would review the grading plan and conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements, to be documented in the PRIMP. The PRIMP would be submitted to the City for review and approval prior to issuance of a grading permit. Information contained in the PRIMP would minimally include:

1. Description of the project site and proposed grading operations.
2. Description of the level of monitoring required for earth-moving activities.
3. Identification and qualifications of the paleontological monitor to be employed during earth moving.
4. Identification of personnel with authority to temporarily halt or divert grading to allow recovery of large specimens.
5. Direction for fossil discoveries to be reported to the developer and the City.
6. Means and methods to be employed by the paleontological monitor to quickly salvage fossils to minimize construction delays.
7. Sampling methods for sediments that are likely to contain small fossil remains, if any.
8. Procedures and protocol for collecting and processing of samples and specimens, as necessary.
9. Fossil identification and curation procedures.
10. Identification of the repository to receive fossil material.
11. All pertinent maps and exhibits.
12. Procedures for reporting of findings.
13. Acknowledgment of the developer for content of the PRIMP and acceptance of financial responsibility for monitoring, reporting, and curation.

4.6.6 Cumulative Impacts

Southern California is a seismically active region with a range of geologic and soil conditions. These conditions can vary widely within a limited geographical area due to factors, including differences in landforms and proximity to fault zones, among others. Therefore, while geotechnical impacts may be associated with the cumulative development, by the very nature of the impacts (i.e., landslides and

expansive and compressible soils), impacts are typically site-specific and there is little, if any, cumulative relationship between the development of Project and development within a larger cumulative area, such as citywide development.

Impacts associated with seismic events and hazards would be considered significant if the effects of an earthquake on a property could not be mitigated by an engineered solution. The significance criteria do not require elimination of the potential for structural damage from seismic hazards. Instead, the criteria require an evaluation of whether the seismic conditions on a site can be overcome through engineering design solutions that would reduce to less than significant the substantial risk of exposing people or structures to loss, injury, or death. As stated throughout this section, the Project's compliance with **MM GEO-1** and **MM GEO-2**, applicable state and local design standards and regulations would ensure that impacts related to geology and soils are reduced to less than significant levels. None of the Project characteristics would affect or influence the geotechnical hazards for off-site development and any cumulative development would be required to comply with the same applicable state and local design standards, regulations, goals, and policies. For these reasons, no significant cumulative geotechnical impacts would occur for the Project.

4.6.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.6.8 References

City of Menifee. (2023). *Menifee MC Title 8, Chapter 8.26 – Grading Regulations*. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/8423/Menifee-Grading-Ordinance-Draft?bidId=>

GeoTek, Inc. (2021). *Geotechnical and Infiltration Evaluation for Proposed Warehouse*. See **Appendix F**.

BCR. (2022). *Phase I Cultural Resources Assessment (CRA)*. See **Appendix C**.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Introduction

This section of the Draft Environmental Impact Report (EIR) discusses potential greenhouse gas (GHG) impacts associated with development and implementation of the CADO Menifee Industrial Warehouse Project (Project). A quantified estimate of GHG emissions that would result from the Project, and an analysis of the significance of the impact of these GHGs were analyzed. In the case where impacts were found to be potentially significant, mitigation will be proposed to reduce their significance. The current conditions were observed as the baseline for the analysis along with relevant federal, state, and local air pollutant regulations.

This analysis is based primarily on the following technical report located in **Appendix G, Greenhouse Gas Emissions Assessment**.

- Kimley-Horn & Associates. (2024). *Greenhouse Gas Emissions Assessment*.

4.7.2 Environmental Setting

Greenhouse Gases and Climate Change

Certain gases in the earth's atmosphere classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed

around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO₂ emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO₂ emissions remains stored. **Table 4.7-1, Description of Greenhouse Gases** describes the primary GHGs attributed to global climate change, including their physical properties.

Table 4.7-1: Description of Greenhouse Gases

Greenhouse Gas	Description
Carbon Dioxide (CO ₂)	CO ₂ is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of CO ₂ emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of CO ₂ is variable because it is readily exchanged in the atmosphere. CO ₂ is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs.
Nitrous Oxide (N ₂ O)	N ₂ O is largely attributable to agricultural practices and soil management. Primary human-related sources of N ₂ O include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. N ₂ O is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N ₂ O is approximately 120 years. The Global Warming Potential of N ₂ O is 298.
Methane (CH ₄)	CH ₄ , a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Methane is the major component of natural gas, about 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of CH ₄ include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of CH ₄ is about 12 years and the Global Warming Potential is 25.
Hydrofluorocarbons (HFCs)	HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of CFCs and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23.
Perfluorocarbons (PFCs)	PFCs have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200.
Chlorofluorocarbons (CFCs)	CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning

Greenhouse Gas	Description
	solvents. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400.
Sulfur Hexafluoride (SF ₆)	SF ₆ is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of SF ₆ is 23,900.
Hydrochlorofluorocarbons (HCFCs)	HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b.
Nitrogen Trifluoride (NF ₃)	NF ₃ was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. This gas is used in electronics manufacture for semiconductors and liquid crystal displays. It has a high global warming potential of 17,200.
Source: Kimley-Horn & Associates. (2022). <i>Greenhouse Gas Emissions Assessment</i> . Page 7 – Table 1.	

4.7.3 Regulatory Setting

Federal

To date, national standards have not been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding

The U.S. Environmental Protection Agency (EPA) authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet

the definition of air pollutants under the existing Federal Clean Air Act (FCAA) and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six GHGs (CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing FCAA and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, Executive Order 13432 was issued in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, an Executive Memorandum was issued directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The standards projected to achieve 163 grams per mile of CO₂ in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks. It should be noted that the U.S. EPA is currently proposing to freeze the vehicle fuel efficiency standards at their planned 2020 level (37 mpg), canceling any future strengthening (currently 54.5 mpg by 2026).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO₂ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final

standards are expected to lower CO₂ emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.¹

On September 27, 2019, the U.S. EPA and the NHTSA published the “Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program.” (84 Fed. Reg. 51,310 (Sept. 27, 2019)). The Part One Rule revokes California’s authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, the U.S. EPA and NHTSA finalized rulemaking for SAFE Part Two sets CO₂ emissions standards and corporate average fuel economy (CAFE) standards for passenger vehicles and light duty trucks, covering model years 2021-2026. The current U.S. EPA administration has repealed SAFE Rule Part One, effective January 28, 2022, and is reconsidering Part Two.

In December 2021, the U.S. EPA finalized federal GHG emissions standards for passenger cars and light trucks for Model Years 2023 through 2026. These standards are the strongest vehicle emissions standards ever established for the light-duty vehicle sector and are based on sound science and grounded in a rigorous assessment of current and future technologies. The updated standards will result in avoiding more than 3 billion tons of GHG emissions through 2050.²

State

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California’s contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO₂ equivalents (CO₂e) in the world and produced 459 million gross metric tons of CO₂e in 2013. In the State, the transportation sector is the largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark Assembly Bill (AB) 32, *California Global Warming Solutions Act of 2006*, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verification of statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved

¹ Kimley-Horn & Associates. (2022). *Greenhouse Gas Emissions Assessment*. p. 9

² Ibid. p. 10

by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

California Air Resource Board Scoping Plan

CARB adopted the “Scoping Plan” to achieve the goals of AB 32. The Scoping Plan establishes an overall framework for the measures that would be adopted to reduce California’s GHG emissions. CARB determined that achieving the 1990 emissions level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as “business-as-usual”).³ The Scoping Plan evaluates opportunities for sector-specific reductions, integrates early actions and additional GHG reduction measures by both CARB and the State’s Climate Action Team, identifies additional measures to be pursued as regulations, and outlines the adopted role of a cap-and-trade program.⁴ Additional development of these measures and adoption of the appropriate regulations occurred through the end of 2013. Key elements of the Scoping Plan include:

- Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
- Achieving a statewide renewables energy mix of 33 percent by 2020.
- Developing a California cap-and-trade program that links with other programs to create a regional market system and caps sources contributing 85 percent of California’s GHG emissions (adopted in 2011).
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets (several sustainable community strategies have been adopted).
- Adopting and implementing measures pursuant to existing State laws and policies, including California’s clean car standards, heavy-duty truck measures, the Low Carbon Fuel Standard (amendments to the Pavley Standard adopted 2009; Advanced Clean Car standard adopted 2012), goods movement measures, and the Low Carbon Fuel Standard (adopted 2009).
- Creating targeted fees, including a public goods charge on water use, fees on gases with high global warming potential, and a fee to fund the administrative costs of the State of California’s long-term commitment to AB 32 implementation.
- The California Sustainable Freight Action Plan was developed in 2016 and provides a vision for California’s transition to a more efficient, more economically competitive, and less polluting freight transport system. This transition of California’s freight transport system is essential to supporting the State’s economic development in coming decades while reducing pollution.
- CARB’s Mobile Source Strategy demonstrates how the State can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation

³ Ibid. p. 9

⁴ The Climate Action Team, led by the secretary of the California Environmental Protection Agency, is a group of State agency secretaries and heads of agencies, boards, and departments. Team members work to coordinate statewide efforts to implement global warming emissions reduction programs and the State’s Climate Adaptation Strategy. Ibid p.10

emissions, and reduce petroleum consumption over the next fifteen years. The mobile Source Strategy includes increasing zero emission (ZE) buses and trucks.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relied on emissions projections updated in light of current economic forecasts that accounted for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This update reduced the projected 2020 emissions from 596 million metric tons of CO₂e (MMTCO₂e) to 545 MMTCO₂e. The reduction in forecasted 2020 emissions means that the revised business-as-usual reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now 21.7 percent, down from 29 percent. CARB also provided a lower 2020 inventory forecast that incorporated State-led GHG emissions reduction measures already in place. When this lower forecast is considered, the necessary reduction from business-as-usual needed to achieve the goals of AB 32 is approximately 16 percent.

CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes the most recent science related to climate change, including anticipated impacts to California and the levels of GHG emissions reductions necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. By 2016, California had reduced GHG emissions below 1990 levels, achieving AB 32's 2020 goal four years ahead of schedule.

In 2016, the Legislature passed Senate Bill (SB) 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017 CARB adopted a second update to the Scoping Plan.⁵ The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support the Clean Power Plan and other Federal actions.

Adopted December 15, 2022, CARB's *2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead

⁵ California Air Resources Board, *California's 2017 Climate Change Scoping Plan*, https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed March 2023.

advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California's single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects.⁶ CARB specifically states that Appendix D does not address other land uses (e.g., industrial).⁷ However, CARB plans to explore new approaches for other land use types in the future.⁸

As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.

Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions. With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan.

Senate Bill 375

On September 30, 2008, SB 375 was signed by Governor Schwarzenegger. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40 percent of the total GHG emissions in California. SB 375 states, "Without improved land use and transportation policy, California would not be able to achieve the goals of AB 32." SB 375 does the following: it (1) requires metropolitan planning organizations (MPOs) to include sustainable community strategies in their regional

⁶ California Air Resources Board, *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*.

⁷ Ibid.

⁸ Ibid.

transportation plans for reducing GHG emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies.

Assembly Bill 1493 - Pavley Fuel Efficiency Standards

AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, new automobiles will emit 34 percent fewer CO₂e emissions and 75 percent fewer smog-forming emissions.

SB 1368 (Emission Performance Standards)

SB 1368 is the companion bill of AB 32, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than five years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, for 1,100 pounds of CO₂ per megawatt-hour.

SB 1078 and SBX1-2 (Renewable Electricity Standards)

SB 1078 requires California to generate 20 percent of its electricity from renewable energy by 2017. This goal was accelerated with SB 107, which changed the due date to 2010 instead of 2017. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Executive Order S-21-09 also directed CARB to adopt a regulation by July 31, 2010, requiring the State's load serving entities to meet a 33 percent renewable energy target by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SB X1-2, which codified the 33 percent by 2020 goal.

SB 350 (Clean Energy and Pollution Reduction Act of 2015)

Signed into law on October 7, 2015, SB 350 implements the goals of Executive Order B-30-15. The objectives of SB 350 are to increase the procurement of electricity from renewable sources from 33 percent to 50 percent (with interim targets of 40 percent by 2024, and 45 percent by 2027) and to double the energy efficiency savings in electricity and natural gas end uses of retail customers through energy efficiency and conservation. SB 350 also reorganizes the Independent System Operator to develop more

regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

AB 398 (Market-Based Compliance Mechanisms)

Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air contaminants and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

SB 150 (Regional Transportation Plans)

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

SB 100 (California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases)

Signed into law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

AB 1346 (Air Pollution: Small Off-Road Engines)

Signed into law in October 2021, AB 1346 requires CARB, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, consistent with federal law, by July 1, 2022. The bill requires CARB to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

AB 1279 (Carbon Neutrality)

Signed on September 16, 2022, AB 1279 established the goal to achieve net-zero GHG emissions no later than 2045 and net negative thereafter. The bill establishes a goal toward at least an 85 percent reduction target for anthropogenic GHG emissions below statewide emissions limit from Section 36550 of the California Health and Safety Code.

SB 1020 (100 Percent Clean Electric Grid)

Signed on September 16, 2022, SB 1020 provides additional goals for the path to the 2045 goal of 100 percent clean electricity retail sales. It creates a target of 90 percent clean electricity retail sales by 2035 and 95 percent clean electricity retail sales by 2040.

SB 905 (Capturing and Removing Carbon Pollution)

Signed on September 16, 2022, SB 905 establishes regulatory framework and policies that involve carbon removal, carbon capture, utilization, and sequestration. It also prohibits the injecting of concentrated carbon dioxide fluid into a Class II injection well for the purpose of enhanced oil recovery.

AB 1757 (Nature-Based Solutions)

Signed on September 16, 2022, AB 1757 requires state agencies to develop a range of targets for natural carbon sequestration and nature-based climate solutions that reduce GHG emissions to meet the 2030, 2038, and 2045 goals which would be integrated into a scoping plan addressing natural and working lands.

Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs through the use of Executive Orders. Although not regulatory, they set the tone for the state and guide the actions of state agencies.

Executive Order S-3-05. Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

By 2010, reduce GHG emissions to 2000 levels.

By 2020, reduce GHG emissions to 1990 levels.

By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07. Issued on January 18, 2007, Executive Order S 01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009.

Executive Order S-13-08. Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order S-14-08. Issued on November 17, 2008, Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Executive Order S-21-09. Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's Renewable Portfolio Standard (RPS) to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

Executive Order B-30-15. Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO₂e (MMTCO₂e). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

Executive Order B-55-18. Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant state agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires state agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

Executive Order N-79-20. Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045, where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new ZEVs "towards the target of 100 percent." The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division, and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat even with rapid population growth.

Title 20 Appliance Efficiency Regulations. The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

Title 24 Building Energy Efficiency Standards. California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The CEC adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Title 24 standards will result in less energy use, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards will require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

Title 24 California Green Building Standards Code. The California Green Building Standards Code (CCR Title 24, Part 11 code) commonly referred to as the CALGreen Code, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code went into effect on January 1, 2023 (2022 CALGreen). The 2022 CALGreen standards continue to improve upon the existing standards for new construction of, and additions and alterations to, residential and nonresidential buildings.

CARB Advanced Clean Truck Regulation

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission "last-mile" delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and

heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

- **Zero-Emission Truck Sales:** Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.
- **Company and Fleet Reporting:** Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

Regional

South Coast Air Quality Management District Rule 2305 (Warehouse Indirect Source Rule)

Rule 2305 was adopted by the SCAQMD Governing Board on May 7, 2021 to reduce NO_x and particulate matter emissions associated with warehouses and mobile sources attracted to warehouses. However, Rule 2305 would also reduce GHG emissions. This rule applies to all existing and proposed warehouses over 100,000 square feet located in the SCAQMD. Rule 2305 requires warehouse operators to track annual vehicle miles traveled associated with truck trips to and from the warehouse. These trip miles are used to calculate the warehouses WAIRE (Warehouse Actions and Investments to Reduce Emissions) Points Compliance Obligation. WAIRE Points are earned based on emission reduction measures and warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. Reduction strategies listed in the WAIRE menu include acquire zero emission (ZE) or near zero emission (NZE) trucks; require ZE/NZE truck visits; require ZE yard trucks; install on-site ZE charging/fueling infrastructure; install onsite energy systems; and install filtration systems in residences, schools, and other buildings in the adjacent community. Warehouse operators that do not earn a sufficient number of WAIRE points to satisfy the WAIRE Points Compliance Obligation would be required to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

South Coast Air Quality Management District Thresholds

The South Coast Air Quality Management District (SCAQMD) formed a GHG California Environmental Quality Act (CEQA) Significance Threshold Working Group to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. This working group was formed to assist SCAQMD's efforts to develop a GHG significance threshold and is composed of a wide variety of stakeholders including the State Office of Planning and Research, CARB, the Attorney General's Office, a variety of city and county planning departments in the SCAB, various utilities such as sanitation and power companies throughout the SCAB, industry groups, and environmental and professional organizations. The Working Group has proposed a tiered approach to evaluating GHG emissions for development projects

where SCAQMD is not the lead agency, wherein projects are evaluated sequentially through a series of “tiers” to determine whether the project is likely to result in a potentially significant impact due to GHG emissions.

With the tiered approach, a project is compared against the requirements of each tier sequentially and would not result in a significant impact if it complies with any tier. Tier 1 excludes projects that are specifically exempt from SB 97 from resulting in a significant impact. Tier 2 excludes projects that are consistent with a GHG reduction plan that has a certified final CEQA document and complies with AB 32 GHG reduction goals. Tier 3 excludes projects with annual emissions lower than a screening threshold. The SCAQMD has adopted a threshold of 10,000 metric tons of CO₂e (MTCO₂e) per year for industrial projects and a 3,000 MTCO₂e threshold was proposed for non-industrial projects but has not been adopted. During Working Group Meeting #7 it was explained that this threshold was derived using a 90 percent capture rate of a large sampling of industrial facilities. During Meeting #8, the Working Group defined industrial uses as production, manufacturing, and fabrication activities or storage and distribution (e.g., warehouse, transfer facility, etc.). The Working Group indicated that the 10,000 MTCO₂e per year threshold applies to both emissions from construction and operational phases plus indirect emissions (electricity, water use, etc.). The SCAQMD concluded that projects with emissions less than the screening threshold would not result in a significant cumulative impact.

Tier 4 consists of three decision tree options. Under the Tier 4 first option, SCAQMD initially outlined that a project would be excluded if design features and/or mitigation measures resulted in emissions 30 percent lower than business as usual emissions. However, the Working Group did not provide a recommendation for this approach. The Working Group folded the Tier 4 second option into the third option. Under the Tier 4 third option, a project would be excluded if it was below an efficiency-based threshold of 4.8 MTCO₂e per service population per year. Tier 5 would exclude projects that implement offsite mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level.

Tier 3 Screening Thresholds

As described above, when the tiered approach is applied to a proposed project, and the project is found not to comply with Tier 1 or Tier 2, the project’s emissions are compared against a screening threshold, as described above, for Tier 3. The screening threshold formally adopted by SCAQMD is an “interim” screening threshold for stationary source industrial projects where the SCAQMD is the lead agency under CEQA. The threshold was termed “interim” because, at the time, SCAQMD anticipated that CARB would be adopting a statewide significance threshold that would inform and provide guidance to SCAQMD in its adoption of a final threshold. However, no statewide threshold was ever adopted, and the interim threshold remains in effect.

For projects for which SCAQMD is not a lead agency, no screening thresholds have been formally adopted. However, the SCAQMD Working Group has recommended a threshold of 10,000 MTCO₂e/year for industrial projects and 3,000 MTCO₂e/year for residential and commercial projects. SCAQMD determined that these thresholds would “capture” 90 percent of GHG emissions from these sectors, “capture”

meaning that 90 percent of total emissions from all new projects would be subject to some type of CEQA analysis (i.e., found potentially significant).⁹

Southern California Association of Governments

On September 3, 2020, SCAG's Regional Council adopted the 2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy [2020 RTP/SCS]) also referred to as the Connect SoCal. The Connect SoCal charts a course for closely integrating land use and transportation so that the region can grow smartly and sustainably. The strategy was prepared through a collaborative, continuous, and comprehensive process with input from local governments, county transportation commissions, tribal governments, non-profit organizations, businesses and local stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. The Connect SoCal is a long-range vision plan that balances future mobility and housing needs with economic, environmental, and public health goals. The SCAG region strives toward sustainability through integrated land use and transportation planning. The SCAG region must achieve specific federal air quality standards and is required by state law to lower regional GHG emissions.

Local

City of Menifee General Plan

Open Space and Conservation Element

The City of Menifee General Plan (City GP) (Open Space and Conservation Element) has goals to reduce impacts to air quality at the local level by minimizing pollution and particulate matter (General Plan Goal OSC-9).¹⁰ The general Plan goals, measures, and actions applicable to the Project include the following:

- | | |
|-----------------------|--|
| Goal OSC-9 | Reduced impacts to air quality at the local level by minimizing pollution and particulate matter. |
| Policy OSC-9.1 | Meet State and federal clean air standards by minimizing particulate matter emissions from construction activities. |
| Policy OSC-9.2 | Buffer sensitive land uses, such as residences, schools, care facilities, and recreation areas from major air pollutant emission sources, including freeways, manufacturing, hazardous materials storage, wastewater treatment, and similar uses. |
| Policy OSC-9.3 | Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source. |
| Policy OSC-9.4 | Support Riverside County Regional Air Quality Task Force, Southern California Association of Government's Regional Transportation Plan/Sustainable Communities Strategy, and SCAQMD's Air Quality Management Plan to reduce air pollution at the regional level. |

⁹ Ibid. p. 19

¹⁰ City of Menifee. (2013). *Menifee General Plan Open Space and Conservation Element*. Retrieved from: <https://www.cityofmenifee.us/221/General-Plan> (accessed October 19, 2022).

Policy OSC-9.5 Comply with the mandatory requirements of Title 24 Part 1 of the California Building Standards Code and Title 24 Part 6 Building and Energy Efficiency Standards.

The City's Open Space and Conservation Element also includes goals to have efficient and environmentally appropriate use and management of energy and mineral resources to ensure their availability for future generations (General Plan Goal OSC-4), as well as an environmentally aware community that is responsive to changing climate conditions and actively seeks to reduce local greenhouse gas emissions (General Plan Goal OSC-10). Policies to meet these goals include:

Goal OSC-4 **Efficient and environmentally appropriate use and management of energy and mineral resources to ensure their availability for future generations.**

OSC-4.1 Apply energy efficiency and conservation practices in land use, transportation demand management, and subdivision and building design.

OSC-4.2 Evaluate public and private efforts to develop and operate alternative systems of energy production, including solar, wind, and fuel cell.

Goal OSC-10 **An environmentally aware community that is responsive to changing climate conditions and actively seeks to reduce local greenhouse gas emissions.**

OSC-10.1 Align the City's local GHG reduction targets to be consistent with the statewide GHG reduction target of AB 32.

OSC-10.2 Align the City's long-term GHG reduction goal consistent with the statewide GHG reduction goal of Executive Order S-03-05.

OSC-10.3 Participate in regional greenhouse gas emission reduction initiatives.

OSC-10.4 Consider impacts to climate change as a factor in evaluation of policies, strategies, and projects.

City of Menifee Design Guidelines – Appendix A: Industrial Good Neighbor Policies

According to the City's Design Guidelines, the purpose of the Good Neighbor Policies (Policies) is to provide local government and developers with ways to address environmental and neighborhood compatibility issues associated with permitting warehouse, logistics and distribution facilities. The Policies were designed to promote economic vitality and sustainability of businesses, while still protecting the general health, safety, and welfare of the public and sensitive receptors within the City of Menifee. Sensitive receptors include residential neighborhoods, schools, public parks, playgrounds, day care centers, nursing homes, hospitals, and other public places where residents are most likely to spend time.

The intent of the City of Menifee's Good Neighbor Policies, in siting new warehouse, logistics and distribution uses, include:

1. Minimize impacts to sensitive uses
2. Protect public health, safety, and welfare by regulating the design, location and operation of facilities
3. Protect neighborhood character of adjacent communities

The Policies apply to all new warehouse, logistics and distribution facilities (“industrial uses”), excluding pending applications that have been deemed complete as the effective day of this policy, that include any building larger than 100,000 square feet in size or any sized building with more than 10 loading bays (dock high). There are general performance standards, as well as site design, access and layout standards, signage and information standards, and environmental considerations, including air quality and noise and traffic.

4.7.4 Impact Thresholds and Significance Criteria

Based upon the criteria derived from Appendix G of the CEQA Guidelines, a project normally would have a significant effect on the environment if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

GHG Thresholds

On December 5, 2008, the SCAQMD Governing Board adopted a 10,000 MTCO₂e industrial threshold for projects where SCAQMD is the lead agency. The SCAQMD GHG CEQA Significance Threshold Working Group defined industrial uses as production, manufacturing, and fabrication activities or storage and distribution (e.g., warehouse, transfer facility, etc.) during Meeting #8. Additionally, the SCAQMD GHG Significance Threshold Stakeholder Working Group has specified that a warehouse is considered to be an industrial project.¹¹ During the GHG CEQA Significance Threshold Working Group Meeting #15, the SCAQMD noted that it was considering extending the industrial GHG significance threshold for use by all lead agencies. Furthermore, the Working Group indicated that the 10,000 MTCO₂e per year threshold applies to both emissions from construction and operational phases plus indirect emissions (electricity, water use, etc.). The SCAQMD has not announced when staff is expecting to present GHG thresholds for land use projects where the SCAQMD is not the lead agency to the governing board.

The City of Menifee has not adopted project-specific significance thresholds. The City has opted to use a non-zero threshold approach based on Approach 2 of the CAPCOA CEQA and Climate Change handbook, which is the Tier 3 screening value of 3,000 MTCO₂e per year that is recommended by SCAQMD staff for residential and commercial projects. Threshold 2.5 (Unit-Based Thresholds Based on Market Capture) of the CAPCOA CEQA and Climate Change handbook establishes a numerical threshold based on capture of approximately 90 percent of emissions from future development. The latest threshold developed by SCAQMD using this method is the 3,000 MTCO₂e/yr screening threshold.

In setting the threshold at 3,000 MTCO₂e per year, SCAQMD researched a database of projects kept by the Governor’s Office of Planning and Research (OPR). That database contained 798 projects, 87 of which were removed because they were very large projects and/or outliers that would skew emissions values

¹¹ Ibid. p.21

too high, leaving 711 as the sample population to use in determining the 90th percentile capture rate. The SCAQMD analysis of the 711 projects within the sample population combined commercial, residential, and mixed-use projects. It should be noted that the sample of projects included warehouses and other light industrial land uses but did not include industrial processes (i.e., oil refineries, heavy manufacturing, electric generating stations, mining operations, etc.). Emissions from each of these projects were calculated by SCAQMD to provide a consistent method of emissions calculations across the sample population and from projects within the sample population. In calculating the emissions, the SCAQMD analysis determined that the 90th percentile ranged between 2,983 to 3,143 MTCO₂e per year. The SCAQMD set their significance threshold at the low-end value of the range when rounded to the nearest hundred tons of emissions (i.e., 3,000 MTCO₂e per year) to define small projects that are considered less than significant and do not need to provide further analysis.

The City understands that the 3,000 MTCO₂e per year threshold for residential/commercial uses was proposed by SCAQMD over a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 MTCO₂e per year threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold (2008) document and subsequent Working Group meetings (latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold “uses the Executive Order S-3-05 goal [80 percent below 1990 levels by 2050] as the basis for deriving the screening level” and, thus, remains valid for use in 2023 (SCAQMD, 2008, pp. 3-4). Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction. Thus, if Project-related GHG emissions do not exceed the 3,000 MTCO₂e per year threshold, then Project-related GHG emissions would have a less-than-significant impact.

Methodology

Global climate change is, by definition, a cumulative impact of GHG emissions. Therefore, there is no project-level analysis. The baseline against which to compare potential impacts of the Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities which almost doubled between 1970 and 2010 from approximately 27 gigatonnes (Gt) of CO₂/year to nearly 49 GtCO₂/year.¹² As such, the geographic extent of climate change and GHG emissions cumulative impact discussion is worldwide.

Construction

The Project’s construction and operational emissions were calculated using the California Emissions Estimator Model version 2020.4.0 (CalEEMod). Details of the modeling assumptions and emission factors are provided in Appendix A: Greenhouse Gas Emissions Data of Draft EIR **Appendix G**. For construction,

¹² Ibid. p. 22

CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. GHG emissions during construction were forecasted based on the proposed construction schedule and applying the mobile-source and fugitive dust emissions factors derived from CalEEMod. The Project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. The Project's construction is anticipated to occur over a duration of approximately 15 months, beginning as early as February 2024.

Operations

The Project's operational GHG emissions would be generated by vehicular traffic, off-road equipment, area sources (e.g., landscaping maintenance, consumer products), electrical generation, natural gas consumption, water supply and wastewater treatment, and solid waste. These emissions categories are discussed below.

- **Area Sources.** Area source emissions occur from hearths, architectural coatings, landscaping equipment, and consumer products. The Project involves warehouse uses and would not include hearths. Landscaping and consumer products would be limited. Negligible quantities of consumer products (i.e., personal care products, home, lawn, and garden products, disinfectants, sanitizers, polishes, cosmetics, and floor finishes) would be used. Additionally, the primary emissions from architectural coatings are volatile organic compounds, which are relatively insignificant as direct GHG emissions.
- **Energy Consumption.** Energy consumption consists of emissions from Project consumption of electricity and natural gas. Primary uses of electricity and natural gas by the Project would be for miscellaneous warehouse equipment, space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Electricity usage was calculated outside of CalEEMod based on Project specific data provided by the applicant. Natural gas usage is based on default consumption rates in CalEEMod. The emissions generated from both electricity and natural gas usage were calculated using default emissions factors in CalEEMod.
- **Solid Waste.** Solid waste releases GHG emissions in the form of methane when these materials decompose. Solid waste emissions are calculated based on generation rates and emissions factors in CalEEMod.
- **Water and Wastewater.** Project GHG emissions would be generated from energy consumption associated with water and wastewater conveyance and treatment. No changes were made to the default water usage consumption rates or emissions factors.
- **Off-Road Equipment.** Operational off-road emissions would be generated by off-road cargo handling equipment used during operational activities. Off-road emissions were calculated with emissions rates derived from CARB's OFFROAD database. For this Project, it was assumed that the warehouses would include 14 forklifts and 2 off-highway trucks for loading and unloading goods per the SCAQMD *High Cube Warehouse Truck Trip Study White Paper*.¹³ It should be noted that

¹³ Ibid. p. 23

the Project does not include cold storage. Therefore, this analysis models the warehouses as unrefrigerated, and the Project would not include emissions from transport refrigeration units (TRUs).

- Emergency Backup Generators.** As the Project's warehouse is speculative, it is unknown whether emergency backup generators would be used. Backup generators would only be used in the event of a power failure and would not be part of the Project's normal daily operations. Nonetheless, emissions associated with this equipment were included to be conservative. Emissions from an emergency backup generator for the warehouse building was calculated separately from CalEEMod; refer to Appendix A of Draft EIR **Appendix G**. However, CalEEMod default emissions rates were used. If backup generators are required, the end user would be required to obtain a permit from the SCAQMD prior to installation. Emergency backup generators must meet SCAQMD's Best Available Control Technology (BACT) requirements and comply with SCAQMD Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines), which would minimize emissions.
- Mobile Sources.** Mobile sources are emissions from motor vehicles. Project-generated vehicle emissions are based on the trip generation within Draft EIR **Appendix K1** incorporated into CalEEMod as recommended by the SCAQMD. Refer to **Section 4.13, Transportation** of this EIR for more information.

4.7.5 Impacts and Mitigation Measures

Impact 4.7-1 *Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?*

Level of Significance: Significant and Unavoidable

Construction

Short-Term Construction Greenhouse Gas Emissions

The Project would result in direct emissions of CO₂, N₂O, and CH₄ from construction equipment and the transport of materials and construction workers to and from the Project site. The GHG emissions only occur during temporary construction activities and would cease once construction is complete. The total GHG emissions generated during the construction of the Project are shown in **Table 4.7-2, Construction-Related Greenhouse Gas Emissions**.

Table 4.7-2: Construction-Related Greenhouse Gas Emissions

Category	MTCO ₂ e
Construction Year 1 (2024)	1,656
Construction Year 2 (2025)	111
Total Construction Emissions	1,767
30-Year Amortized Construction Emissions	59
Source: Kimley-Horn & Associates. (2022). Greenhouse Gas Emissions Assessment. Page 24 – Table 2	

As shown in **Table 4.7-2**, the Project would result in the generation of approximately 1,767 MTCO₂e over the course of construction. Construction GHG emissions are typically summed and amortized over a 30-year period and then added to the operational emissions.¹⁴ The amortized Project construction emissions would be 59 MTCO₂e per year. Once construction is complete, the generation of these GHG emissions would cease.

Operations

Long-Term Operational Greenhouse Gas Emissions

Operational or long-term emissions occur over the life of the Project. GHG emissions would result from direct emissions such as Project-generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power, the energy required to convey water to, and wastewater from the Project, the emissions associated with solid waste generated from the Project, and any fugitive refrigerants from air conditioning or refrigerators. GHG emissions associated with the Project are summarized in **Table 4.7-3, Project Greenhouse Gas Emissions**.

Table 4.7-3: Project Greenhouse Gas Emissions

Emissions Source	MTCO ₂ e per Year	
	Unmitigated	Mitigated
Area and Indirect Sources		
Construction Amortized Over 30 Years	59	59
Area Source ¹	0.04	0.02
Energy – Electricity ²	65	52
Energy – Natural Gas	76	76
Off-road (Forklifts and Yard Trucks) ³	969	521
Emergency Backup Generator	20	20
Waste ⁴	331	82
Water and Wastewater	491	491
Subtotal	2,011	1,301
Mobile Sources		
Warehouse Trucks	1,810	1,810
Warehouse Passenger Cars ⁵	3,202	3,161
Subtotal	5,012	4,971
TOTAL	7,023	6,272
<i>Threshold</i>	<i>3,000</i>	<i>3,000</i>
Exceeds Threshold?	Yes	Yes

¹⁴ Ibid. p. 24

Emissions Source	MTCO ₂ e per Year	
	Unmitigated	Mitigated
1. Mitigation Measure GHG-6 requires electric landscaping equipment, which would reduce area source emissions. 2. Mitigation Measure GHG-1 requires the Project to install solar 3. Mitigation Measure AQ-4 (refer to the Project's Air Quality Assessment [Appendix B1]) requires all forklifts to be powered by electricity or other zero emission technology. 4. Mitigation Measure GHG-5 requires the Project to divert a minimum of 75 percent of landfill waste. 5. Mitigation Measure AQ-3 (refer to the Projects Air Quality Assessment [Appendix B1]) requires implementation of a TDM program.		
Source: Kimley-Horn & Associates. (2022). Greenhouse Gas Emissions Assessment. Page 25 – Table 3		

As shown in **Table 4.7-3**, the Project's unmitigated emissions would be approximately 7,023 MTCO₂e annually from both construction and operations. Project-related GHG emissions would exceed the 3,000 MTCO₂e per year threshold. The majority of the GHG emissions (71 percent of unmitigated emissions and 79 percent of mitigated emissions) are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and Federal standards, and the Project has no control over these standards.

The Project would not include cold storage, which would reduce emissions from transport refrigeration units (TRUs). Additionally, mitigation measures (**MM**) in the Project's Air Quality Assessment (**Appendix B1**) would also reduce emissions. **MMs AQ-2 through AQ-5** would reduce emissions by limiting engine idling, implementation of a transportation demand management (TDM) program, requiring all forklifts to be zero emissions, and posting signage with instructions that reduce emissions. The Project also includes **MMs GHG-1 through GHG-7** to further reduce emissions. **MM GHG-1** requires the installation of solar photovoltaic (PV) panels to offset 49 kwdc the Project's energy consumption. **MM GHG-2** prohibits the Project from including cold storage equipment for warehouse purposes. **MM GHG-3** requires the facility operator to provide tenants with information on incentive programs such as the Moyer program and Smartway program to increase transportation efficiency. **MM GHG-4** requires EV ready infrastructure and EV charging stations in employee parking lots. **MM GHG-5** requires the Project to divert 75 percent of waste from landfills and **MM GHG-6** requires landscape equipment to be 100 percent electric. **MM GHG-7** also requires the site plan to designate an area of the site for three future truck charging stations and install electrical conduit.

In addition, the Project would be required to comply with SCAQMD Rule 2305 (warehouse indirect source rule) which would directly reduce emissions or to otherwise facilitate emissions reductions. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby. Although Rule 2305 focuses on air quality pollutant emissions, the rule would facilitate cleaner vehicles and supporting infrastructure that would also result in GHG benefits.

Warehouse owners and operators are required to earn Warehouse Actions and Investments to Reduce Emissions (WAIRE) Points each year. WAIRE points are a menu-based system earned by emission reduction measures. Warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. WAIRE points can be earned by completing actions from a menu that can include acquiring and using natural gas, Near-Zero Emissions and/or Zero-Emissions on-

road trucks, zero-emission cargo handling equipment, solar panels or zero-emission charging and fueling infrastructure, or other options.

As shown in **Table 4.7-3**, implementation of **MMs GHG-1** through **GHG-7** would reduce Project emissions. However, despite implementation of mitigation, total mitigated emissions would continue to exceed the threshold. The TDM program required by **MM AQ-3** could reduce GHG emissions from employees commuting to work; however, the TDM program would not reduce truck trips to the site.

Implementation of mitigation measures and standard conditions would reduce Project emissions to 6,272 MTCO₂e per year. However, the Project's emissions would still exceed the 3,000 MTCO₂e per year threshold. Additional mitigation to further reduce these emissions is not feasible.

Emissions associated with mobile sources total 4,971 MTCO₂e per year. Additional mitigation to reduce the Project's mobile emissions is not feasible due to the limited ability of the City of Menifee to address emissions resulting from trucks, cars, and/or emissions generated by these trucks outside of the City's limits. As with all land use projects, the Project's mobile and transportation related GHG emissions are a function of two parameters: emissions control technology and vehicle miles traveled (VMT).

CARB is directly responsible for regulating mobile and transportation source emissions in the State. Regarding the first parameter, California addresses emissions control technology through a variety of legislation and regulatory schemes, including the state's Low Carbon Fuel Standard (Executive Order S-01-07) (LCFS), a regulatory program designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector. The regulatory standards are expressed in terms of the "carbon intensity" of gasoline and diesel fuel and their substitutes. Different types of fuels are evaluated to determine their "life cycle emissions" which include the emissions associated with producing, transporting, and using the fuels. Each fuel is then given a carbon intensity score and compared against a declining carbon intensity benchmark for each year. Providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets these declining benchmarks for each annual compliance period. In 2018, CARB approved amendments to the LCFS, which strengthened the carbon intensity benchmarks through 2030 to ensure they are in-line with California's 2030 GHG emission reduction target enacted through SB 32. This ensures that the transportation sector is meeting its obligations to achieve California's GHG reduction targets. The state is also implementing legislation and regulations to address the second parameter affecting transportation related GHG emissions by controlling for VMT. Examples of this include SB 375, which links land use and transportation funding and provides one incentive for regions to achieve reductions in VMT, and SB 743, which discourages VMT increases for passenger car trips above a region-specific benchmark. However, the state has determined that VMT regulations are not applicable to heavy trucks, such as those that will utilize the Project.

As such, the City of Menifee has no regulatory control over emissions control technology and therefore limited ability to control or mitigate emissions associated with truck emissions associated with this Project.

The reliance on carbon offsets to reduce either the Project's mobile or non-mobile emissions is also not feasible, as no local programs are available that would meet CEQA's criteria for a valid mitigation measure.

To reduce emissions, purchased offset credits must be genuine, quantifiable, additional, and verifiable. Even offset credits purchased from CARB-approved offset project registries have been determined to not adequately assure that purchased offset credits accurately and reliably represent actual emissions reductions or cannot guarantee that such reductions are additional to any reduction that would occur under business-as-usual operations and reductions required by law. Such offsets have been determined to not comply with CEQA's definition of a valid mitigation measure. See *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467.

The City as the lead agency for the Project and the entity responsible for enforcing any mitigation measures incorporated into the Project and relied upon to reduce impacts to a less than significant level, has no enforcement authority over offset credits that fund carbon reduction projects outside of the City. Many offset credits "sell" reductions in emissions generated outside of California, which may not be genuine or verifiable. International offsets are even more difficult to verify, guarantee and enforce. Even CARB does not have enforcement authority over such reductions, let alone the City. Thus, the purchase of offset credits is not a feasible mitigation measure to reduce the emissions impact of the Project.

Since mitigated future mobile source emissions would continue to exceed the 3,000 MTCO₂e threshold and no additional feasible mitigation beyond **MMs AQ-2** through **AQ-5** and **MMs GHG-1** through **GHG-7** are available to further reduce emissions, this impact would remain significant and unavoidable.

Plans, Programs, and Policies

Existing requirements based on local, state, or federal regulations or laws are frequently required independently of CEQA review. Typical requirements include compliance with the provisions of the Building Code, CalGreen Code, local municipal code, SCAQMD Rules, etc. Because Plans, Programs, and Policies (PPP) are neither Project specific nor a result of development of the Project, they are not considered to be project design features or Mitigation Measures. Refer to PPPs listed in **Section 4.2, Air Quality** for **PPP-1** through **PPP-8**.

Mitigation Measures

Refer to **Section 4.2, Air Quality** for **MMs AQ-2** through **AQ-5**.

MM GHG-1 Prior to issuance of tenant occupancy permits, the Project shall be required to install a minimum 49 kwdc solar photovoltaic (PV) system or offset an equivalent amount of energy demand through the purchase of renewable energy or implementation of alternative renewable measures, subject to approval by the Community Development Director or his/her designee. To allow future operators to earn WAIRE Program points pursuant to SCAQMD's Rule 2305, the exact timing of the PV system installation may be modified at the discretion of the Community Development Director or his/her designee. The final PV generation facility size requires approval by Southern California Edison (SCE). SCE's Rule 21 governs operating and metering requirements for any facility connected to SCE's distribution system. Should SCE limit the off-site export, the proposed Project may utilize a battery energy storage system (BESS) to lower off-site export while maintaining on-site renewable generation to off-set consumption. The building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV

arrays. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage.

In addition, to ensure that the Project's electrical room(s) is sufficiently sized to accommodate the potential need for additional electrical panels, prior to building permit issuance, either (1) a secondary electrical room shall be provided in the building, or (2) the primary electrical room shall be sized 25 percent larger than is required to satisfy the service requirements of the building or the electrical gear shall be installed with the initial construction with 25 percent excess demand capacity.

MM GHG-2 Prior to the issuance of building permits and prior to issuance of tenant occupancy permits, the City of Menifee Community Development Department shall confirm that the Project does not include cold storage equipment for warehousing purposes. Cold storage was not included in this report and is therefore prohibited.

MM GHG-3 The facility operator shall provide tenants with an information packet that:

- Provides information on incentive programs, such as the Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program), and other similar funding opportunities, by providing applicable literature available from the California Air Resources Board (CARB). The Moyer Program On-Road Heavy-Duty Vehicles Voucher Incentive Program (VIP) provides funding to individuals seeking to purchase new or used vehicles with 2013 or later model year engines to replace an existing vehicle that is to be scrapped.
- Provides information on the United States Environmental Protection Agency's SmartWay program and tenants shall be encouraged to use carriers that are SmartWay carriers.

MM GHG-4 Prior to precise grading permit issuance, the Project shall be required to show on the precise grading plans 20 percent of the employee parking stalls on-site as "EV Capable", which includes electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging. In addition, 25 percent of the EV Capable parking stalls shall have electric vehicle supply equipment (EVSE) installed and operational. EVSE includes conductors, electric vehicle connectors, attachment plugs, personal protection system, and all other fittings, devices, power outlets or apparatus installed specifically for the purpose of transferring energy to the electric vehicle.

MM GHG-5 The Project shall divert a minimum of 75-percent of landfill waste during operation. Prior to issuance of certificate of tenant occupancy permits, a recyclables collection and load area shall be constructed in compliance with City of Menifee standards for Recyclable Collection and Loading Areas, and the facility's operator shall be required to provide the City with a copy of the Project's recycling program.

MM GHG-6 All landscaping equipment used onsite shall be 100 percent electrically powered. The building manager or their designee shall be responsible for enforcing these requirements.

MM GHG-7 Prior to the issuance of precise grading permits, plans shall identify the location of future electric truck charging stations (minimum of three) and where conduit shall be installed to those spaces.

Impact 4.7-2 *Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Level of Significance: Significant and Unavoidable

City of Menifee General Plan Consistency

The City's GP Open Space and Conservation Element establishes goals to have efficient and environmentally appropriate use and management of energy and mineral resources to ensure their availability for future generations as well as an environmentally aware community that is responsive to changing climate conditions and actively seeks to reduce local greenhouse gas emissions. Policies to meet these goals include:

OSC-9.5: Comply with the mandatory requirements of Title 24 Part 11 of the California Building Standards Code (CALGreen) and the Title 24 Part 6 Building Energy Efficiency Standards.

Project Consistency: The Project would be conditioned to implement the applicable elements of the California Energy Code, Title 24, Part 6 Building Energy Efficiency Standards and Part 11 CALGreen Standards. The Project would be consistent with City GP Policy OSC-9.5.

OSC-10.1: Align the city's local GHG reduction targets to be consistent with the statewide GHG reduction target of AB 32.

Project Consistency: The Project would exceed the applicable numeric GHG threshold and conflict with the GHG reduction measures associated with AB 32. Thus, the Project would conflict with City GP Policy OSC-10.1.

OSC-10.2: Align the city's long-term GHG reduction goal consistent with the statewide GHG reduction goal of Executive Order S-03-05.

Project Consistency: The Project would exceed the applicable numeric GHG threshold despite the implementation of **MM AQ-2** through **MM AQ-5** in the air quality assessment and **MM GHG-1** through **MM GHG-7**, which will reduce GHG emissions to the maximum extent feasible. Therefore, the Project would result in a cumulatively considerable impact with respect to GHG emissions. Thus, the Project would potentially conflict with General Plan Policy OSC-10.2 and impacts would be significant and unavoidable.

OSC-10.3: Participate in regional greenhouse gas emission reduction initiatives.

Project Consistency: At the time the NOP for the Project was released (April 2022), there were no additional regional GHG emission reduction activities that applied to the Project. Thus, the Project would not conflict with City GP Policy OSC-10.3.

OSC-10.4: Consider impacts to climate change as a factor in evaluation of policies, strategies, and projects.

Project Consistency: The Project has considered impacts to climate change as a factor in the evaluation of the Project. Furthermore, the Project incorporates a number of mitigation measures that would serve to reduce climate change-related impacts. Thus, the Project would not conflict with City GP Policy OSC-10.4.

SCAG Connect SoCal Consistency

On September 3, 2020, SCAG’s Regional Council adopted Connect SoCal. The Connect SoCal is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The Connect SoCal embodies a collective vision for the region’s future and is developed with input from local governments, county transportation commissions, tribal governments, nonprofit organizations, businesses, and local stakeholders in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. SCAG’s Connect SoCal establishes GHG emissions goals for automobiles and light-duty trucks for 2020 and 2035 as well as an overall GHG target for the Project region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of Executive Orders 5-03-05 and B-30-15.

The Connect SoCal contains over 4,000 transportation projects, ranging from highway improvements, railroad grade separations, bicycle lanes, new transit hubs and replacement bridges. These future investments were included in county plans developed by the six county transportation commissions and seek to reduce traffic bottlenecks, improve the efficiency of the region’s network, and expand mobility choices for everyone. The Connect SoCal is an important planning document for the region, allowing project sponsors to qualify for federal funding.

SCAG’s Connect SoCal accounts for operations and maintenance costs to ensure reliability, longevity, and cost effectiveness. The Connect SoCal is also supported by a combination of transportation and land use strategies that help the region achieve state GHG emissions reduction goals and FCAA requirements, preserve open space areas, improve public health and roadway safety, support our vital goods movement industry, and utilize resources more efficiently. GHG emissions resulting from development-related mobile sources are the most potent source of emissions, and therefore Project comparison to the Connect SoCal is an appropriate indicator of whether the Project would inhibit the post-2020 GHG reduction goals promulgated by the state. The Project’s consistency with the Connect SoCal’s goals is analyzed in detail in **Table 4.7-4, SCAG Connect SoCal Consistency.**

Table 4.7-4: SCAG Connect SoCal Consistency

SCAG Goals	Compliance
GOAL 1: Encourage regional economic prosperity and global competitiveness.	N/A: This is not a project-specific policy and is therefore not applicable. However, the Project is located on a vacant site and development of the site would contribute to regional economic prosperity.
GOAL 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.	Consistent: Although this Project is not a transportation improvement project, the Project is located near existing transit routes on I-215 and SR-74.
GOAL 3: Enhance the preservation, security, and resilience of the regional transportation system.	N/A: This is not a transportation improvement project and is therefore not applicable.

SCAG Goals		Compliance	
GOAL 4:	Increase person and goods movement and travel choices within the transportation system.	Consistent:	The Project includes a warehouse use that would support goods movement and is consistent.
GOAL 5:	Reduce greenhouse gas emissions and improve air quality.	Consistent:	The Project is located within an urban area in proximity to existing truck routes and freeways. Location of the Project within a developed area would reduce trip lengths, which would reduce GHG and air quality emissions.
GOAL 6:	Support healthy and equitable communities	Consistent:	With mitigation, Project emissions would not exceed regional or localized air quality significance thresholds for criteria pollutants. Air quality impacts would be less than significant. Based on the <i>Friant Ranch</i> decision, projects that do not exceed the SCAQMD's LSTs would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and result in no criteria pollutant health impacts.
GOAL 7:	Adapt to a changing climate and support an integrated regional development pattern and transportation network.	N/A:	This is not a project-specific policy and is therefore not applicable.
GOAL 8:	Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	N/A:	This is not a project-specific policy and is therefore not applicable.
GOAL 9:	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	N/A:	The Project involves development of a warehouse and does not include housing.
GOAL 10:	Promote conservation of natural and agricultural lands and restoration of habitats.	Consistent:	Although the southern portion of the Project is located on land designated as Farmland of Local Importance in Exhibit OSC-5, Agricultural Resources of the Menifee General Plan, the Project is located within the Economic Development Corridor (General Plan Exhibit LU-2, Land Use Map) and the Project is consistent with the City's Economic Development Corridor land use.
Source: Kimley-Horn & Associates. (2022). <i>Greenhouse Gas Emissions Assessment</i> . Pages 33 and 34 – Table 4.			

The goals stated in the Connect SoCal were used to determine consistency with the planning efforts previously stated. As shown in **Table 4.7-4**, the Project would be consistent with the stated goals of the Connect SoCal. Therefore, the Project would not result in any significant impacts or interfere with SCAG's ability to achieve the region's post-2020 mobile source GHG reduction targets.

California Air Resource Board Scoping Plan Consistency

As previously noted, the 2022 Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g.,

electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-electric vehicle buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

As indicated in **Table 4.7-3**, approximately 80 percent of the Project's mitigated GHG emissions are from mobile sources which would be further reduced by the 2022 Scoping Plan measures described above. It should be noted that the City has no control over vehicle emissions. However, these emissions would decline in the future due to Statewide measures discussed above, as well as cleaner technology and fleet turnover. Several of the State's plans and policies would contribute to a reduction in mobile source emissions from the Project. These include the following:

- **CARB's Advanced Clean Truck Regulation:** Adopted in June 2020, CARB's Advanced Clean Truck Regulation requires truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8.
- **Executive Order N-79-20:** Executive Order N-79-20 establishes the goal for all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035 and all medium and heavy-duty vehicles will be zero-emission by 2045. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new ZEVs "towards the target of 100 percent."
- **CARB's Mobile Source Strategy:** CARB's Mobile Source Strategy takes an integrated planning approach to identify the level of transition to cleaner mobile source technologies needed to achieve all of California's targets by increasing the adoption of ZEV buses and trucks.
- **CARB's Sustainable Freight Action Plan:** The Sustainable Freight Action Plan which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks. This Plan applies to all trucks accessing the Project site and may include existing trucks or new trucks that are part of the statewide goods movement sector.

- **CARB's Emissions Reduction Plan for Ports and Goods Movement:** CARB's Emissions Reduction Plan for Ports and Goods Movement identifies measures to improve goods movement efficiencies such as advanced combustion strategies, friction reduction, waste heat recovery, and electrification of accessories.

While these measures are not directly applicable to the Project, any commercial activity associated with goods movement would be required to comply with these measures as adopted. As such, the Project would not interfere with their implementation.

As discussed above, numerous PPPs and mitigation measures would reduce the Project's mobile source emissions and would support the State's transition to ZEVs by requiring electric vehicle charging stations and/or infrastructure to support the future installation of truck charging stations (**PPP-6, PPP-7, MM GHG-4** and **MM GHG-7**). The Project would also reduce mobile GHG emissions by reducing single occupant vehicle trips with a TDM (**MM AQ-3**), requiring truck drivers to turn off engines after three minutes of continuous idling (**MM AQ-5**), updating the truck fleet with newer, cleaner vehicles (**MM GHG-3**).

Following compliance with all applicable regulations and mitigation measures, the proposed Project would not conflict with the State's progress towards carbon neutrality under the 2022 Scoping Plan. It is also noted that the Project would not convert any Natural and Working Lands (NWL) and/or decrease the urban forest carbon stock in the State, which are areas of emphasis in the 2022 Scoping Plan.

In conclusion, the Project, due to exceeding the 3,000 MTCO₂e per year threshold, would potentially conflict with several of the applicable General Plan polices that are discussed above, and therefore, with respect to this particular threshold, the Project would have a significant impact. In addition, the Project's long-term operational GHG emissions would exceed the 3,000 MTCO₂e per year threshold despite decreasing GHG emissions to the maximum extent feasible with the implementation of **MM AQ-2** through **MM AQ-5** in the Project Air Quality Assessment and **MM GHG-1** through **MM GHG-7**; thus, the Project could impede California's statewide GHG reduction goals for 2030 and 2050. A potentially significant impact would therefore occur as a result of the proposed Project.

Mitigation Measures

Refer to **MMs AQ-2** through **AQ-5**, and **MMs GHG-1** through **GHG-7** in Impact 4.7-1 above.

4.7.6 Cumulative Impacts

Cumulative Setting

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about 1 day), GHGs have much longer atmospheric lifetimes of 1 year to several thousand years that allow them to be dispersed around the globe.

Cumulative Impacts

It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG

impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. However, as discussed above, the Project-related GHG emissions would exceed the 3,000 MTCO₂e threshold of significance despite implementation of **MMs AQ-2** through **AQ-5** from **Section 4.2, Air Quality** and **MMs GHG-1** through **GHG-7**, and standard conditions and requirements, and could therefore impede statewide 2030 and 2050 GHG emission reduction targets. As such, the Project would result in a potentially significant cumulative GHG impact.

4.7.7 Significant Unavoidable Impacts

Impacts 4.7-1 and 4.7-2 were found to contain potentially significant and unavoidable impacts. Specifically, significant unavoidable impacts would occur in the following areas despite the implementation of the mitigation measures:

- The Project would generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment (Impact 4.7-1).
- The Project would conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions (Impact 4.7-2).
- The Project would result in significant cumulative GHG emissions.

4.7.8 References

City of Menifee. 2013. *Menifee General Plan Open Space and Conservation Element*.
<https://www.cityofmenifee.us/221/General-Plan>.

Kimley-Horn & Associates. (2024). *Greenhouse Gas Emissions Assessment*.

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Introduction

This section of the Draft Environmental Impact Report (EIR) evaluates the potential impacts of the CADO Menifee Industrial Warehouse Project (Project) on human health and the environment due to exposure to hazards and hazardous materials or conditions associated with the Project site, Project construction, and Project operations, within the City of Menifee (City). The following discussion addresses the existing hazards and hazardous materials conditions of the affected environment, considers relevant Menifee General Plan (GP) goals and policies, identifies, and analyzes environmental impacts, and recommends mitigation measures to reduce or avoid adverse impacts anticipated from implementation of the Project, as applicable. The information and analysis herein rely on the following investigation and collectively documents the conditions of the site regarding hazards and hazardous materials. The analysis in this section is based, in part, upon the following source(s):

- Partner Engineering and Science, Inc. (2021). *Phase I Environmental Site Assessment (ESA) Report*. (Appendix H)

4.8.2 Environmental Setting

Phase I Environmental Site Assessment

The Phase I ESA assessed the Project site's potential hazardous impacts on human health and the environment due to exposure to hazardous materials or conditions associated with the Project site. Listed below are the findings for the Project site and the surrounding properties:

Current Uses of Property

Currently, there exists two manufactured homes, one garage and several small manufactured shed buildings. In addition to the current structures, the Project site is also improved with livestock pens for chickens, ducks, and horses. The immediately surrounding properties consist of rural residences to the north across Kuffel Road; vacant land to the south; rural residences to the east across Byers Road; and vacant land to the west across Wheat Street.

Additionally, during previous site development activities, near surface soils (where residual agricultural chemical concentrations would have most likely been present, if at all) were generally mixed with fill material or disturbed during grading.

Also, it is common that engineered fill material is placed over underlying soils as part of the development activities. Furthermore, it is likely that residual agricultural chemicals (if any) would have likely degraded since the site was last utilized for agricultural purposes. These additional variables serve to further reduce the potential for exposure to residual agricultural chemicals (if any). Based on these reasons, Partner concludes that the possible former use of agricultural chemicals is not expected to represent a significant environmental concern at this time. No additional potential environmental concerns were identified in association with the current or former use of the Project site.

The United States Geological Survey (USGS) Romoland, California Quadrangle 7.5-minute series topographic map was reviewed for the Phase I ESA (**Appendix H**). According to the contour lines on the topographic map, the Project site is located at approximately 1,430 feet above mean sea level (amsl). The contour lines in the area of the Project site indicate the area is sloping toward the north-northeast.

Historical Uses of Property

According to available historical sources, the Project site was formerly undeveloped as early as 1901; agriculturally developed from at least 1938 to 1978; vacant land between 1985 and 2002; and developed with the current structures in 2002. Tenants on the Project site include residential listings from 2005 to present. The Project site parcels were historically used for agricultural purposes. There is a potential that agricultural related chemicals such as pesticides, herbicides, and fertilizers, may have been used and stored on-site.

Solid Waste Disposal, Wastewater, and Surface Water Drainage

Solid waste generated at the Project site is disposed of in residential trash cans. An independent solid waste disposal contractor removes solid waste from the Project site. No evidence of illegal dumping of solid waste was observed. Domestic wastewater generated at the Project site are directed to an on-site septic system. No industrial process is currently performed at the Project site. Storm water is removed from the Project site primarily by direct percolation into the soils at the site. No surface impoundments, wetlands, natural catch basins, settling ponds, or lagoons are located on the Project site. No drywells were identified on the Project site.

Septic Systems

There are three septic tanks on the project site that have been used to store sanitary waste generated by the on-site residences. There is no indication that these septic tanks are leaking or otherwise damaged and they will be removed during Project construction. As such, there are significant environmental concerns associated with the septic tanks.

Wells and Cisterns

No aboveground evidence of wells or cisterns was observed during the site reconnaissance.

Source of Heating and Cooling

Heating and cooling systems as well as domestic hot water equipment are fueled by electricity and natural gas provided by on-site solar panels and an on-site propane aboveground storage tank (AST), respectively.

Hazardous Substances and Petroleum Products Used or Stored at the Site

No evidence of the use of reportable quantities of hazardous substances was observed on the Project site. Small quantities of general maintenance supplies were found to be properly labeled and stored at the time of the Phase I ESA and no spills, stains, or other indications that a surficial release has occurred at the Project site were observed. The storage and use of maintenance supplies does not appear to pose a significant threat to the environmental integrity of the Project site.

Aboveground & Underground Hazardous Substance or Petroleum Product Storage Tanks

No evidence of current or former ASTs or underground storage tanks (USTs) were observed during at the Project site.

Polychlorinated Biphenyls

No potential Polychlorinated Biphenyls (PCB)-containing equipment (transformers, oil-filled switches, hoists, lifts, dock levelers, hydraulic elevators, etc.) was observed on the Project site.

Strong, Pungent or Noxious Odors

No strong, pungent, or noxious odors were evident.

Pools of Liquid

No pools of liquid were observed on the Project site.

Drains, Sumps and Clarifiers

No drains, sumps, or clarifiers, other than those associated with storm water removal, were observed on the Project site.

Pits, Ponds and Lagoons

No pits, ponds or lagoons were observed on the Project site.

Stressed Vegetation

No stressed vegetation was observed on the Project site.

Additional Potential Environmental Hazards

No additional environmental hazards, including landfill activities or radiological hazards, were observed.

Asbestos-Containing Materials

Asbestos is the name given to a number of naturally occurring, fibrous silicate minerals mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The Occupational Safety and Health Administration (OSHA) regulation 29 Code of Federal Regulations (CFR) 1926.1101 requires certain construction materials to be presumed to contain asbestos, for purposes of this regulation. All thermal system insulation (TSI), surfacing material, and asphalt/vinyl flooring that are present in a building that have not been appropriately tested are presumed “asbestos-containing material” (ACM).

The Project site buildings were constructed in 2006 and are modular structures, therefore, an asbestos evaluation was not required.

Lead-Based Paint

Lead is a highly toxic metal that affects virtually every system of the body. Lead-Based Paint (LBP) is defined as any paint, varnish, stain, or other applied coating that has 1 mg/cm² (or 5,000 ug/g or 0.5 percent by weight) or more of lead. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as “Title X,” to protect families from exposure to lead from paint, dust, and soil. Under Section 1017 of Title X, intact LBP on most walls and ceilings is not considered a “hazard,” although the condition of the paint should be monitored and maintained to ensure that it does not become deteriorated. Further, Section 1018 of this law directed the Housing and Urban Development (HUD) and the U.S. Environmental Protection Agency (U.S. EPA) to require the disclosure of known information on LBP and LBP hazards before the sale or lease of most housing built before 1978.

It is unlikely that LBP is present in buildings constructed after 1977. Therefore, due to the age of the Project site buildings, it is unlikely that LBP is present. As such, a lead-based paint evaluation was not required.

Radon

Radon is a colorless, odorless, naturally occurring, radioactive, inert, gaseous element formed by radioactive decay of radium (Ra) atoms. The U.S. EPA has prepared a map to assist National, State, and local organizations to target their resources and to implement radon-resistant building codes. However, the map does give a valuable indication of the propensity of radon gas accumulation in structures.

Radon sampling was not conducted as part of the Phase I ESA. Review of the U.S. EPA Map of Radon Zones places the Project site in Zone 2 (between 2.0 and 4.0 pCi/L; Moderate). Based upon the radon zone classification, radon is not considered to be a significant environmental concern.

Lead in Drinking Water

According to available information, the Project site is served by an on-site well, as well as a public water system, operated by the Elsinore Valley Municipal Water District (EVMWD). The sources of public water for the EVMWD are from a mix of local groundwater, surface water, and imported water. According to the EVMWD 2020 Annual Water Quality Report, water supplied to the Project site is in compliance with all State and Federal regulations pertaining to drinking water standards, including lead and copper. Water sampling was not conducted to verify water quality.

Mold

Molds are microscopic organisms found virtually everywhere, indoors and outdoors. Mold will grow and multiply under the right conditions, needing only sufficient moisture (e.g. in the form of very high humidity, condensation, or water from a leaking pipe, etc.) and organic material (e.g., ceiling tile, drywall, paper, or natural fiber carpet padding).

Accessible, interior areas for the Project site building were observed for significant evidence of mold growth. No obvious indications of water damage or mold growth were observed during the visual assessment.

Adjacent Property Reconnaissance

The adjacent property reconnaissance consisted of observing the adjacent properties from the Project site premises. No items of environmental concern were identified on the adjacent properties during the site assessment, including hazardous substances, petroleum products, ASTs, USTs, evidence of releases, PCBs, strong or noxious odors, pools of liquids, sumps or clarifiers, pits or lagoons, stressed vegetation, or any other potential environmental hazards.

Findings and Recommendations

A recognized environmental condition (REC) refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property. The Phase I ESA did not identify any RECs during the course of its assessment.

A controlled recognized environmental condition (CREC) refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. The Phase I ESA did not identify any CRECs during the course of its assessment.

A historical recognized environmental condition (HREC) refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. The Phase I ESA did not identify any HRECs during the course of this assessment.

An environmental issue refers to environmental concerns identified, which do not qualify as RECs; however, warrant further discussion. Lastly, the Phase I ESA did not identify any environmental issues during the course of its assessment.

Partner has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E1527-13 of 26065 Byers Road in the City of Menifee, Riverside County, California (the “Project site”). Any exceptions to, or deletions from, this practice are described in the Phase I ESA. This assessment has revealed no evidence of RECs or environmental issues in connection with the Project site. Based on the conclusions of this assessment, Partner recommends no further investigation of the Project site at this time.

Airport Proximity

The nearest airstrips are the Perris Valley Airport (located roughly 1.5-miles to the northwest) and the March Air Reserve Base (located roughly 10 miles to the northwest).

March Air Reserve Base

A portion of the City, is covered by March Air Reserve Base Compatibility Zones D (Flight Corridor Buffer) or E (Other Airport Environs), as shown in City's March Air Reserve Base Land Use Compatibility Map.¹ The Project site is not within these zones of the March Air Reserve Base.

Perris Valley Airport

The Perris Valley Airport is a specialized facility catering predominantly to skydivers and ultralight aircraft enthusiasts. According to the Perris Valley Airport Land Use Plan², portions of the airport influence area (AIA) are located within City limits, approximately one-mile northwest of the City. Affected land uses within the AIA would be Economic Development Corridor (EDC) land uses, and residential land uses. The Project site is within Zone E influence area for the Perris Valley Airport.

Wildland Fire Hazards

According to CAL FIRE's Fire Hazard Severity Zone (FHSZ) Viewer Map, the Project site is not located in a State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone (VHFHSZ).³

Evacuation Routes

According to the Western Riverside Council of Governments (WRCOG)/San Bernardino County Transportation Authority (SBCTA) Sustainability Toolkit Evacuation Routes viewer, WRCOG Area Evacuation Routes in the Project area include I-215, Case Road, Ethanac Road, Murrieta Road, and Goetz Road.⁴

4.8.3 Regulatory Setting

Federal

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) of 1976 (42 United States Code [USC] §6901 et seq.) is the principal federal law that regulates the generation, management, and transportation of waste. Hazardous waste management includes the treatment, storage, or disposal of hazardous waste. The RCRA gave the U.S. EPA the authority to control hazardous waste from "cradle to grave," that is, from generation to transportation, treatment, storage, and disposal, at active and future facilities. It does not address abandoned or historical sites. The RCRA also set forth a framework for managing non-hazardous wastes. Later amendments required phasing out land disposal of hazardous waste and added underground tanks storing petroleum and other hazardous substances.

¹ City of Menifee. (2014). *Exhibit LU-5b, March Air Reserve Base Land Use Compatibility Map*. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/6010/COM---GP-Exhibit-LU-5a-c?bidId=> (accessed August 2023).

² City of Menifee. (2014). *Exhibit LU-5c, Perris Valley Airport Land Use Compatibility Map*. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/6010/COM---GP-Exhibit-LU-5a-c?bidId=> (accessed August 2023).

³ CAL FIRE. (2023). *FHSZ Viewer*. Available at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008> (accessed August 2023).

⁴ WRCOG. ND. *WRCOG/SBCTA Sustainability Toolkit Evacuation Routes*. Retrieved from: <https://www.arcgis.com/apps/webappviewer/index.html?id=4168a1efbdca40f889ea9dba43e04b4e&extent=-13138981.0556%2C4022288.1589%2C-12669351.9538%2C4239369.3193%2C102100> (accessed August 2023).

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (USC Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Comprehensive Environmental Response, Compensation, and Liability Information System and the National Priorities List

The U.S. EPA also maintains the Comprehensive Environmental Response Compensation (CERCLIS) and Liability Information System list. This list contains sites that are either proposed to be or on the NPL, as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The NPL is a list of the worst hazardous waste sites that have been identified by Superfund. There are no NPL sites on the Project site.

Emergency Planning and Community Right-to-Know Act

Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA; 42 USC § 11001 et seq.) to inform communities and citizens of chemical hazards in their areas by requiring businesses to report the locations and quantities of chemicals stored on-site to state and local agencies; releases to the environment of more than 600 designated toxic chemicals; off-site transfers of waste; and pollution prevention measures and activities and to participate in chemical recycling. The U.S. EPA maintains and publishes an online, publicly available, national database of toxic chemical releases and other waste management activities by certain industry groups and federal facilities—the Toxics Release Inventory.

To implement EPCRA, each state appointed a state emergency response commission to coordinate planning and implementation activities associated with hazardous materials. The commissions divided their states into emergency planning districts and named a local emergency planning committee for each district. The federal EPCRA program is implemented and administered in California Governor's Office of Emergency Services (Cal OES), a state commission, six local committees, and 81 Certified Unified Program Agencies (CUPAs). Cal OES coordinates and provides staff support for the state commission and local committees.

Toxic Substances Control Act

The Toxic Substances Control Act of 1976 (TSCA) provides the U.S. EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. TSCA addresses the production, importation, use, and disposal of specific chemicals including PCBs, asbestos, radon, and LBP. Title IV of the TSCA directs the U.S. EPA to regulate LBP hazards.

TSCA §§ 402 and 404 requires that those engaged in lead abatements, risk assessments and inspections in homes or child-occupied facilities (such as daycare centers and kindergartens) built prior to 1978 be trained and certified in specific practices to ensure accuracy and safety. TSCA § 403, sets standards for dangerous levels of lead in paint, household dust, and residential soil.

Occupational Safety and Health Act

The Federal Occupational Safety and Health Act of 1970 (OSHA) (29 USC § 651 et seq.) authorizes each state (including California) to establish their own safety and health programs with the U.S. Department of Labor, with OSHA approval. The California Department of Industrial Relations regulates implementation of worker health and safety in California. California OSHA enforcement units conduct on-site evaluations and issue notices of violation to enforce necessary improvements to health and safety practices. California standards for workers dealing with hazardous materials are contained in Title 8 of the California Code of Regulations (CCR) and include best practices for all industries (General Industrial Safety Orders), and specific practices for construction and other industries. Workers at hazardous waste sites (or working with hazardous wastes as might be encountered during excavation of contaminated soil) must receive specialized training and medical supervision according to the Hazardous Waste Operations and Emergency Response (HAZWOPER) regulations.

OSHA Regulation 29 CFR Standard 1926.62 regulates the demolition, renovation, or construction of buildings involving lead materials. Federal, state, and local requirements also govern the removal of asbestos or suspected ACMs, including the demolition of structures where asbestos is present. All friable (crushable by hand) ACMs, or non-friable ACMs subject to damage, must be abated prior to demolition following all applicable regulations.

Hazardous Materials Transportation Act

The U.S. Department of Transportation (DOT) receives authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act, as amended and codified (49 U.S.C. § 5101 et seq.). The DOT is the primary regulatory authority for the interstate transport of hazardous materials and establishes regulations for safe handling procedures (i.e., packaging, marking, labeling, and routing).

In California, § 31303 of the California Vehicle Code states that any hazardous material being moved from one location to another must use the route with the least travel time. This, in practice, means major roads and highways, although secondary roads are permitted to be used for local delivery. These policies are enforced by both the California Highway Patrol and the California Department of Transportation (Caltrans).

Clean Water Act/Spill Prevention, Control and Countermeasure (SPCC) Rule

The Clean Water Act (CWA) (33 USC § 1251 et seq.) was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the U.S. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA § 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCBs). The Project is within the jurisdiction of the Santa Ana RWQCB.⁵

Section 402 of the CWA authorizes the California State Water Resources Control Board (SWRCB) to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the “General Construction Permit.”

Construction activities can comply with and be covered under the General Construction Permit provided that they:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting stormwater and with the intent of keeping all products of erosion from moving off-site into receiving waters
- Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the U.S.; and
- Perform inspections of all BMPs.

NPDES regulations are administered by the RWQCB. Projects that disturb one or more acres are required to obtain NPDES coverage under the Construction General Permits.

Title 40, Code of Federal Regulations, § 61 Subpart M

Title 40 CFR § 61 Subpart M—National Emissions Standards for Asbestos—sets forth emissions standards for asbestos from demolition and renovation activities, and for waste disposal from such activities.

Title 40, Code of Federal Regulations, Part 745

Title 40 CFR Part 745 contains regulations developed under §§ 402 and 406 of the TSCA and applies to all renovations performed for compensation in target housing and child-occupied facilities. The purpose of this part is to ensure the following:

- Owners and occupants of target housing and child-occupied facilities receive information on LBP hazards before these renovations begin; and
- Individuals performing renovations regulated in accordance with § 745.82 are properly trained; renovators and firms performing these renovations are certified; and the work practices in § 745.85 are followed during these renovations.

⁵ California Water Boards. (2023). *Santa Ana Region – Regional Boundaries Map*. Retrieved from: https://www.waterboards.ca.gov/santaana/about_us/regional_boundaries_map.html. (accessed August 2023).

Title 29, Code of Federal Regulations, § 1926.62

Title 29 CFR § 1926.62, sets standards for occupational health and environmental controls for lead exposure in construction, regardless of the lead content of paints and other materials. The standards include requirements addressing exposure assessment, methods of compliance, respiratory protection, protective clothing and equipment, hygiene facilities and practices, medical surveillance, medical removal protection, employee information and training, signs, recordkeeping, and observation and monitoring.

U.S. EPA's Lead Renovation, Repair and Painting Program Rules

The U.S. EPA's 2008 LBP Renovation, Repair and Painting (RRP) Rule (as amended in 2010 and 2011), aims to protect the public from LBP hazards associated with renovation, repair, and painting activities. These activities can create hazardous lead dust when surfaces with lead paint, even from many decades ago, are disturbed. The rule requires workers to be certified and trained in the use of lead-safe work practices, and requires renovation, repair, and painting firms to be U.S. EPA-certified. These requirements became fully effective April 22, 2010.

Federal Aviation Administration

The basic responsibilities of the Federal Aviation Administration (FAA), under the U.S. Department of Transportation, are the regulation of civil aviation to promote safety, airspace and air traffic management, and the regulation of commercial space transportation. The CFR contains standards for aircraft noise emission levels.

State

California Environmental Protection Agency

The California Environmental Protection Agency (Cal/EPA) was created in 1991, unifying California's environmental authority in a single cabinet-level agency and bringing the California Air Resources Board (Air Resources Board), SWRCB, RWQCB, California Department of Resources Recycling and Recovery (known as CalRecycle and formerly the Integrated Waste Management Board), Department of Toxic Substances Control (DTSC), Office of Environmental Health Hazard Assessment, and Department of Pesticide Regulation under one agency. These agencies were placed within the Cal/EPA "umbrella" for the protection of human health and the environment and to ensure the coordinated deployment of state resources. Its mission is to restore, protect, and enhance the environment, to ensure public health, environmental quality, and economic vitality.

Department of Toxic Substance Control

The DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, clean-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. The DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code (HSC, primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

California Government Code (CGC) § 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services (DHS) lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Regional Water Quality Control Board

The RWQCB is a department of Cal/EPA that oversees investigation and cleanup of sites including USTs where wastes have been discharged in order to protect the water quality of the state. The RWQCB regulates wastewater discharges to surface waters and to groundwater. They also regulate storm water discharges from construction, industrial, and municipal activities.

California Office of Emergency Services

To protect the public health and safety and the environment, the California Office of Emergency Services (OES) is responsible for establishing and managing statewide standards for business and area plans relating to the handling and release or threatened release of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and health risks) needs to be available to firefighters, public safety officers, and regulatory agencies. The information must be included in these institutions' business plans to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

These regulations are covered under Chapter 6.95 of the California HSC Article 1 – Hazardous Materials Release Response and Inventory Program (§§ 25500 to 25520) and Article 2 – Hazardous Materials Management (§§ 25531 to 25543.3). CCR Title 19, Public Safety, Division 2, Office of Emergency Services, Chapter 4 – Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establishes minimum statewide standards for Hazardous Materials Business Plans (HMBP). These plans shall include the following: (1) a hazardous material inventory in accordance with §§ 2729.2 to 2729.7; (2) emergency response plans and procedures in accordance with § 2731; and (3) training program information in accordance with § 2732. Business plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state. Each business shall prepare a HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount, or hazardous waste in any quantity.

California Health and Safety Code

Cal/EPA has established rules governing the use of hazardous materials and the management of hazardous wastes. California HSC § 25531, et seq. incorporate the requirement of Superfund Amendments and Reauthorization Act and the Clean Air Act as they pertain to hazardous materials. California HSC § 25534 directs owners or operators storing, handling, or using regulated substances exceeding threshold planning quantities to develop and implement a Risk Management Plan. The Risk Management Plans are

submitted to the administering agency and possibly the U.S. EPA, depending upon the chemical and the amount, for review.

Hazardous Materials Release Response Plans and Inventory Law

The Hazardous Materials Release Response Plans and Inventory Law (California HSC § 25500 et seq.) aims to minimize the potential for accidents involving hazardous materials and to facilitate an appropriate response to possible hazardous materials emergencies. The law requires businesses that use hazardous materials to provide inventories of those materials to designated emergency response agencies, to illustrate on a diagram where the materials are stored on-site, to prepare an emergency response plan, and to train employees to use the materials safely. Any business that handles hazardous materials in quantities equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet of gas must submit a business plan.

Hazardous Materials Transportation

Section 31303 of the California Vehicle Code and U.S. Department of Transportation regulate hazardous materials transport. The California Highway Patrol and Caltrans are the enforcement agencies. Cal OES provides emergency response services involving hazardous materials incidents.

Hazardous Waste Control Act

The Hazardous Waste Control Act created the State hazardous waste management program, which is similar to but more stringent than the federal RCRA program. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the DTSC.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) required the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a CUPA. The Program Elements consolidated under the Unified Program are Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (“Tiered Permitting”); Aboveground Petroleum Storage Tank SPCC; Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or “Community-Right-To-Know”); California Accidental Release Prevention Program (Cal ARP); Underground Storage Tank (UST) Program; and Uniform Fire Code Plans and Inventory Requirements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program

is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency, a participating agency, which implements one or more Program Elements in coordination with the CUPA. The Project site is within Riverside County. The Riverside County Department of Environmental Health Hazardous Materials Branch is responsible for overseeing the six hazardous materials programs in the County. The Riverside County Department of Environmental Health Hazardous Materials Branch is responsible for inspecting facilities that handle hazardous materials, generate hazardous waste, treat hazardous waste, own/operate USTs, own/operate aboveground petroleum storage tanks, or handle other materials subject to the California Accidental Release Program. In addition, the Branch maintains an emergency response team that responds to hazardous materials and other environmental health emergencies 24 hours a day, 7 days a week.

California Aeronautics Act

The State Aeronautics Act included in the California Public Utilities Code establishes statewide requirements for airport land use compatibility planning and requires nearly every county to create an Airport Land Use Commission (ALUC) or other alternative.

California Labor Code

Section 9030 of the California Labor Code states that “[t]he standards board shall adopt one or more standards requiring each employer which uses any carcinogen, including asbestos and vinyl chloride, to submit a written report regarding the use or any incident which results in the release of a potentially hazardous amount of a carcinogen into any area where employees may be exposed.”

2022 California Fire Code

CCR Title 24, Part 9 (2019 California Fire Code) contains regulations relating to construction and maintenance of buildings, the use of premises, and the management of wildland-urban interface areas, among other issues. The California Fire Code is updated every three years by the California Building Standards Commission and was last updated in 2022 (adopted January 1, 2023). The Fire Code sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices such as fire extinguishers and smoke alarms, high-rise building standards, and fire suppression training. It contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code also include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. Development under the Project would be subject to applicable regulations of the California Fire Code.

Worker and Workplace Hazardous Materials Safety

The California Division of Occupational Safety and Health (Cal/OSHA) is responsible for developing and enforcing workplace safety standards and ensuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA obligates many businesses to prepare Injury and Illness

Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle.

Hazardous Materials in Structures: Asbestos-Containing Materials and Lead-Based Paint

Several regulations and guidelines pertain to abatement of and protection from exposure to ACM and LBP, including Construction Safety Orders § 1529 (pertaining to ACM) and § 1532.1 (pertaining to LBP) from Title 8 of the CCR and Part 61, Subpart M, of the CFR (pertaining to ACM). In California, ACM and LBP abatement must be performed and monitored by contractors with appropriate certification from the California Department of Health Services. Asbestos is also regulated as a hazardous air pollutant under the Clean Air Act and a potential worker safety hazard under the authority of Cal/OSHA.

Requirements for limiting asbestos emissions from building demolition and renovation are specified in South Coast Air Quality Management District (SCAQMD) Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). CGC §§ 1529 and 1532.1 provide for exposure limits, exposure monitoring, respiratory protection, and good working practice by workers exposed to lead and ACMs.

Requirements for Phase I Environmental Site Assessments

Phase I ESAs are required for land purchasers to qualify for the Innocent Landowner Defense under CERCLA, to minimize environmental liability under other laws such as RCRA, and as a lender prerequisite to extend a loan for purchase of land.

California Health and Safety Code, §§ 17920.10 and 105255

Lead must be contained during demolition activities.

8 CCR §§ 1529 and 1532.1: Worker Safety Standards: Asbestos and Lead

CCR Title 8 § 1529 sets forth worker safety standards for lead exposure for employees conducting demolition, construction, and renovation work, including painting, and decorating.

CCR Title 8 § 1532.1 sets forth worker safety standards for employees in work including construction, demolition, renovation, and maintenance.

Regional

South Coast Air Quality Management District

SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of ACM.

Riverside County Department of Environmental Health Hazardous Materials Branch

The Riverside County Department of Environmental Health Hazardous Materials Branch is responsible for overseeing the six hazardous materials programs in the County. The CUPA program is designed to

consolidate, coordinate, and uniformly and consistently administer permits, inspection activities, and enforcement activities throughout Riverside County.

CUPA consolidates, coordinates, and makes consistent the following hazardous materials and hazardous waste programs:

- Hazardous materials release response plans and inventory (business plan)
- Hazardous waste generation and on-site treatment
- Aboveground Petroleum Storage Act (APSA)/Spill Prevention, Control, and Countermeasure Plan (SPCC plan)
- Underground storage tanks (UST)
- California Accidental Release Program (CALARP)
- Hazardous materials management plans and inventory statements under California Fire Code

Riverside County Environmental Protection Oversight Division

The Riverside County Community Health Agency, Department of Environmental Health, Environmental Protection Oversight Division is the CUPA for Riverside County. The Certified Unified Program coordinates and makes consistent the administration and enforcement of six environmental and emergency response programs, including: USTs, Business Emergency Plan/Handler Program, Hazardous Waste Generator program, and Accidental Release Prevention Program.

Hazardous Materials Emergency Response Team

The Hazardous Materials Emergency Response Team responds to over 1,100 chemically-related emergencies or complaints each year. The program is a joint agency team staffed by the Hazardous Materials Management and Riverside County Fire/California Department of Forestry.

Local Oversight Program

Under contract with the SWRCB, the Riverside County Department of Environmental Health, Local Oversight Program (LOP) oversees the investigation and cleanup of soil and groundwater contamination resulting from unauthorized releases of petroleum products (gasoline, diesel fuel, waste oil, etc.) from leaking USTs (LUSTs). The cleanup of these sites is necessary to protect the groundwaters of the State from contamination and to protect the public from exposure to hazardous materials. During each phase of assessment and cleanup, technical workplans and reports are required to be submitted to and accepted by the LOP. Once assessment and cleanup efforts have been successfully completed, the Riverside County LOP would issue a closure/no further action letter to the responsible parties.

Airports

Airport authorities and other agencies regulate aircraft activity. The City has no direct authority over airport development and operations. The State Aeronautics Act of the California Public Utilities Code establishes statewide requirements for the airport land use compatibility planning and requires nearly every county to create an airport land use commission or other alternative. Regulations of land uses in

airport compatibility zones are implemented by the Riverside County Airport Land Use Commission (RCALUC). If the RCALUC determines that a development plan is inconsistent with the Airport Land Use Plan, the RCALUC requires the local agency to reconsider its approval regarding land use compatibility. The local agency may overrule the RCALUC by a two-thirds vote of its governing board if it makes specific findings that the proposed action is consistent with § 21670 of the California Public Utilities Code (California Aeronautics Act).

Local

City of Menifee General Plan

Safety Element

According to the City's Safety Element, the element provides a strategy for city staff, residents, developers, and business owners to effectively address natural and man-made hazards in Menifee, including seismic and geological issues; flood hazards; fire hazards; hazardous materials; wind hazards; and disaster preparedness, response, and recovery.⁶

Goals and policies from the Safety Element applicable to the Project include:

Goal S-4	A community that has effective fire mitigation and response measures in place, and as a result is minimally impacted by wildland and structure fires.
Policy S-4.1	Require fire-resistant building construction materials, the use of vegetation control methods, and other construction and fire prevention features to reduce the hazard of wildland fire.
Policy S-4.4	Review development proposals for impacts to fire facilities and compatibility with fire areas or mitigate.
Goal S-5	A community that has reduced the potential for hazardous materials contamination.
Policy S-5.1	Locate facilities involved in the production, use, storage, transport, or disposal of hazardous materials away from land uses that may be adversely impacted by such activities and areas susceptible to impacts or damage from a natural disaster.
Policy S-5.4	Ensure that all facilities that handle hazardous materials comply with federal and state laws pertaining to the management of hazardous wastes and materials.
Policy S-5.5	Require facilities that handle hazardous materials to implement mitigation measures that reduce the risks associated with hazardous material production, storage, and disposal.

⁶ City of Menifee. (2013). *Menifee General Plan Safety Element*. Available at: <https://www.cityofmenifee.us/893/Safety-Element> (accessed August 2023).

Land Use Element

The Land Use Element generally establishes the density, intensity, and location of land uses throughout the city and is complemented by the additional policy guidance provided in other elements that relate to a specific topic.⁷

A goals and policy from the Land Use Element applicable to the Project includes:

Goal LU-4 **Ensure development is consistent with the Riverside County Airport Land Use Compatibility Plan.**

Policy LU-4.2 Ensure that development proposals within the March Air Reserve Base and Perris Valley Airport areas of influence fully comply with the permit procedures specified in Federal and State law, with the referral requirements of the Airport Land Use Commission (ALUC), and with the conditions of approval imposed or recommended by the Federal Aviation Administration and ALUC, such as land use compatibility criteria, including density, intensity, and coverage standards. This requirement is in addition to all other City development review requirements.

City of Menifee Municipal Code

Chapter 8.20, Section (§) 010 relates to the adoption of the California Fire Code. This Section states, “Except as otherwise provided in this Chapter, the California Fire Code, Title 24, California Code of Regulations, Part 9, including Chapter 1, Division II - Scope and Administration, except that Section 103.2 and 109.3 are not adopted, and Chapters 3, 25, and § 403.12, 503, 510.2, and 1103.2 are adopted, including any and all amendments set forth in this Chapter, and including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Fire Code.” More specifically, subsection CC of the Municipal Code recognizes that Fire Hazard Severity Zones and maps as defined in the California Fire Code includes § 4904 and the revision related to Government Code § 51175 through § 51189 for Very High Fire Hazard Severity Zones and that these resources are retained on file at the office of the Fire Chief.

City of Menifee Emergency Operations Plan

This plan is designed as a reference and guidance document for the foundation of response and recovery operations for the City. The Emergency Operations Plan (EOP) is meant to coordinate with the Riverside County Operational Area (OA) EOP and the City Emergency Operations Center (EOC) to facilitate effective response to any emergency.

This plan establishes the emergency organization, assigns tasks, as well as specifies policies and general procedures during both response and recovery. It also provides for coordination with the County as the OA Lead Agency. This plan includes the critical elements of California’s Standardized Emergency

⁷ City of Menifee. (2013). *Menifee General Plan Land Use Element*. Available at: <https://www.cityofmenifee.us/853/Land-Use-Element> (accessed August 2023).

Management System, the National Incident Management System, as well as the Incident Command System, and the National Response Framework.

City of Menifee Local Hazard Mitigation Plan

The purpose of the Local Hazard Mitigation Plan (LHMP) is to identify local hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks (to reduce or eliminate long-term risk) to people and property from natural and man-made hazards.⁸

The LHMP is a new plan to make the City less vulnerable to future hazard events. This plan was prepared pursuant to the requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended by Section 322 of the Disaster Mitigation Act of 2000 and the 44 CFR Part 201 – Mitigation Planning, to be eligible for Federal Emergency Management Agency Pre-Disaster Mitigation and Hazard Mitigation Grant programs.

4.8.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning hazards and hazardous materials. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;
- Impair implementation of or physically interfere within an adopted emergency response plan or emergency evacuation plan;
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

⁸ City of Menifee. (2022). *Local Hazard Mitigation Plan*. Retrieved from: <https://www.cityofmenifee.us/DocumentCenter/View/17212/LHMP-Resolution-Signed?bidId=> (accessed August 2023).

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria in order to determine the level of impacts related to hazards and hazardous materials. This analysis also considers existing regulations, laws and standards that serve to avoid or reduce potential environmental impacts, as well as recommendations from existing site evaluations. Where significant impacts may remain, feasible mitigation measures are recommended, where warranted, to avoid or lessen the potential for significant adverse impacts to occur.

Approach to Analysis

This analysis of impacts from hazards and hazardous materials examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on available information in public databases including local planning documents; a site evaluation of the Project site; review of Project maps and drawings; and analysis of aerial and ground-level photographs. The determination that a Project component would or would not result in "substantial" adverse effects on standards related to hazards and hazardous materials considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.8.5 Impacts and Mitigation Measures

Impact 4.8-1 *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Level of Significance: Less Than Significant

Construction

The Project site is not anticipated to result in the release of hazardous materials into the environment. Construction activities would include the use of materials such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. The use of these materials would also be temporary and short-term or single-use in nature and would cease upon completion of the Project's construction phase. Project construction would involve the use, storage, transport, and disposal of hazardous materials and would therefore be required to conform to existing laws and regulations. Compliance with applicable laws and regulations concerning hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, hazards to the public or the environment arising from the routine transport, use, or disposal of hazardous materials during Project construction would be less than significant.

Grading Activities

Grading activities conducted during Project construction would lead to the disturbance of on-site soils. The handling and transport of these materials and exposure to contaminated soils for workers and the surrounding environment could result in a significant impact. Contaminated soils encountered during grading would be required to be removed and disposed of off-site in accordance with all applicable regulatory guidelines. Additionally, the on-site septic tanks were determined not to be a significant environmental concern and would be removed prior to grading activity. There are no USTs/ASTs identified on-site. Therefore, impacts would be less than significant.

Demolition

Demolition of buildings and equipment on the Project site has the potential to expose and disturb ACMs, PCBs, and LBPs. The removal of these hazardous materials, such as PCBs, shall be completed in accordance with applicable regulations pursuant to 40 CFR 761 (PCBs), as outlined in 29 CFR 1910.120 and 8 CCR 5192. The removal of LBP material shall be implemented in accordance with CCR, Title 8 § 1532.1, the CFR (Title 40, Part 745, and Title 29, Part 1926), the EPA's Lead Renovation, Repair and Painting Program Rules and Residential Lead-Based Paint Disclosure Program, and §§ 402/404 and 403, and Title IV of the TSCA. As discussed previously, during the on-site inspection, no evidence of PCB contamination was identified. Based on the age of the existing structures on the Project site, it is unlikely that ACMs and LBPs are present.

Operations

Operation of the Project would involve the use of small amounts of hazardous materials, such as industrial cleansers, greases, and oils for cleaning and maintenance purposes. The Project may also involve transport, use, and disposal of hazardous materials; the specific substances and quantities of such materials are presently unknown. The use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the U.S. EPA, U.S. Department of Transportation, California OSHA, and the Riverside County Fire Protection District. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Additionally, the Project would also be operated with strict adherence to all emergency response plan requirements set forth by the Riverside County Fire Protection District. Compliance with applicable laws and regulations concerning hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for significant hazards to the public or the environment. Mandatory compliance with laws and regulations, would ensure that operational impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.8-2 ***Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

Level of Significance: Less Than Significant

Construction

The construction of new developments such as the Project site could result in hazards to the public or the environment through the accidental upset or release of hazardous materials caused by accidental spillage of hazardous materials used during construction, or as a result of the exposure of contaminated soil during grading activities. Database searches did not reveal any LUSTs, USTs or ASTs located on the Project site. The Phase I ESA did not identify any RECs. Furthermore, the Project site itself is not on the Cortese list.⁹ Additionally, the Project site has not been cited or issued violation notices by any environmental regulatory agency for improper use or disposal of hazardous materials.

Compliance with applicable laws and regulations concerning hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable regulations, such as RCRA, for the cleanup and disposal of that contaminant. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility under SCAQMD Rule 1166. Furthermore, strict adherence to all emergency response plan requirements set forth by Riverside County Fire Department would be required through the duration of the Project construction phase. Project construction workers would also be required to conduct safe handling of hazardous material, as stated previously. Therefore, impacts would be less than significant.

Operation

Operation of the Project site would involve typical hazardous materials and chemicals such as solvents and cleaning products associated with operation of an industrial/warehouse type use. As discussed in Impact 4.8-1 above, any routine transport, use, and disposal of these materials during warehouse operations must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. Prior to Project approval, a HMBP also would be required for approval to show conformance with all applicable materials handling protocols. Adherence to these regulations is overseen and enforced by the Riverside County Department of Environmental Health Hazardous Materials Branch. As stated previously, the CUPA program provided by the County is designed to consolidate, coordinate, and uniformly and consistently administer permits, inspection activities, and enforcement activities throughout Riverside County. Furthermore, household hazards such as cleaners and solvents

⁹ DTSC. (2023). *Hazardous Waste and Substances Site List (Cortese List)*. Retrieved from: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29 (accessed August 2023).

contain such low quantities of liquid and material that they do not pose a significant threat related to the release of hazardous materials into the environment. A less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.8-3 ***Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

Level of Significance: Less Than Significant

Construction and Operation

No existing or proposed schools are located within one-quarter mile of the Project site. The nearest school to the Project site is Hans Christensen Middle School located approximately 1.4 miles to the southeast at 27625 Sherman Road, Menifee, California 92585. Ethanac Road provides a direct route between the Project site and Interstate 215 (I-215). Transport associated with the Project taking this route would not pass within one-quarter mile of any schools. The Project does not propose any industrial uses which could generate hazardous emissions or involve the handling of hazardous materials, substances, or waste in significant quantities that would have an impact to surrounding schools. The types of hazardous materials that would be routinely handled would be limited to cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. However, the Project would be required to adhere to all applicable federal, state, and local regulations regarding handling, transport, and disposal of hazardous materials to reduce public safety hazards.

Refer to **Section 4.2, Air Quality** for analysis pertaining to human health risks associated with the Project's air pollutant emissions. These health risks include harmful levels of exposure to school-children located more than one-quarter mile from the Project site. As concluded in the Project's Air Quality Impact Analysis (**Appendix B1**), results of the Localized Significance Threshold analysis indicate that the Project would not exceed the SCAQMD localized significance thresholds during construction. The Health Risk Assessment (**Appendix B2**) concluded that the Project would not exceed South Coast Air Quality Management Plan localized significance thresholds during construction. Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations during Project construction. Additionally, the Project would not exceed the South Coast Air Quality Management District localized significance thresholds during operational activity. Further Project traffic would not create or result in a CO "hotspot." Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations as the result of Project operations. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Impact 4.8-4 *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Level of Significance: Less Than Significant

Construction and Operation

According to the DTSC EnviroStor, the Project site is not included on the Waste and Substances Site List (Cortese).¹⁰ Additionally, the Phase I ESA concluded that the Project site is not included on the hazardous sites list compiled pursuant to CGC § 65962.5.¹¹ In addition, the Phase I ESA did not identify any environmental concerns for the Project site. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Impact 4.8-5 *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

Level of Significance: Less Than Significant

Construction and Operation

Portions of the City are in the AIA of the March Air Reserve Base and the Perris Valley Airport governed by the RCALUC. The basic function of airport land use compatibility plans is to promote compatibility between airports and the land uses that surround them. A portion of the Perris Valley Airport AIA is located within the northwestern part of the City. Part of the City is in Airport Compatibility Zone E in the Airport Land Use Plan for Perris Valley Airport issued by the RCALUC.¹²

The Project site is located in Zone E of the Perris Valley ALUCP. With regard to noise impacts, the Project site is beyond the 55-CNEL contour. The Project would be in accordance with the Perris Valley Compatibility Zone within each respective airport and all state, county, and local goals, policies, and regulations. Furthermore, any the Project be reviewed by the ALUC which would ensure that future development would be compatible with the ALUCP and therefore, would not result in a significant impact. Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

¹⁰ Ibid.

¹¹ Ibid.

¹² Riverside County ALUC. (2010). *Perris Valley Airport Compatibility Plan*. Retrieved from: <https://rcaluc.org/sites/g/files/aldnop421/files/2023-06/Perris%20Valley.pdf> (accessed August 2023).

Impact 4.8-6 ***Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

Level of Significance: Less Than Significant

Construction and Operation

The Project site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction and long-term operation of the Project, adequate emergency access for emergency vehicles would be maintained along public streets that abut the Project site. The City has adopted an EOP¹³ to identify evacuation routes, emergency facilities, and City personnel and equipment available to effectively deal with emergency situations. Mitigation is also provided in the EOP to minimize identified risks. Project development would be congruent with the land use designations of the Project area and would therefore remain consistent with the analysis provided in the EOP. No revisions to the adopted EOP would be required as a result of the Project. Additionally, the Project site is not located along a City evacuation route, and would not obstruct evacuation.¹⁴ The Project proposes improvements to nearby roadways that would further improve the City's accessibility through the widening of roads, development of dedicated turn lanes, and other necessary improvements. Roadway improvements are further discussed in **Section 4.13, Transportation**.

Additionally, as further discussed in **Section 4.12, Public Services**, response times from the Riverside County Fire Department Station 5 and 7 would not be impaired by Project implementation because primary access would be provided through the improvement of Kuffel and Byers Roads and Wheat Street. Additionally, the improvement of Kuffel and Byers Roads and Wheat Street would improve future response times in this area, as these two roads are currently unimproved. The Project would also require that the Project to pay development impact fees which constitutes as adequate mitigation because through implementation of the DIF program, the City of Menifee collects DIF from development projects and is mandated to use the DIF funds to construct new fire and emergency service facilities. In addition, the Project's fire safety and fire suppression features, and the Project applicant's compliance with all required design regulations, would further minimize the demand for fire protection and emergency public services impacts. Refer to **Section 4.12, Public Services**.

Because both Project construction and operations would not disrupt or interfere with emergency access to nearby roadways, would not interfere with the City's emergency response plan, and would comply with design standards for emergency services, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

¹³ City of Menifee. (2021). *Emergency Operations Plan*. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/12396/Emergency-Operations-Plan-EOP?bidId=> (accessed August 2023).

¹⁴ City of Menifee. (2014). *Menifee General Plan Exhibit S-9 Evacuation Routes*. Retrieved from: <https://www.cityofmenifee.us/DocumentCenter/View/14711/Evacuation-Routes> (accessed October 2023).

Impact 4.8-7 *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Level of Significance: Less Than Significant

Construction and Operation

As previously stated, according to CAL FIRE, the Project site is not located in an SRA or VHFHSZ.¹⁵

While the Project site is located in an area with vegetation that can be prone to fire, due to the presence of surrounding development, scattered nature of the existing undeveloped areas, presence of area roadways (to be improved as part of Project), lack of steep slopes, vegetation maintenance, graded nature of the development site to the north, and concrete construction of development, it is not likely to be affected by a wildfire during construction or operations. In addition, the undeveloped areas around the Project site would be separated from the Project area by roads, parking, drive aisles, and fire-resistant landscaping. This buffer would ensure an appropriate width to reduce the risk of potential fire hazards.

Prior to final plan check approval, the City in coordination with the Riverside County Fire Department and CAL FIRE would review the Project-specific site plan to ensure adequate design features are implemented to reduce the potential impacts from wildfires. Overall, with design compliance with fire codes and Menifee GP goal and policies, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Impacts would be less than significant.

Mitigation Measures

No mitigation is required.

4.8.6 Cumulative Impacts

Impacts associated with hazardous materials are often site-specific and localized. The EIR evaluates environmental hazards in connection with the warehouses and surrounding areas. Regarding the off-site environmental hazards, the database search documents the findings of various governmental database searches regarding properties with known or suspected releases of hazardous materials within a search radius of up to one mile from the site and serves as the basis for defining the cumulative impacts study area.

Cumulative impacts related to hazards and hazardous materials would result from projects that combine to increase exposure to hazards and hazardous materials. The potential for cumulative impacts to occur is limited since the impacts from hazardous materials use on-site are site-specific. Although some of the cumulative projects and other future projects associated with buildout of the surrounding communities also have potential impacts associated with hazardous materials, the environmental concerns associated

¹⁵ CAL FIRE. (2023). *FHSZ Viewer*. Available at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008> (accessed August 2023).

with hazardous materials are typically site-specific. It is expected that future development within the area must comply with all federal, state, and local statutes and regulations applicable to hazardous materials.

Each project is required to address any issues related to hazardous materials or wastes on a project-specific basis. With adherence to applicable federal, state, and local regulations governing hazardous materials, the potential risks associated with hazardous materials would be less than significant. The incremental effects of the Project in relation to hazards and hazardous materials, if any, are anticipated to be minimal, and any effects would be site-specific.

Therefore, considering the above, Project impacts would be less than significant, and the Project's contribution to cumulative impacts is not otherwise considered to be "cumulatively considerable."

4.8.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.8.8 References

CAL FIRE. ND. *FHSZ Viewer*. Available at: <https://egis.fire.ca.gov/FHSZ/>.

City of Menifee. (2021). *Emergency Operations Plan*. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/12396/Emergency-Operations-Plan-EOP?bidId=>

City of Menifee. (2014). *Exhibit LU-5b, March Air Reserve Base Land Use Compatibility Map*. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/6010/COM---GP-Exhibit-LU-5a-c?bidId=>

City of Menifee. (2014). *Exhibit LU-5c, Perris Valley Airport Land Use Compatibility Map*. Retrieved from: <https://cityofmenifee.us/DocumentCenter/View/6010/COM---GP-Exhibit-LU-5a-c?bidId=>

City of Menifee. (2014). *Exhibit S-6: High Fire Hazard Areas*. Retrieved from: https://www.cityofmenifee.us/DocumentCenter/View/1033/S-6_HighFireHazardAreas_HD0913?bidId=

City of Menifee. (2014). *Menifee General Plan Exhibit S-9 Evacuation Routes*. Retrieved from: <https://www.cityofmenifee.us/DocumentCenter/View/14711/Evacuation-Routes> (accessed October 2023).

DTSC. (2023). *Hazardous Waste and Substances Site List (Cortese List)*. Retrieved from: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29

Riverside County ALUC. (2010). *Perris Valley Airport Compatibility Plan*. Retrieved from: <https://rcaluc.org/sites/g/files/aldnop421/files/2023-06/Perris%20Valley.pdf>

WRCOG. ND. *WRCOG/SBCTA Sustainability Toolkit Evacuation Routes*. Retrieved from: <https://www.arcgis.com/apps/webappviewer/index.html?id=4168a1efbdca40f889ea9dba43e04b4e&extent=-13138981.0556%2C4022288.1589%2C-12669351.9538%2C4239369.3193%2C102100> (accessed August 2023).

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Introduction

This section of the Draft Environmental Impact Report (EIR) describes the hydrologic and water quality conditions on and surrounding the CADO Menifee Industrial Warehouse Project (Project) site and evaluates whether Project implementation would result in significant adverse environmental effects concerning such resources. The setting, context, and impact analysis in this section is based on the Project Specific Water Quality Management Plan (WQMP) and the Preliminary Drainage Study, prepared for the Project site by Albert A. Webb Associates. Additional background information for this section was obtained from the City of Menifee's (City) General Plan (GP) and Menifee GP EIR. The information and analysis rely on the following reports found in **Appendix I** and **Appendix L**.

- Albert A. Webb Associates. 2022. *Preliminary Drainage Study* (**Appendix I1**);
- Albert A. Webb Associates. 2022. *Project Specific Water Quality Management Plan* (**Appendix I2**); and
- Eastern Municipal Water District (EMWD). 2022. *Water Supply Assessment Report* (**Appendix L**).

4.9.2 Environmental Setting

Regional Drainage

The City of Menifee is located within the San Jacinto Subbasin of the larger Santa Ana River Watershed. The Watershed includes much of Orange County, much of the western portion of Riverside County, part of southwestern San Bernardino County, and a small portion of Los Angeles County. The Santa Ana River Watershed is bounded by the Santa Margarita watershed to the south, the Salton Sea and Southern Mojave watersheds to the east, and the Mojave and San Gabriel watersheds to the north and west, respectively. The watershed covers approximately 2,800 square miles, with about 700 miles of rivers and major tributaries. The San Jacinto River originates in the San Jacinto Mountains and flows approximately 42 miles west to Lake Elsinore. However, during flooding and heavy storms, Lake Elsinore overflows into Temescal Creek, which flows northwest and discharges into the Santa Ana River. The southeast corner of the City is in the Warm Springs Creek Watershed, part of the larger Santa Margarita Watershed.¹

Local Drainage²

Salt Creek

Salt Creek drainage occupies the southernmost part of the San Jacinto River Basin, reaching nearly all of the City. Salt Creek bisects the City area and has a large impact on zoning, development, and flood-hazard management. The lowlands around Salt Creek have experienced numerous floods over the past century, due to the flatness of the valleys and the constricted entrance to the hills at the western edge of the City.

¹ City of Menifee. (2013). General Plan Draft EIR; *Section 5.9, Hydrology and Water Quality*, Page 5.9-1. Available at: <https://www.cityofmenifee.us/DocumentCenter/View/1109/Ch-05-09-HYD?bidId=> (accessed January 2023).

² City of Menifee. (2013). General Plan Draft EIR; *Section 5.9, Hydrology and Water Quality*, Page 5.9-2. Available at: <https://www.cityofmenifee.us/DocumentCenter/View/1109/Ch-05-09-HYD?bidId=> (accessed January 2023).

The potential for Salt Creek to flood surrounding properties in the City area has been reduced in recent years by the development of flood control measures that include channelization and land use restrictions. However, because many of the road crossings are not designed to convey major storm flows, Salt Creek remains problematic. The Salt Creek channel discharges into the Railroad Canyon Reservoir at the corporate boundary between the City and Canyon Lake.

Ethanac Wash

Ethanac Wash includes the southwestern flank of the rugged Lakewood Mountains, in addition to the communities of Romoland and Homeland within the City. The drainage network begins in the Juniper Flats area within the highest part of the mountains and includes numerous steep-sided channels that are generally dry, except during storms or where springs are present. Upon reaching the alluvial fan surface, the drainage channels become increasingly less well defined, and the runoff eventually coalesces into sheet flow across the valley floor. Runoff that crosses the Romoland portion of the City, eventually reaches the San Jacinto River; however, the flow is impeded by the Burlington Northern Santa Fe (BNSF) railroad tracks and Interstate 215 (I-215), causing ponding of water upstream of these structures.

Quail Valley

The community of Quail Valley within the City occupies a small drainage basin that is a tributary of Railroad Canyon. Flooding problems on the floor of Quail Valley occur due to the original layout of the streets and homes in the 1950s, which consists of a grid pattern superimposed on the natural, irregular drainage network.

Other Drainages

The southeastern corner of the City area is in the Santa Margarita River Watershed and drains southward via numerous small tributaries to Warm Springs Creek. This creek passes through a small gap in the hills in the southeastern corner of the City. In the southwestern corner, a drainage divide located just inside the City boundary separates the Salt Creek watershed from streams flowing toward the Elsinore Valley.

Project Site Hydrology

The Project site is comprised of eight parcels. The Project site is located south of Kuffel Road, east of Wheat Street, west of Byers Road, and north of Corsica Lane in the City, within Riverside County (refer to **Section 2.0, Project Location, Exhibit 2-1: Regional Vicinity Map**).

The Project proposes an industrial warehouse (approximately 700,037 square feet) on approximately 36.8 acres of vacant land. Existing elevations across the site vary from 1,450.8 feet (ft) above mean sea level (amsl) at the southwest corner to 1,424.5 ft amsl at the northeast corner (NAVD88 datum).³ The site currently slopes down at approximately 3.0 percent grade to the northeast corner. Drainage within the Project site and the general area is characterized by sheet flow to the northeast towards Ethanac Road. To reduce or eliminate sediment and other pollutants in stormwater and non-stormwater runoff from the Project site the Project would also incorporate Best Management Practices (BMPs). Construction BMPs

³ Albert A. Webb Associates. (2022). *Preliminary Drainage Study*. (**Appendix I1**)

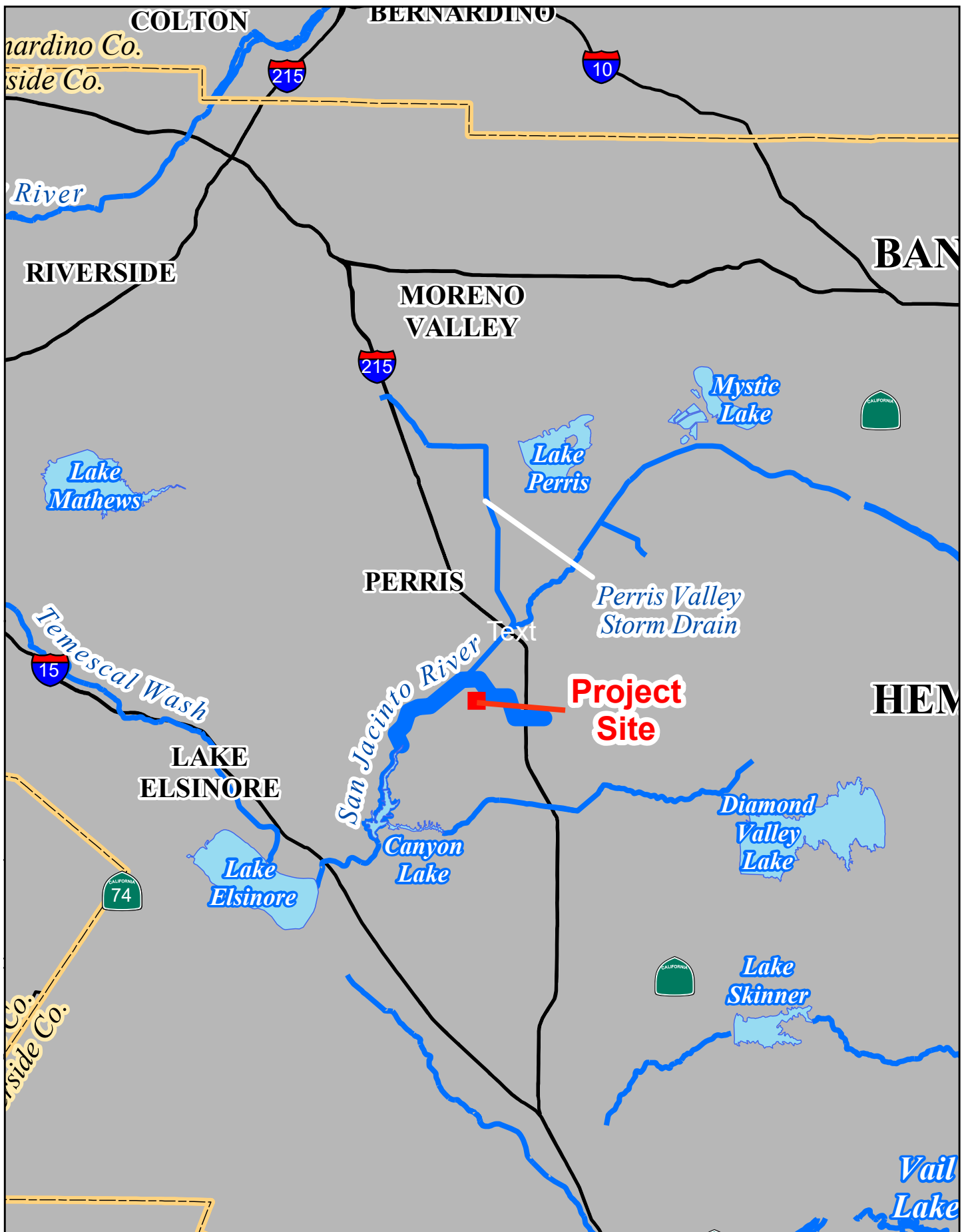
would include, but not be limited to the following: minimization of disturbed areas to the portion of the Project site necessary for construction; stabilization of exposed or stockpiled soils and cleared or graded slopes; and establishment of permanent re-vegetation or landscaping as early as is feasible; see Impact 4.9-1 for additional Project BMPs.

The site is vegetated with a sparse covering of grass. The Project site is designated as Economic Development Corridor (EDC). Land uses surrounding the Project site include residential, and small portions of open space, and vacant properties.⁴

There are no existing storm drain inlets near the perimeter of the Project site and the surrounding streets are undeveloped. However, the Perris Valley Storm Drain is located approximately 7.5 miles north of the Project site. Line A-14a would be constructed as part of the Project and sized to convey any additional flow. Discharge from the proposed bioretention basin would ultimately flow directly to the proposed storm drain Line A-14a of the Perris Valley Master Drainage Plan (MDP) and discharge directly into Line A before reaching the San Jacinto River (refer to **Exhibit 4.9-1, Receiving Waterbodies**).⁵

⁴ City of Menifee. (2023). *General Plan – Land Use Map*. Available at: <https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---March-2023?bidId=> (accessed March 2023).

⁵ Albert A. Webb Associates. (2022). *Preliminary Drainage Study* (**Appendix I1**).



Source: Albert A. Webb Associates. (2023). Preliminary Drainage Study - Figure 4

Exhibit 4.9-1: Receiving Water Bodies

City of Menifee
CADO Menifee Industrial Warehouse Project



Not to scale

Kimley»Horn

Groundwater

According to the WQMP,⁶ groundwater was not encountered within any of the test borings drilled at the site. Based on the presence of shallow granitic bedrock and the lack of groundwater at the borings, it is estimated that the depth to high groundwater at the site is greater than approximately 50 feet below grade. Based on the results of the field exploration, review of the site area geomorphology and geology, groundwater is not anticipated to adversely affect the proposed improvements.

Recent water level data was obtained from the California Department of Water Resources Water Data Library website, <http://wdl.water.ca.gov/>. The nearest monitoring well (EMWD25758) that contains available groundwater data is located approximately 2,385 feet northwest of the Project site. The site code for this well is 337473N1171789W001 and the well depth was recorded to be 190 feet below ground surface (bgs).

According to information obtained from the Regional Water Quality Control Board (RWQCB) and topographic map interpretation, the depth to groundwater in the vicinity of the subject property is inferred to be approximately 60 to 90 feet bgs and groundwater flow is inferred to be toward the north-northeast. According to the City's Groundwater Basins Map,⁷ much of the City overlies the Perris South and Menifee Management Zones of the San Jacinto Groundwater Basin. The Project site is within the San Jacinto Groundwater Basin, underlying the Santa Ana River Watershed. The San Jacinto Groundwater Basin underlies several valleys in the southwestern portion of Riverside County. The basin is bounded on the southeast by the Vandeventer Flat Groundwater Basin and otherwise bounded by impermeable rocks of the San Jacinto Mountains. The valley is drained by the South Fork of the San Jacinto River and receives an average annual precipitation ranging from about 14 to 28 inches. Groundwater in the basin is found in Quaternary age younger and older alluvium that consists of clay, silt, sand, and gravel. Groundwater is also produced from residuum and from fractured crystalline rocks below the basin. Recharge is likely from percolation of precipitation and runoff, and subsurface flow from the San Jacinto Mountains and Lake Perris.

The EMWD would provide water and sewer services to the Project. Water and sewer improvements would be in accordance with EMWD's standards, specifications, and Master Plan. Currently EMWD has no plans to construct water and sewer system improvements in the vicinity of the subject parcels, and they would need to be sponsored by the property owner/developer.

The majority of the EMWD's potable water demand is supplied by imported water from the Metropolitan Water District of Southern California (MWD) through the Colorado River Aqueduct and connections to the State Water Project. EMWD would be able to provide adequate water supplies to meet the potable water demand for the Project as part of its existing and future demands.⁸ EMWD plans to supply new water demands in its service area, including the Project, through a combination of additional imported water purchases from MWD and the ongoing development of EMWD's local supply resources.

⁶ Albert A. Webb Associates. (2022). *Project Specific Water Quality Management Plan* (Appendix I2).

⁷ City of Menifee. (2013). *City of Menifee General Plan Draft EIR*; Groundwater Basins Map, Page 5.9-5. Available at: <https://www.cityofmenifee.us/DocumentCenter/View/1109/Ch-05-09-HYD?bidId=>. (accessed January 2023).

⁸ EMWD. (2022). *Water Supply Assessment Report*. (Appendix L)

Flood Zones

Two parts of the City are in 100-year flood zones mapped by the Federal Emergency Management Agency (FEMA). One is an east–west band across the Perris Valley in the northern part of the City. The second extends east–west along Salt Creek through the central part of the City and includes tributary areas both north and south of Salt Creek. Some drainages in the southern part of the City are also in Riverside County Flood Hazard Zones—in the Paloma Valley and in hills on the south flank of the Paloma Valley.

FEMA Flood Insurance Rate Map (FIRM) shows the Project site being covered by one map panel: 06065C2055H (effective 8/18/2014).⁹ Based on a review of this map panel, the Project site is largely within a Flood Boundary, identified as Zone X which indicates that the Project is located in a minimal flood hazard zone, which are areas outside the Special Flood Hazard Area (SFHA) and higher than the elevation of the 0.2-percent-annual-chance flood.¹⁰

Seismically Induced Dam Inundation

Secondary effects of seismic shaking considered as potential hazards include several types of ground failure as well as induced flooding. Seismically induced flooding is normally a consequence of a tsunami (seismic sea wave), a seiche (i.e., a wave-like oscillation of surface water in an enclosed basin that may be initiated by a strong earthquake), or failure of a major reservoir or retention system up gradient of the site. Seismically induced inundation refers to flooding that occurs when water retention structures, such as dams, fail due to an earthquake. The West, East, and Saddle Dams of Diamond Valley Lake are located upstream from the City. However, the Project site is not located within a dam inundation zone for Diamond Valley lake.¹¹ Therefore the potential for inundation from dam failure would be considered low. Additionally, the Project site is at an elevation of more than 1,400 feet amsl and is located more than 30 miles inland from the nearest coastline of the Pacific Ocean, the potential for seismically induced flooding due to a tsunami is considered nonexistent.

Mudflows

A mudflow is a landslide composed of saturated rock debris and soil with a consistency of wet cement. Landslide debris was not observed during the subsurface exploration and no ancient landslides are known to exist on the Project site. Due to the generally flat terrain, the potential for seismic induced landslides or lateral spreading is considered nil. No landslides are known to exist, or have been mapped, in the vicinity of the Project site.

⁹ FEMA. (2020). *Flood Insurance Rate Map*. Available at: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-117.19036396779732,33.7418625623032,-117.18517121114374,33.744092920211955> (accessed January 2023).

¹⁰ FEMA. (2020). *Flood Zones*. Available at: <https://www.fema.gov/glossary/flood-zones>. (accessed January 2023).

¹¹ Department of Water Resources - Division of Safety of Dams. N.D. *Dam Breach Inundation Map*. Available at: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2 (accessed March 2023).

4.9.3 Regulatory Setting

Federal

Federal Clean Water Act

The Project would be subject to federal permit requirements under the Federal Clean Water Act (CWA). The primary goals of the CWA are to maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. The U.S. Environmental Protection Agency (U.S. EPA) has delegated the administrative responsibility for portions of the CWA to State and regional agencies. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the RWQCBs to preserve, protect, enhance, and restore water quality.

Under the NPDES permit program, the U.S. EPA establishes regulations for discharging stormwater by municipal and industrial facilities and construction activities. Section 402 of the CWA prohibits the discharge of pollutants to "Waters of the United States" from any point source unless the discharge complies with an NPDES Permit.

The Anti-degradation Policy under U.S. EPA's Water Quality Standards Regulations (48 Federal Register (FR) 51400, 40 Code of Federal Regulations [CFR] 131.12, November 8, 1983), requires states and tribes to establish a three-tiered anti-degradation program to prevent a decrease in water quality standards.

- Tier 1—Maintains and protects existing uses and water quality conditions that support such uses. Tier 1 is applicable to all surface waters.
- Tier 2—Maintains and protects "high quality" waters where existing conditions are better than necessary to support "fishable/swimmable" waters. Water quality can be lowered in such waters but not to the point at which it would interfere with existing or designed uses.
- Tier 3—Maintains and protects water quality in outstanding national resource waters (ONRWs). Water quality cannot be lowered in such waters except for certain temporary changes.

Anti-degradation was explicitly incorporated into the federal CWA through 1987 amendments, codified in § 303(d)(4)(B), requiring satisfaction of anti-degradation requirements before making certain changes in NPDES permits.

Section 303(d) of the CWA requires the SWRCB to list impaired water bodies that are too polluted or otherwise degraded to meet the water quality standards set by states, territories, or authorized tribes. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop Total Maximum Daily Loads for these waters.

Section 404 of the CWA is administered and enforced by the U.S. Army Corps of Engineers (USACE). Section 404 establishes a program to regulate the discharge of dredged and fill material into waters of the U.S., including wetlands and coastal areas below the mean high tide. USACE administers the day-to-day program, and reviews and considers individual permit decisions and jurisdictional determinations. USACE also develops policy and guidance and enforces Section 404 provisions.

State

California Porter-Cologne Water Quality Control Act (Porter-Cologne Act)

The Porter-Cologne Act (California Water Code [CWC] § 13000 et seq) is the principal law governing water quality regulation in California. It established a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and groundwater and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected,
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason, and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine RWQCB's (based on hydrogeologic barriers) and the SWRCB, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The SWRCB provides program guidance and oversight, allocates funds, and reviews RWQCB decisions. In addition, the SWRCB allocates rights to the use of surface water. The RWQCBs have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrology regions. The SWRCB and RWQCBs have numerous nonpoint source pollution (NPS)-related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The RWQCBs regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The SWRCB and the RWQCBs can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also implements many provisions of the CWA, such as the NPDES permitting program. Section 401 of the CWA gives the SWRCB the authority to review any proposed federally permitted or federally licensed activity that may impact water quality and to certify, condition, or deny the activity if it does not comply with State water quality standards. If the SWRCB imposes a condition on its certification, those conditions must be included in the federal permit or license. Except for dredge and

fill activities, injection wells, and solid waste disposal sites, waste discharge requirements may not “specify the design, location, type of construction, or particular manner in which compliance may be had....” (Porter Cologne Act § 13360). Thus, waste discharge requirements ordinarily specify the allowable discharge concentration or load or the resulting condition of the receiving water, rather than the manner by which those results are to be achieved. However, the RWQCBs may impose discharge prohibitions and other limitations on the volume, characteristics, area, or timing of discharges and can set discharge limits such that the only practical way to comply is to use management practices. RWQCBs can also waive waste discharge requirements for a specific discharge or category of discharges on the condition that management measures identified in a water quality management plan approved by the SWRCB or RWQCBs are followed.

The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. A number of statewide water quality control plans have been adopted by the SWRCB. In addition, regional water quality control plans (basin plans) have been adopted by each of the RWQCBs and are updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. Statewide and regional water quality control plans include enforceable prohibitions against certain types of discharges, including those that may pertain to nonpoint sources. Portions of water quality control plans, the water quality objectives and beneficial use designations, are subject to review by the U.S. EPA. When approved they become water quality standards under the CWA.

State Water Resources Control Board

National Pollution Discharge Elimination System

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. The City of Menifee and Project area is within the jurisdiction of the Santa Ana RWQCB.

The NPDES permit is divided into two Phases: Phase I and Phase II. Phase I requires medium and large cities, or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges. Phase II requires regulated small Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas, as well as small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges. Concerning the Project, the NPDES permit is divided into two parts: construction and post-construction. The construction permitting is administered by the SWRCB, while the post-construction permitting is administered by the RWQCB. Development projects typically result in the disturbance of soil that requires compliance with the NPDES General Permit, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities (Order No. 2012-0006-DWQ, NPDES Number CAS000002) (General Construction Permit). This Statewide General Construction Permit regulates discharges from construction sites that disturb one or more acres of soil.

The SWRCB has issued and periodically renews a statewide General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (GCASP) and a statewide General Industrial

Activities Stormwater Permit (GIASP) for projects that do not require an individual permit for these activities. The GCASP was adopted in 2009 and further revised in 2022 (Order No. 2022-0057-DWQ). The most recent GIASP (Order No. 2014-0057-DWQ) was adopted in April 2014 (and thereafter amended) and requires dischargers to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to reduce or prevent industrial pollutants in stormwater discharges, eliminate unauthorized non-storm discharges, and conduct visual and analytical stormwater discharge monitoring to verify the effectiveness of the SWPPP and submit an annual report.

By law, all stormwater discharges associated with construction activity where clearing, grading, and excavation results in soil disturbance of at least one acre of total land area must comply with the provisions of this NPDES Permit and develop and implement an effective SWPPP. The SWPPP is required to contain a site map(s), which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the Project site. The SWPPP is required to list Best Management Practices (BMPs) the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Construction General Permit Section A describes the elements that must be contained in a SWPPP. A project applicant must submit a Notice of Intent (NOI) to the SWRCB to be covered by the NPDES General Permit and prepare the SWPPP before beginning construction. SWPPP implementation starts with the commencement of construction and continues through project completion. Upon project completion, the applicant must submit a Notice of Termination (NOT) to the SWRCB to indicate that construction is completed.

For industrial uses, the NPDES program requires certain industrial land uses to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program unless an exemption has been granted. This began on April 1, 2014 when the SWRCB adopted an updated new NPDES permit for storm water discharge associated with industrial activities (referred to as the “Industrial General Permit”). The new Industrial General Permit, which is more stringent than the former Industrial General Permit, became effective on July 1, 2015. Under this currently effective NPDES Industrial General Permit, industrial uses including but not limited to manufacturing, transportation facilities, and other uses with typically heavy industrial uses would require permitting. These facilities are subject to stormwater effluent limitations. While warehousing uses are not specifically included if a covered use is implemented, the Project could require NPDES coverage under this order (2014-0057-DWQ).

Municipal Stormwater Permitting Program

The Municipal Stormwater Permitting Program regulates stormwater discharges from MS4s. Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The MS4 permits require the discharger to develop and implement a Stormwater Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP). MEP is the performance standard specified in CWA § 402(p). The management programs specify what BMPs will

be used to address certain program areas. The program areas include public education and outreach; illicit discharge detection and elimination; construction and post-construction; and good housekeeping for municipal operations.

For construction activities that would result in the disturbance of one acre or more, permittees must develop, implement, and enforce a program to reduce pollutant runoff in stormwater. This includes: (1) a program to prevent illicit stormwater discharges; (2) structural and non-structural BMPs to reduce pollutants in runoff from construction sites; and (3) preventing discharges from causing or contributing to violations of water quality standards. Permittees are required to review construction site plans to determine potential water quality impacts and ensure proposed controls are adequate. These include preparation and submission of an Erosion and Sediment Control Plan (ESCP) with elements of an SWPPP, prior to issuance of building or grading permits. The 2012 MS4 permit requires that the ESCP be developed by a Qualified SWPPP Developer. Permittees are required to develop a list of BMPs for a range of construction activities.

Regional

Riverside County

The Project is located within the larger Santa Ana Watershed which encompasses much of northern Riverside County and drains to the Santa Ana River. On January 29, 2010, the Santa Ana RWQCB issued a fourth-term area wide NPDES MS4 Permit to the Riverside County Flood Control and Water Conservation District (RCFCWCD), the County of Riverside, and the cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Menifee, Norco, Perris, Riverside, San Jacinto and Wildomar (Permittees). Watersheds are based on geography and do not follow jurisdictional boundaries and as a result these agencies are working together to improve water quality through implementation of water quality protection measures.

Accordingly, these efforts led to development of a Water Quality Management Plan (County WQMP) that was approved in October of 2012. The County WQMP was intended to be a guidance document to assist RCFCWCD which is considered the Principal Permittee, and co-permittees including the City of Menifee to design water quality protection projects and measures in compliance with the Santa Ana RWQCB for Priority Development Projects. These requirements are specified in the NPDES MS4 permit, discussed above and issued to the RCFCWCD, and other cities within the Santa Ana River watershed in the 2010 MS4 Permit.

The Santa Ana MS4 Permit is for the portion of the Santa Ana River watershed located within Riverside County (Order No. R8-2010-0033, NPDES No. CAS618033). The Permittees' stormwater programs are designed to ensure compliance with this permit. In addition, the County WQMP is intended to protect, preserve, enhance, and restore water quality of receiving water bodies, which would be accomplished through an adaptive planning and management process. The process identifies high priority water quality conditions within the watershed and implements strategies to address them. The County WQMP also includes typical measures and design recommendation that are required for all projects. Accordingly, the co-permittees, including the City of Menifee work cooperatively to implement the requirements of the permitting process.

Riverside County Drainage Area Master Plan

The Riverside County Drainage Area Master Plan (DAMP) for the Santa Ana Region and the Riverside County's Water Quality Management Plan (RCWQMP) were developed to further address post-construction urban runoff from new development and significant redevelopment projects under the jurisdiction of the co-permittees. The DAMP is intended to provide guidelines for project-specific post-construction BMPs and for regional and sub-regional source control BMPs and structural BMPs to address management of urban runoff quantity and quality to protect receiving waters. The DAMP also illustrates the jurisdictions covered by the Riverside County RWQCB, each of which was issued a MS4 permit for their respective jurisdiction. The RCWQMP identifies the BMPs, including design criteria for treatment control BMPs that may be applicable when considering any map or permit for which discretionary approval is sought. Examples may include tentative tract maps, parcel maps with land-disturbing activity, conditional permits, and discretionary grading permits where the project is not part of a master plan of development.

The RCWQMP provides guidelines for the management of urban runoff quantity and quality and the protection of receiving waters through identification and implementation of source control and structural BMPs on a regional and sub-regional level. Design criteria for treatment control BMPs are also given for application on a project-level basis to minimize potential impacts of urban runoff.

Water Quality Control Plan, Santa Ana River Basin

The Water Quality Control Plan for the Santa Ana River Basin, updated in June 2019, establishes water quality standards for groundwater and surface water in the basin; that is, standards for both beneficial uses of specific water bodies and the water quality levels that must be maintained to protect those uses. The basin plan includes an implementation plan describing actions by the Santa Ana RWQCB and others needed to achieve and maintain the water quality standards. The Santa Ana RWQCB regulates waste discharges to minimize and control their effects on the quality of the region's groundwater and surface waters. The Basin Plan lists water quality problems for the region, along with causes, where they are known. Plans for improving water quality are included for water bodies with quality below the levels needed to enable all the beneficial uses of the water.

Part of the southeast corner of the City is in the territory of the San Diego RWQCB; however, discharges to municipal storm drains throughout the City of Menifee are regulated by the Santa Ana RWQCB.

Local

City of Menifee General Plan

Open Space & Conservation Element

The City of Menifee's Open Space & Conservation Element provides policy direction for Menifee's parks and open space areas, recreational trails, and the conservation, development, and utilization of the City's natural resources with an overall goal of maintaining the high quality of life Menifee residents have enjoyed for generations, while also preserving and protecting the numerous nonrenewable and unique cultural and historic resources located within the city.¹²

¹² City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*. Available at: <https://www.cityofmenifee.us/250/Open-Space-Conservation-Element>. (accessed January 2023).

Goals and policies from the Open Space & Conservation Element applicable to the Project include:

Goal OSC-7: **A reliable and safe water supply that effectively meets current and future user demands.**

Policy OCS-7.1 Work with the Eastern Municipal Water District to ensure that adequate, high-quality potable water supplies and infrastructure are provided to all development in the community.

Policy OCS-7.2 Encourage water conservation as a means of preserving water resources.

Policy OCS-7.8 Protect groundwater quality by decommissioning existing septic systems and establishing connections to sanitary sewer infrastructure.

4.9.4 **Impact Thresholds and Significance Criteria**

The CEQA Guidelines Appendix G Environmental Checklist Form, includes questions concerning hydrology and water quality. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. The Project would have a significant effect on the environment if it would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - Result in substantial erosion or siltation on- or off-site;
 - Substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site;
 - Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off;
 - Impede or redirect flood flows;
- In flood hazard, tsunami, or seiche zones, risk release or pollutants due to project inundation; or
- Conflict with or obstruct implementation of a water quality control plan or sustainable ground water management plan.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning hydrology and water quality. This analysis also considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid

or reduce the potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on hydrology and water quality examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on available information in public databases including local planning documents; a site evaluation of the Project site; review of Project maps and drawings; and analysis of aerial and ground-level photographs. The determination that a Project component would or would not result in "substantial" adverse effects on standards related to hydrology and water quality considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

Hydrological Analysis

Hydrologic calculations were performed in accordance with the RCFCWCD Hydrology Manual, dated April 1978. The Rational Method was utilized in determining peak flow rates. The hydrological parameters, including rainfall values and soil types were derived from the RCFCWCD Hydrology Manual as well. Rational Method calculations were performed using a computer program developed by CivilDesign Corporation and Joseph E. Bonadiman and Associates Inc. The computer program is commonly referred to as CivilD which incorporates the hydrological parameters outlined in the RCFCWCD Hydrology manual. The 10- and 100-year existing and proposed condition rational method results are included in **Appendix I1**.

Stormwater runoff from the site discharges to MDP Line A-14a before discharging directly to an engineered channel (MDP Line A). The engineered channel discharges to an adequate sump (San Jacinto River). Due to the fact that the downstream conveyance from the site is engineered and an MS4 facility, Hydrologic Conditions of Concern (HCOG) mitigation is not required. Therefore, a unit hydrograph analysis and routing is not required for the site.¹³

4.9.5 Impacts and Mitigation Measures

Impact 4.9-1 *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Level of Significance: Less than Significant with Mitigation Incorporated

¹³ Albert A Webb Associates. (2022). *Project Specific Water Quality Management Plan*.

Construction

Ground disturbing activities associated with Project construction may impact water quality due to sheet erosion of exposed soils and subsequent deposition of particulates in nearby drainages. Grading activities, in particular, lead to exposed areas of loose soil sediment stockpiles, that are susceptible to uncontrolled sheet flow. Although erosion occurs naturally in the environment, primarily from weathering by water and wind action, improperly managed construction activities can lead to substantially accelerated rates of erosion that are detrimental to the environment. Grading activities during construction would be typical of what is found in other warehousing development. Bare soils would be exposed, and stockpiles would be created. Fuels, lubricants, and solid and liquid wastes would be stored within active construction areas.

Although grading activities could potentially lead to accelerated rates of erosion, the Project is required to comply with the NPDES Construction General Permit, the water quality policies of the City's General Plan (GP), and the Riverside County DAMP, all which require the preparation and implementation of a SWPPP prior to the issuance of grading and building permits. The SWPPP shall identify site-specific construction BMPs to reduce or eliminate sediment and other pollutants in stormwater and non-stormwater runoff from the Project site. Construction BMPs would include, but not be limited to, the following:

- Minimization of disturbed areas to the portion of the Project site necessary for construction;
- Stabilization of exposed or stockpiled soils and cleared or graded slopes;
- Establishment of permanent re-vegetation or landscaping as early as is feasible;
- Removal of sediment from surface runoff before it leaves the Project site by silt fences or other similar devices around the site perimeter;
- Diversion of upstream runoff around disturbed areas of the Project site;
- Protection of all storm drain inlets on-site or downstream of the Project site to eliminate entry of sediment;
- Prevention of tracking soils and debris off-site through use of a gravel strip or wash facilities, which will be located at all construction exits from the Project site;
- Proper storage, use, and disposal of construction materials, such as solvents, wood, and gypsum; and
- Continual inspection and maintenance of all BMPs through the duration of construction.

BMPs are designed to control and prevent discharges of pollutants that can adversely impact the downstream surface water quality.

Buildout of the Project would include off-site road improvements which would involve grading and roadway construction equipment. These construction activities would not cause any long-term impacts to water quality standards in consideration of the above (NPDES permitting and associated SWPPP measures, including Mitigation Measure **(MM) HYD-1**).

Construction of the sewer service improvements and the off-site storm drains would not cause any significant water quality impacts. Construction would be temporary, gradually moving down the length of the roads as trenching occurs and then is backfilled and the roads are resurfaced. Off-site construction would utilize the same BMPs as the on-site construction, listed above. Per **MM HYD-2**, the Project Applicant shall prepare a Final Project-Specific WQMP with Operations and Maintenance (O&M) Plan which would identify Project-specific BMPs.

Construction activities would also be required to comply with the City's Stormwater/Urban Runoff Ordinance¹⁴, the City's Grading Ordinance¹⁵, and other required regulations. With the implementation of BMPs as described in the SWPPP, the required permits prior to grading, and implementation of the described mitigation measures, the Project would not violate water quality standards during construction and a less than significant impact would occur.

Operations

On-site runoff would sheet flow through the Project site through an extensive drainage plan utilizing ribbon gutters and a storm drain network system. On-site runoff would then drain from the south of the property to the open bioretention basin along the north side of the property. However, this basin is purely a water quality basin and does not provide any flow mitigation. Furthermore, off-site flows from the south of the property would be collected utilizing a series of v-gutters along the retaining wall located at the south end of the property, which would redirect the runoff to the proposed curb and gutter along Wheat Street and Byers Road. Runoff from street improvements along Wheat Street would be conveyed to a proposed catch basin located at the northwest corner of the property utilizing a curb and gutter system, and would eventually discharge on-site into the open bioretention basin. Runoff from street improvements along Byers Road would be conveyed to a proposed catch basin located at the northeast corner of the property utilizing a curb and gutter system, and would eventually discharge on-site into the open bioretention basin. Discharge from the open bioretention basin would flow directly to the proposed storm drain Line A-14a before reaching the San Jacinto River.

Typical stormwater-related pollutants of concerns for warehousing development include the following:

- Pesticides and herbicides and an increase in nutrients from fertilizers used for the landscaped areas;
- Trash/debris from the trash enclosures and break areas; and
- Fluids from vehicles (motor oil, transmission fluid, antifreeze, brank fluid, gasoline, etc.) spilled onto paved areas.

As previously mentioned, the Project would comply with the NPDES Permit, the City GP, and the DAMP, which require implementation of post-construction BMPs in accordance with the Water Quality Control Plan for the Santa Ana River Basin. In addition, the Santa Ana MS4 Permit requires the preparation of a project-specific WQMP for all development projects and, as such, a project-specific WQMP has been

¹⁴ City of Menifee. (2023). *Municipal Code Chapter 15.01, Stormwater/Urban runoff Ordinance*. Available at: <https://codelibrary.amlegal.com/codes/menifee/latest/overview>. (accessed January 2023).

¹⁵ City of Menifee. (2023). *Municipal Code. Chapter 8.26.060 Erosion Control Plan*. Available at: https://codelibrary.amlegal.com/codes/menifee/latest/menifee_ca/0-0-0-28708#JD_8.26.060. (accessed January 2023).

prepared for the Project. The Project-Specific WQMP (refer to **Appendix I2**) has incorporated combined low-impact development (LID) treatment, hydrologic control BMPs, and sediment supply BMPs. A final WQMP will be required to address BMP sizing and O&M plan.

The WQMP is intended to comply with the requirements of the City's Municipal Code Section 15.01, Storm Water/Urban Runoff, which includes the requirement for the preparation and implementation of a Project-Specific WQMP and has outlined all BMPs designed to meet water quality standards and mitigate any adverse impacts; see **MM HYD-2**. Therefore, impacts would be less than significant with mitigation incorporated.

Mitigation Measures

MM HYD-1: Prior to commencing grading, the Project Applicant shall comply with applicable construction water quality regulations including the NPDES General Construction Permit, which shall be obtained from the Regional Water Quality Control Board. This process requires that the applicant electronically submit Permit Registration Documents (PRDs) prior to commencement of construction activities in the Storm Water Multiple Application and Report Tracking System (SMARTS). PRDs consist of the NOI, Risk Assessment, Post-Construction Calculations, a Site Map, the SWPPP, a signed certification statement by the Legally Responsible Person, and the first annual fee.

The required Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the City of Menifee Engineering Department for review and approval, identifying specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall identify a practical sequence for BMP implementation, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements:

- A. Compliance with the requirements of the State of California's most current Construction Stormwater Permit.
- B. Temporary erosion control measures shall be implemented on all disturbed areas.
- C. Disturbed surfaces shall be treated with erosion control measures during the October 15 to April 15 rainy season.
- D. Sediment shall be retained on-site by a system of sediment basins, traps, or other BMPs.
- E. The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate discharge of materials to storm drains.
- F. BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by

actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the Santa Ana RWQCB to determine adequacy of the measure.

- G. In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the duration of construction.
- H. Prior to the issuance of the first grading permit, the Project Applicant shall submit the Final Tentative Parcel Map that includes the water quality BMPs for approval by the City of Menifee Engineer. The City of Menifee Engineer shall ensure that all applicable water quality standards are met before approving the SWPPP.

MM HYD-2:

The Project Applicant shall prepare a Final Project-Specific Water Quality Management Plan (WQMP) with O&M Plan for submittal together with the associated grading and improvement plans which must be approved prior to the issuance of a building or grading permit. These documents shall be prepared in accordance with applicable City (Menifee) and County (Riverside) water quality requirements, for review and approval by the City of Menifee Engineering Department, including the following:

- Site Design BMPs
- Source Control BMPs
- Treatment Control BMPs
- BMP Sizing
- Equivalent Treatment Control Alternatives
- Regionally-Based Treatment Control BMPs

O&M Responsibility for Treatment Control BMPs

Impact 4.9-2

Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Level of Significance: Less than Significant

Construction and Operations

As previously mentioned, the Project site overlies the San Jacinto Groundwater Basin. Groundwater was not encountered within any of the test borings drilled at the site. Based on the presence of shallow granitic bedrock and the lack of groundwater in the borings, it is estimated that the depth to high groundwater at the site is greater than about 50 feet below grade. Based on the results of the field exploration and review of site area geomorphology and geology, groundwater is not anticipated to adversely affect the proposed improvements.

The Project is within the service area of the EMWD and may be conditioned to construct on- and off-site water facilities needed to distribute water throughout the Project area. Based on current information and the assurance that the MWD is engaged in identifying solutions that, when combined with the rest of its supply portfolio, would ensure a reliable long-term water supply for its member agencies, the EMWD has determined that it will be able to provide adequate water supplies to meet the potable water demand for the Project as part of its existing and future demands. Considering current and projected water demand through the year 2045 in both normal, single, and multiple dry year scenarios, the EMWD has the ability to meet all of its member agencies, including the Project's projected supplemental demand through 2045, even under a repeat of historic multiple-year drought scenarios. The EMWD plans to supply new water demands in its service area, including the Project, through a combination of additional imported water purchases from MWD, as well as ongoing projects and programs expanding EMWD's local water supply portfolio.¹⁶ Therefore, new developments, including the Project, may be supplied with a combination of additional imported water and/ or projects and programs expanding EMWD's local supplies, including groundwater. The Project would not directly draw water from the groundwater basin. Accordingly, implementation of the Project in this regard would not substantially deplete or decrease groundwater supplies.

Although construction activities would introduce new impermeable surfaces to the Project site, the Project would include elements to reduce the effects of the new impervious areas pursuant to design measures in the Water Quality Management Plan (WQMP). These measures include, but are not limited to, LID BMPs and other stormwater drainage controls. LID BMPs have been incorporated into the site design to fully address all Drainage Management Areas (DMAs). No alternative compliance measures are required. The LIDs would be engineered to capture and control run-off prior to being released downstream. This would increase the duration that water is held on-site prior to being released to downstream receiving waters. This timed-release allows water to slowly infiltrate the ground and helps facilitate recharge. In addition, LIDs that include permeable materials, enable run-off to immediately infiltrate and begin the recharge process. Lastly, the Project site also includes areas that will be landscaped with permeable surfaces in accordance with EMWD's Water Efficient Guidelines for New Development, which also would facilitate groundwater recharge. Therefore, since the Project would include BMPs to assist with the recharge of groundwater with the required measures in place, the loss of the permeable area would not be substantial.

In conclusion, the Project would not substantially deplete groundwater supplies or substantially interfere with groundwater recharge, and a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

¹⁶ EMWD. (2022). *Water Supply Assessment Report*. (Appendix L)

Impact 4.9-3 *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?*

i) Result in substantial erosion or siltation on- or off-site?

Level of Significance: Less than Significant with Mitigation Incorporated

Construction and Operations

The existing drainage pattern for the site and the general area is characterized by sheet flow to the northeast towards Ethanac Road. The existing topography currently slopes to the northeast corner of the Project site and there is no existing storm drain inlets near the perimeter of the property and the surrounding streets are undeveloped.

The Project site was initially zoned to drain partially to Line A-15a and Line A-14a. However, the proposed site drainage pattern would direct all of the stormwater runoff from the site to Line A-14a. As such, only Line A-14a would be constructed as part of this project and sized to convey the additional flow since no part of the proposed development drains towards Line A-15a.

The Project would generate on-site and off-site flows. On-site runoff would sheet flow through the Project site utilizing ribbon gutters and storm network systems and drain from the south of the property to the northeast corner to the bioretention basin. The basin is purely a water quality basin and does not provide any flow mitigation. Off-site flows from the south of the property would be collected by v-gutters along the retaining wall at the south end of the property and redirect the runoff to the proposed curb and gutter along Wheat Street and Byers Road. Stormwater runoff from the street improvements along Wheat Street from the center line to the easterly curb and gutter would enter a proposed catch basin located at the northwest corner of the property before discharging on-site into the open bioretention basin. Stormwater from the street improvements along Byers Road from the center line to westerly curb and gutter would enter a proposed catch basin located at the northeast corner of the property before discharging on-site to the open bioretention basin. Runoff from the south half of the street improvements along Kuffel Road between Wheat Street and Byers Road would also flow to a catch basin at the northeast corner of the property before discharging on-site to the open bioretention basin. Discharge from the basin would flow directly to proposed storm drain Line A-14a of the Perris Valley MDP and discharge directly into Line A before reaching the San Jacinto River. In addition, due to the fact that the downstream conveyance from the site is engineered and an MS4 facility, the Project would not be subject to limits on the rate of stormwater flow leaving the site.

Additionally, an NPDES Construction Stormwater Permit shall be obtained and a SWPPP would be implemented to minimize soil erosion and siltation on and off the site; see **MM HYD-1**. BMPs as outlined in the WQMP (**Appendix I2**) would also be implemented during construction and operation of the site to minimize erosion and sedimentation (see **MM HYD-2**). In addition to the SWPPP and WQMP, the Project would comply with other applicable local and regional water quality requirements described in the Regulatory Setting discussion. The Project would include street improvements along the west, east, and north side of the property and mimic the existing drainage pattern. Overall drainage patterns would remain consistent, with flows directed to the Santa Ana Watershed Region, with water quality measures

applicable to the respective watershed. In consideration existing regulations, and with implementation of **MM HYD-1** and **MM HYD-2**, no significant impacts are anticipated.

Mitigation Measures

Refer to **MM HYD-1** and **MM HYD-2** above.

Impact 4.9-4 *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?*

ii) Substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?

Level of Significance: Less than Significant with Mitigation Incorporated

Construction and Operations

The Project site is within a Flood Boundary, identified as Zone X which indicates that the Project is located in a minimal flood hazard zone, which are areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood.¹⁷ Surface water on the Project site is the result of precipitation or possible run-off from surrounding areas.¹⁸ Zone X is determined to be outside of the 500-year flood and protected by levee from 100-year flood. Design features pursuant to the BMPs in the WQMP and SWPPP would be implemented to collect any excess runoff that may flow through the site. Implementation of the Project would introduce impervious surfaces on the site; therefore, increasing the amount and rate of surface runoff.

To address this concern, the Project Applicant prepared a Preliminary Drainage Study (**Appendix I1**) based on the RCFCWCD's Hydrology Manual criteria. The Preliminary Drainage Study shows that the proposed drainage improvements would adequately convey flows to the open bioretention basin and provide flood protection for the 100-year storm event. The Project's drainage has been designed to ensure that runoff flows leaving the site do not exceed existing conditions, thereby avoiding impacts to downstream facilities. Additionally, the Project would implement **MM HYD-3** which would require that the Project Applicant submit final grading and drainage plans for review and approval by the City and the EMWD, prior to issuance of any grading permit, to ensure that the Project does not result in increased flows off-site or otherwise significantly impact downstream drainage facilities. The drainage design would prevent flooding on- and off-site due to an increase in surface water runoff. Therefore, with proposed on-site and off-site improvements and implementation of **MM HYD-3**, the Project would not cause additional flooding or substantial runoff, exceed the capacity of existing drainage facilities, or impede or redirect flood flows such that on-site or off-site areas are significantly impacted. Impacts would be mitigated to a less than significant level. Water quality effects of the Project are addressed under Impact 4.9-1 above.

¹⁷ FEMA. (2020). *Flood Zones*. Available at: <https://www.fema.gov/glossary/flood-zones> (accessed January 2023).

¹⁸ Albert A Webb Associates. (2022). *Project Specific Water Quality Management Plan*. (**Appendix I2**).

Mitigation Measures

MM HYD-3: Prior to issuance of grading permits, the Project Applicant shall submit final grading plans for review and approval by the City of Menifee, including final drainage design plans supported by a final drainage study. The tract maps, grading plans, and final drainage study shall demonstrate compliance with applicable City and County drainage plans, policies, design guidelines and regulations including but not limited to City of Menifee Municipal Code Chapter 8.26 Grading Regulations.

Impact 4.9-5 *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?*

iii) Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

Level of Significance: Less Than Significant with Mitigation Incorporated

Construction and Operations

According to the PWQMP, the existing drainage pattern for the site and the general area is characterized by sheet flow to the northeast towards Ethanac Road. There are no existing storm drain inlets near the site perimeter and the surrounding streets are undeveloped. The Project would include street improvements along the north, east, and west sides of the site and mimic the existing drainage pattern.

As previously mentioned in Impact 4.9-1, on-site runoff would sheet flow through the Project site through an extensive drainage plan utilizing ribbon gutters and a storm drain network system. On-site runoff would then drain from the south of the property to the open bioretention basin along the north side of the property. However, this basin is purely a water quality basin and does not provide any flow mitigation. Furthermore, off-site flows from the south of the property would be collected utilizing a series of v-gutters along the retaining wall located at the south end of the property, which would redirect the runoff to the proposed curb and gutter along Wheat Street and Byers Road. Runoff from street improvements along Wheat Street would be conveyed to a proposed catch basin located at the northwest corner of the property utilizing a curb and gutter system and would eventually discharge on-site into the open bioretention basin. Runoff from street improvements along Byers Road would be conveyed to a proposed catch basin located at the northeast corner of the property utilizing a curb and gutter system and would eventually discharge on-site into the open bioretention basin. Discharge from the open bioretention basin would flow directly to the proposed storm drain line A-14a before reaching the San Jacinto River. The proposed drainage improvements would adequately convey flows to the water quality basin and provide flood protection for the 100-year storm event.

Pursuant to **MM HYD-1**, the Project site must comply with the requirements of the NPDES General Permit, which helps control water pollution by regulating point and non-point sources that discharge pollutants into receiving waters.

The Project would be required to obtain a General Construction Permit. The General Construction Permit requires implementation of a SWPPP, which would include BMPs designated to protect the quality of storm water run-off. Preparation, implementation, and participation with both the NPDES General Permit and the General Construction Permit, including the SWPPP and BMPs, would reduce the potential for storm water flows, and any potential contaminants contained within those flows, to be conveyed off-site during construction of the Project. As a result, short-term construction-related impacts associated with creating or contributing to run-off and additional sources of polluted run-off would be less than significant. Conformance with these requirements would be verified prior to any Project approval and included as conditions of approval to any future project. Additionally, **MM HYD-2**, the Project Applicant shall prepare a Final Project-Specific WQMP with Operations and Maintenance (O&M) Plan which would identify Project-specific BMPs.

As mandated by the RWQCB and through implementation of the SWQMP, the Project would include new storm water drainage system facilities that would be engineered, designed, and installed to satisfy all the water quality requirements. These measures would include maximizing natural infiltration practices and preserving existing drainage patterns; re-vegetating disturbed areas with landscaping; and minimizing unnecessary compaction of stormwater infiltration areas.

To ensure that the new storm water drainage improvements are planned and designed to satisfy these requirements as well as all other applicable standards and requirements, plans would be verified by the City and EMWD pursuant to **MM HYD-3**, prior to the issuance of any construction permit. Implementation of **MMs HYD-1** through **HYD-3** would ensure that impacts are minimized to a less than significant level.

Mitigation Measures

MMs HYD-1 through **MM HYD-3** apply.

Impact 4.9-6 ***Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?***

iv) Impede or redirect flood flows?

Level of Significance: Less than Significant Impact

Refer to the previous impact 4.9-4. The Project site is within a Flood Boundary, identified as Zone X which indicates that the Project is located in a minimal flood hazard zone. The Project Applicant would develop approximately 700,037 square feet (SF) of warehouse space (including office space) within one building on a total of 36.8 net acres with industrial uses and associated infrastructure that could change absorption rates, drainage patterns, and the rate and amount of surface water runoff that could impede or redirect flood flows. However, per the Project's Drainage Study, subsurface storm drains and associated inlets would be used to convey on-site flows to the water quality bioretention basin located along the north end of the property. Off-site runoff would be conveyed to the open bioretention basin as well. The Drainage Study conducted for the Project site concluded the proposed drainage improvements would adequately convey flows to the basin and provide flood protection for the 100-year storm event. The Drainage study also concluded the Project would not impact flooding conditions to upstream or downstream properties.

The Project is located within the Perris Valley MDP and the Santa Ana watershed area. On-site flows would discharge to proposed MDP Line A-14a along Ethanac Road, and discharge to existing MDP Line A before reaching the San Jacinto River. Additionally, off-site runoff would be collected on-site within the water quality basin before discharging to MDP Line A-14a. On-site flows generated by the Project would sheet flow through the Project site utilizing ribbon gutters and a storm drain network system. On-site runoff would drain from the south of the property to the northeast corner to the open bioretention basin along the north side of the property. The basin is purely a water quality basin and does not provide any flow mitigation. Off-site flows from the south side of the property would be collected by v-gutters along the retaining wall at the south end of the property and redirect the runoff to the proposed curb and gutter along Wheat Street and Byers Road. Stormwater runoff from the street improvements along Wheat Street from the center line to the easterly curb and gutter would enter a proposed catch basin located at the northwest corner of the property before discharging on-site into the open bioretention basin. Similarly, stormwater from the street improvements along Byers Road from the center line to westerly curb and gutter would enter a proposed catch basin located at the northeast corner of the property before discharging on-site to the open storage basin. Runoff from the south half of the street improvements along Kuffel Road between Wheat Street and Byers Road would also flow to a catch basin at the northeast corner of the property before discharging on site to the bioretention basin. Discharge from the basin would flow directly to proposed storm drain Line A-14a of the Perris Valley MDP and discharge directly into Line A before reaching the San Jacinto River.

Stormwater runoff from the site discharges to MDP line A-14a before discharging directly to an engineered channel (MDP Line A). The engineered channel discharges to an adequate sump (San Jacinto River). Due to the fact that the downstream conveyance from the Project site is engineered and an MS4 facility, HCOC mitigation is not required. Therefore, a less than significant impact would occur in regard to redirecting flood flows, and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.9-7 Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Level of Significance: Less than Significant with Mitigation Incorporated

Construction and Operations

The Project is inland and is not at risk for inundation due to a tsunami since it is more than 30 miles from the Pacific Ocean. The Project site is not within a seiche zone, since no large bodies of water border the Project site.

A review of the FEMA FIRMs was conducted to determine whether the Project site is largely located within a flood zone. According to Map No. 06065C2055H (effective 8/18/2014),¹⁹ the Project site is largely within

¹⁹ FEMA. (2020). *Flood Insurance Rate Map*. Available at: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-117.19036396779732,33.7418625623032,-117.18517121114374,33.744092920211955> (accessed January 2023).

a Flood Boundary, identified as Zone X which indicates that the Project is located in a minimal flood hazard zone, which are areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood.²⁰ As previously discussed, The West, East, and Saddle Dams of Diamond Valley Lake are located upstream from the City. However, the Project site is not located within a dam inundation zone for Diamond Valley Lake.²¹ Therefore the potential for inundation from dam failure would be considered low. Additionally, BMPs have been incorporated into the site design to fully address all DMAs. Along with the implementation of the proposed DMAs, runoff would be conveyed to a proposed bioretention basin, which would be provided at the north end of the property to detain on-site and off-site runoff. Overflow from the site would discharge directly to the constructed open channel north of Ethanac Road. The Project would implement BMP's and efficient design measures pursuant to the Project's WQMP and SWPPP (**MM HYD-1; MM HYD-2; MM HYD-3**), that includes, but is not limited to, the pretreatment of runoff through the proposed open bioretention basin. Therefore, the Project 's impacts regarding the risk of pollutants would be reduced to less than significant levels.

Mitigation Measures

MMs HYD-1 through MM HYD-3 apply.

Impact 4.9-8: *Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Level of Significance: Less than Significant Impact

Construction and Operations

As discussed in the Impacts above, the Project is located within the Perris Valley MDP and the Santa Ana River watershed area underlain by the San Jacinto Groundwater Basin. For groundwater management plan and reporting purposes, the San Jacinto Groundwater Basin is further separated into the Hemet/San Jacinto Management Plan Area, where the San Jacinto Fault Zone strongly influences the groundwater hydrology and is adjudicated under the Hemet-San Jacinto Watermaster, and the West San Jacinto Management Plan Area (submitted to the DWR on January 31, 2022), for which EMWD is the designated Groundwater Sustainability Agency (GSA). As discussed above, the Project's components are not anticipated to obstruct groundwater facilities as groundwater facilities are not planned by EMWD for this Project. Furthermore, it was concluded that the Project would not substantially deplete or decrease groundwater supplies or directly impact groundwater supplies. Thus, the Project would not conflict with the Hemet/San Jacinto Groundwater Management Plan or the West Jacinto Groundwater Basin Management Plan.

Mitigation Measures

No mitigation is necessary.

²⁰ FEMA. (2020). *Flood Zones*. Available at: <https://www.fema.gov/glossary/flood-zones> (accessed January 2023).

²¹ Department of Water Resources - Division of Safety of Dams. N.D. *Dam Breach Inundation Map*. Available at: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2 (accessed March 2023).

4.9.6 Cumulative Impacts

Cumulative impacts concerning hydrology and water quality could occur as existing uses and new development or redevelopment occurs within a specific watershed. This includes the Project and other past, present, and future projects. Due to the urbanized nature of the watershed, growth would consist of a mix of residential and non-residential development, consistent with past and present growth trends. Cumulative development in conjunction with the Project would result in the increase of impervious surfaces, and thus could generate an increase of run-off. Thus, cumulative development, including the Project, are required to develop SWPPPs and site specific WQMPs with BMPs to control erosions and stormwater run-off in accordance with all required water quality permits and the Water Quality Control Plans. This would minimize run-off, erosion, and storm water pollution, and Projects would be required to implement and maintain source controls, and treatment measures to minimize and prevent run-off increases that could potentially degrade water quality. As part of these requirements, projects would be required to implement and maintain sources controls, and treatment measures to minimize polluted discharge and prevent increases in run-off flows that could substantially decrease water quality. Complying with these measures would aid in minimizing runoff and stormwater pollutants. Therefore, related projects are not expected to cause substantial increases in storm water pollution. With compliance with State and local mandates, cumulative impacts would be less than significant. Furthermore, the Project would implement the BMPs discussed above in Impact 4.9-1, along with efficient design measures in accordance with all applicable federal, state, and local regulations. Therefore, the Project's impacts would not be cumulatively considerable.

4.9.7 Significant Unavoidable Impacts

No significant unavoidable hydrology and water quality impacts were identified.

4.9.8 References

Albert A. Webb Associates. 2022. *Preliminary Drainage Study*. (Appendix I1)

Albert A Webb Associates. 2022. *Project Specific Water Quality Management Plan*. (Appendix I2)

City of Menifee. (2013). General Plan Draft EIR; *Section 5.9, Hydrology and Water Quality*, Page 5.9-1.
Available at: <https://www.cityofmenifee.us/DocumentCenter/View/1109/Ch-05-09-HYD?bidId=>.

City of Menifee. (2023). *General Plan – Land Use Map*. Available at:
<https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---March-2023?bidId=>.

City of Menifee. (2023). *Municipal Code Chapter 15.01, Stormwater/Urban runoff Ordinance*. Available at:
<https://codelibrary.amlegal.com/codes/menifee/latest/overview>.

City of Menifee. (2023). *Municipal Code. Chapter 8.26.060 Erosion Control Plan*. Available at:
https://codelibrary.amlegal.com/codes/menifee/latest/menifee_ca/0-0-0-28708#JD_8.26.060.

Department of Water Resources - Division of Safety of Dams. N.D. *Dam Breach Inundation Map*. Available at: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2.

EMWD. (2022). *Water Supply Assessment Report*. (**Appendix L**).

FEMA. (2020). *Flood Insurance Rate Map*. Available at: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent=-117.19036396779732,33.7418625623032,-117.18517121114374,33.744092920211955> (accessed January 2023).

FEMA. (2020). *Flood Zones*. Available at: <https://www.fema.gov/glossary/flood-zones>.

4.10 LAND USE AND PLANNING

4.10.1 Introduction

This section of the Draft Environmental Impact Report (EIR) discusses the potential land use impacts associated with the implementation of the CADO Menifee Industrial Warehouse Project (Project). The existing land uses of the Project site and surrounding areas along with applicable regional and local regulations will be described in order to contextualize the Project’s potential to result in land use impacts. In the event that a potentially significant environmental impact is identified, mitigation measures would be proposed in order to reduce the impacts to less than significant levels.

4.10.2 Environmental Setting

Existing and Surrounding Land Uses

The Project is located within eight parcels in the northwestern portion of the City of Menifee (City). The Assessor’s Parcel Numbers (APNs) associated with the Project site are included in **Table 2-1**, and here in **Table 4.10-1: Assessor’s Parcel Numbers**.

Table 4.10-1: Assessor’s Parcel Numbers

Parcel	APN
1	330-190-002
2	330-190-003
3	330-190-004
4	330-190-005
5	330-190-010
6	330-190-011
7	330-190-012
8	330-190-013
Source: County of Riverside. (2023). <i>Map My County</i> . https://gis1.countyofriverside.us/Html5Viewer/index.html?viewer=MMC_Public_v11 (accessed August 2023).	

Existing land uses surrounding the Project site includes scattered existing rural residential homes and outbuildings, and vacant land. See **Table 2-2: Surrounding Land Uses** and here in **Table 4.10-2: Surrounding Land Uses**, for surrounding land uses as well as existing land use designations and zoning classifications.

Table 4.10-2: Surrounding Land Uses

Location	Existing Land Use	General Plan Land Use	Zoning Classification
North	Vacant undeveloped land Single-family residential Stormwater treatment basin	Economic Development Corridor-Northern Gateway EDC-NG	Economic Development Corridor-Northern Gateway EDC-NG
East	Vacant undeveloped land Single-family residential	Economic Development Corridor-Northern Gateway EDC-NG	Economic Development Corridor-Northern Gateway EDC-NG
South	Vacant undeveloped land Single-family residential	Economic Development Corridor-Northern Gateway EDC-NG	Economic Development Corridor-Northern Gateway EDC-NG
West	Vacant undeveloped land and Commercial Development	Economic Development Corridor-Northern Gateway EDC-NG	Economic Development Corridor-Northern Gateway EDC-NG

Sources: City of Menifee. (2023). *General Plan Land Use Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---March-2023?bidId=> (accessed August 2023).
City of Menifee. (2023). *Zoning Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map---March-2023?bidId=> (accessed August 2023).

The majority of the Project site consists of vacant, undeveloped land. There are also two existing single-family residences and associated out structures located on parcel 330-190-013. North of the Project site is Kuffel Road and existing land uses include existing rural residential homes and outbuildings. East of the Project site is Byers Road and existing land uses include vacant undeveloped land and a single-family residence with associated out structures. South of the Project site is Corsica Lane and vacant undeveloped land and a single-family residence with associated out structures. Lastly, west of the Project site is Wheat Street and beyond is a mix of vacant and developed land. Developed land includes a mix of single family residential, Carreon Automotive Repair and Tanzer German Shepherd Dogs. See **Exhibit 2-2: Local Vicinity Map** for existing Project site and surrounding land uses.

General Plan Land Use Designations and Zoning Classifications

The Project site's existing land use designation is Economic Development Corridor-Northern Gateway (EDC-NG) (see **Exhibit 2-3: Existing General Plan Land Use Designations**). The Menifee GP (GP) Land Use Map was amended March 23, 2023.¹ The Project site's existing zoning classifications is EDC-NG (see **Exhibit 2-4: Existing Zoning**). The City's Zoning Map was amended March 23, 2023.²

The EDC designation is intended to provide economic vitality and flexibility in land use options to promote economic development along the City's major corridors. The goal of the EDC is to provide and promote Economic Development Corridors that are visually distinctive and vibrant and combine commercial, industrial, residential, civic, cultural, and recreational uses. It is intended that the majority of the City's new development will be located in these areas, to promote infill development and to preserve the rural areas that are an integral part of the City's community character. The Northern Gateway (Ethanac Road) subarea is anticipated to develop as relatively intensive industrial uses and would require thoughtful

¹ City of Menifee. (2023). *General Plan Land Use Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---March-2023?bidId=> (accessed August 2023).

² City of Menifee. (2023). *Zoning Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map---March-2023?bidId=> (accessed August 2023).

buffering from adjacent land uses.³ The EDC-NG allow for the development of industrial and warehousing related uses which the proposed Project is consistent with.

4.10.3 Regulatory Setting

Regional

Southern California Association of Governments

Southern California Association of Governments (SCAG) is a council of governments representing Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial counties. SCAG is the Federally recognized Metropolitan Planning Organization (MPO) for this region. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under Federal and State law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the southern California region's MPO, SCAG cooperates with the South Coast Air Quality Management District, the California Department of Transportation, and other agencies in preparing regional planning documents. SCAG has developed the Regional Comprehensive Plan, the Regional Housing Needs Assessment, and the Regional Transportation Plan /Sustainability Communities Strategy (RTP/SCS).

2020-2045 Regional Transportation Plan/Sustainable Communities Strategies

SCAG's 2020-2045 RTP/SCS also referred to as the Connect SoCal, provides the long-range vision of the SCAG region. The RTP/SCS expands land use and transportation strategies established from previous cycles to increase mobility options and achieve a more sustainable growth pattern. The Connect SoCal contains plans and projections for the region's future, from 2020 through the horizon year of 2045. Like other RTP/SCS publications, the Connect SoCal provides a policy framework for preparing local plans and handling issues of regional significance, such as land use and housing, open space and biological habitats, water, energy, air quality, solid waste, transportation, security and emergency preparedness, economy, and education. Specifically, the plan also strives to achieve broader regional objectives, such as the preservation of natural lands, improvement of public health, increased roadway safety, support for the region's vital goods movement industries, and more efficient use of resources.

The Connect SoCal advances regional planning by incorporating an integrated approach between SCAG, State and local governments, transportation commissions, resources agencies and conservation groups, the private sector, and the general public.

Connect SoCal can be found here: <https://scag.ca.gov/read-plan-adopted-final-plan>.

Local

City of Menifee General Plan

³ City of Menifee. (2020). *General Plan Community Design Element*. Available at: <https://cityofmenifee.us/882/Community-Design-Element> (accessed August 2023).

The Menifee GP contains includes goals and policies intended to provide benefits to the City through long-range planning. The Menifee GP was adopted in 2013 to provide planning framework to guide the City's growth and development through 2030. The GP is comprised of the following elements: Land Use; Housing; Circulation; Open Space & Conservation; Community Design; Economic Development; Safety; and Noise. Goals and policies applicable to the Project are identified in **Table 4.10-4: City of Menifee General Plan Consistency**.

The Menifee GP can be found here: <https://www.cityofmenifee.us/221/General-Plan>.

City of Menifee Municipal Code

The City of Menifee Municipal Code (MC) Title 9: Planning and Zoning is the Menifee Development Code. The Menifee Development Code assists the Menifee GP by providing driving policies that reinforce the goals set by the GP. By complying with the standards set in the development code, the City will more efficiently achieve sustainable growth. This document outlines the City's guidelines and requirements for developments for each zoning type.

The Menifee MC can be found here: <https://codelibrary.amlegal.com/codes/menifee/latest/overview>.

4.10.4 Impact Thresholds and Significance Criteria

The State of California Environmental Quality Act (CEQA) Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the Project would have a significant environmental impact if one or more of the following occurs:

- Physically divide an established community or
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning land use and planning. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce a potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended to avoid or reduce the Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on land use and planning components examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on field observations conducted by Kimley-Horn; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in “significant” adverse effects on land use and planning standards considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project’s components.

4.10.5 Impacts and Mitigation Measures

Impact 4.10-1 Would the Project physically divide an established community?

Level of Significance: Less Than Significant

Construction and Operation

The Project site is zoned EDC-NG which allows for the development of industrial uses. The Project site includes existing mixed single residential structures and associated out buildings that would be demolished for the development of the proposed 700,037 square feet of industrial warehouse development with associated office space.

The Project would not physically divide an established community, because it would use existing owned parcels that are already inaccessible for pedestrian or vehicular through traffic. In addition, although residential uses will be demolished, these are intermixed with other vacant land. As a result, there is a substantial lack of geographic neighborhood cohesion. The Project would add no additional barriers than those that already exist (i.e., fencing throughout some of the homes and portions of the Project site). Therefore, impacts would be less than significant. The Project would not involve the removal of vital roadways or points of connection for residents but would improve Project area roadways.

Lastly, the Project’s proposed uses would be consistent with all applicable City General Plan goals and policies and specific development standards contained in the Menifee Municipal Code (Menifee MC). Therefore, impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.10-2 Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Level of Significance: Less Than Significant

Construction and Operation

Consistency with SCAG Connect SoCal Strategies

The Project has been designed to be compatible with the strategies proposed by SCAG in their Connect SoCal. These strategies were a collaborative effort between SCAG and local agencies with the intention of

not only managing regional growth, but also maximizing ecological health. **Table 4.10-3: Project Compatibility with SCAG Connect SoCal Strategies** below describes the Project's compatibility with the land use strategies proposed in SCAG's Connect SoCal.

Table 4.10-3: Project Compatibility with SCAG Connect SoCal Strategies

RTP/SCS Strategies ^[1]	Project Compatibility
Goal 1: Encourage regional economic prosperity and global competitiveness	Consistent: The City's GP Draft EIR accounted for the change of residential land use designations within the northern portions of the City to Economic Development Corridor (EDC), which was envisioned for nonresidential uses with residential uses playing a supporting role. The Project would be developed with warehouse uses and associated infrastructure in support of the EDC designation. Furthermore, the Project would provide both temporary and permanent jobs at a rate similar to the proposed growth in population within the City.
Goal 2: Improve mobility, accessibility, and travel safety for people and goods.	Consistent: The Project would include both on-site and off-site roadway improvements to Byers Road, Wheat Street, and Kuffel Road, that would improve mobility, accessibility, and travel safety for people and goods in the area. The proposed improvements to the City's roadways would not increase roadway/travel hazards. The Project's potential transportation-related impacts are further discussed in Section 4.13, Transportation of this Draft EIR.
Goal 3: Enhance the preservation, security, and resilience of the regional transportation system	Consistent: See response to Goal 2 above. The Project would provide roadway improvements in support on the preservation, security, and resilience of the City's roadway system.
Goal 4: Increase person and goods movement and travel choices within the transportation system.	Consistent: The Project proposes one warehouse building and associated infrastructure that would not diminish the movement of people but promote the movement of goods in an area considered rural.
Goal 5: Reduce greenhouse gas emissions and improve air quality	Consistent: The Project includes an analysis of the Project's potential greenhouse gas emissions, climate effects, and air quality impacts in Section 4.2, Air Quality and Section 4.7, Greenhouse Gas Emissions of this Draft EIR. The Project is located within an urban area in proximity to existing truck routes and freeways. Location of the Project is within a developed area and would reduce trip lengths. This would reduce GHG and air quality emissions.
Goal 6: Support healthy and equitable communities.	Consistent: Consistent with the Menifee GP Draft EIR conclusion, implementation of the Project would not divide established communities along these corridor areas but would help provide the community with a job source and additional income for the City which would ultimately support healthy and equitable communities. The Project would adhere to the policies outlined in the City's General Plan and specific development standards outlined in the Menifee MC.
Goal 7: Adapt to a changing climate and support an integrated regional development pattern and transportation network.	Consistent: As stated in response to Goal 5 above, the Project includes an analysis of the Project's potential risks in relation to climate change.

RTP/SCS Strategies ^[1]	Project Compatibility
Goal 8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	Consistent: The Project includes various off-site improvements that would improve the efficiency of the City’s existing roadway system and is further discussed in Section 4.13, Transportation of this Draft EIR.
Source: SCAG. (2020). <i>Connect SoCal</i> . Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176 (accessed August 2023).	

General Plan and Municipal Code Consistency Analysis

City of Menifee General Plan

The Menifee GP is the City’s long-term planning document that contains goals and policies to assist the future buildout of the City. A summary of the Project’s consistency with applicable goals and policies of Menifee GP is provided in **Table 4.10-4, Consistency with the City’s General Plan**.

Table 4.10-4: Consistency with the City’s General Plan

General Plan Goals/Policies	Project Consistency
LAND USE ELEMENT	
Goal LU-1: Land uses and building types that result in a community where residents at all stages of life, employers, workers, and visitors have a diversity of options of where they can live, work, shop, and recreate within Menifee.	
Policy LU-1.1: Concentrate growth in strategic locations to help preserve rural areas, create place and identity, provide infrastructure efficiently, and foster the use of transit options.	Consistent: The Project site’s existing land use designation is Economic Development Corridor-Northern Gateway (EDC-NG). The City’s GP envisions the EDC-NG as an industrial park area with more intensive industrial uses, the Project would be consistent with the City’s GP. ⁴
Policy LU-1.4: Preserve, protect, and enhance established rural, estate, and residential neighborhoods by providing sensitive and well-designed transitions (building design, landscape, etc.) between these neighborhoods and adjoining areas.	Consistent: The Project would include, but not be limited to, landscape screening and setbacks to screen the proposed building from nearby residential neighborhoods. The Project’s aesthetic-related impacts are discussed further in Section 4.1, Aesthetics .
Policy LU-1.6: Coordinate land use, infrastructure, and transportation planning and analysis with regional, county, and other local agencies to further regional and subregional goals for jobs-housing balance	Consistent: The Project would provide new jobs consistent with the rate of population/housing growth in support of the City’s job to housing ratio.
Policy LU-1.10: Buffer sensitive land uses, such as residences, schools, care facilities, and recreation areas from major air pollutant emission sources, including freeways, manufacturing, hazardous materials storage, and similar uses.	Consistent: The Project site’s existing land use designation is EDC-NG, which is intended to be an industrial park area, with more intensive industrial uses.
Goal LU-3: A full range of public utilities and related services that provide for the immediate and long-term needs of the community.	
Policy LU-3.3: Coordinate public infrastructure improvements through the City’s Capital Improvement Program.	Consistent: The Project’s proposed on- and off-site utility infrastructure improvements would be developed in accordance with the City’s Capital Improvement Program.

⁴ City of Menifee. (2023). General Plan Land Use Element. Page 24. Retrieved at: https://www.cityofmenifee.us/DocumentCenter/View/17714/FINAL_Land-Use-Element_11823?bidId= (accessed October 2023).

General Plan Goals/Policies	Project Consistency
Policy LU-3.4: Require that approval of new development be contingent upon the project's ability to secure appropriate infrastructure services	Consistent: As discussed in Section 4.15, Utilities and Service Systems , the Project would be adequately served by existing utilities and service systems.
Policy LU-3.5: Facilitate the shared use of right-of-way, transmission corridors, and other appropriate measures to minimize the visual impact of utilities infrastructure throughout Menifee.	Consistent: The Project would comply with the Menifee GP goals and policies listed in Section 4.1.3 as they pertain to aesthetics and scenic quality. Existing and proposed aerial utilities would be undergrounded as part of the Project, minimizing visual impacts from utilities infrastructure in this portion of City.
Policy LU-3.6: Locate site entries and storage bays to minimize conflicts with adjacent residential neighborhoods.	Consistent: The Project would include screening trees around the perimeter of the Project site to minimize conflicts with adjacent residential neighborhoods.
Policy LU-3.18: Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting roadway, commercial, agricultural, and industrial uses.	Consistent: The Project would incorporate, but not be limited to, landscape screening and setbacks to screen the proposed building from nearby residential neighborhoods.
Policy LU-4.1: Ensure that land use decisions within the March Air Reserve Base and Perris Valley Airport areas of influence are consistent with applicable Airport Land Use Compatibility Plans. Comply with State law regarding projects subject to review by the Riverside County Airport Land Use Commission (ALUC).	Consistent: The Project is located with Zone E influence area of the Perris Valley Airport. Thus, the Project would be consistent with the establishes policies applicable policies within the Airport Land Use Compatibility Plan (ALUCP) for the Perris Valley Airport planning area. The Project would be subject to review by the ALUC.
Policy LU-4.2: Ensure that development proposals within the March Air Reserve Base and Perris Valley Airport areas of influence fully comply with the permit procedures specified in Federal and State law, with the referral requirements of the Airport Land Use Commission (ALUC), and with the conditions of approval imposed or recommended by the Federal Aviation Administration and ALUC, such as land use compatibility criteria, including density, intensity, and coverage standards. This requirement in addition to all other City development review requirements.	Consistent: The Project would comply with all applicable permit procedures specified in Federal and State law with any conditions of approval imposed or recommended by the Federal Aviation Administration and ALUC, such as land use compatibility criteria, including density, intensity, and coverage standards in addition to all other City development review requirements.
CIRCULATION ELEMENT	
Goal C-1: A roadway network that meets the circulation needs of all residents, employees, and visitors to the City of Menifee.	
Policy C-1.1: Require roadways to: <ul style="list-style-type: none"> • Comply with federal, state, and local design and safety standards. • Meet the needs of multiple transportation modes and users. • Be compatible with the streetscape and surrounding land uses. • Be maintained in accordance with best practices. 	Consistent: All internal and external roadways would comply with all applicable federal, state, and local design and safety standards.
Policy C-1.5: Minimize idling times and vehicle miles traveled to conserve resources, protect air quality, and limit greenhouse gas emissions.	Consistent: Refer to Impact 4.13-2 that discusses the Project impacts on VMT. It is not anticipated for the Project to create a significant impact on VMT as the baseline project VMT per service population and the cumulative project VMT are both lower than the City threshold. Further, the Project would reduce VMT within

General Plan Goals/Policies	Project Consistency
	the City boundary under baseline and cumulative conditions. Therefore, the Project would have a less than significant impact on VMT.
Goal C-2: A bikeway and community pedestrian network that facilitates and encourages nonmotorized travel throughout the City of Menifee.	
Policy C-2.1: Require on- and off-street pathways to: <ul style="list-style-type: none">• Comply with federal, state, and local design and safety standards.• Meet the needs of multiple types of users (families, commuters, recreational beginners, exercise experts) and meet ADA standards and guidelines.• Be compatible with the streetscape and surrounding land uses. Be maintained in accordance with best practices.	Consistent: The Project is designed to enhance pedestrian access and circulation. The Project would provide sidewalks along the Project site perimeters. The proposed pedestrian facilities would meet the needs of multiple types of users, be Americans with Disabilities Act Standards compliant, and connect communities surrounding the Project site.
Policy C-2.2: Provide off-street multipurpose trails and on-street bike lanes as our primary paths of citywide travel, and explore the shared use of low-speed roadways for connectivity wherever it is safe to do so.	
Policy C-2.3: Require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, transit facilities, and other key destination points.	
Goal C-5: An efficient flow of goods through the city that maximizes economic benefits and minimizes negative impacts.	
Policy C-5.1: Designate and maintain a network of city truck routes that provides for the effective transport of goods while minimizing negative impacts on local circulation and noise-sensitive land uses.	Consistent: The Project could allow for the efficient flow of goods locally and regionally that maximizes the economic benefit of the City and region. The Project is also sited near Interstate 215 (I-215) and therefore, would provide easy access to and from the site.
Policy C-5.3: Support efforts to reduce/eliminate the negative environmental impacts of goods movement.	Consistent: The Project’s impacts are discussed through Section 4.1, Aesthetics through Section 4.15, Utilities and Service Systems Where feasible, mitigation measures are implemented to reduce potentially significant unavoidable impacts to less than significant levels.
COMMUNITY DESIGN ELEMENT	
Goal CD-3: Projects, developments, and public spaces that visually enhance the character of the community and are appropriately buffered from dissimilar land uses so that differences in type and intensity do not conflict.	
Policy CD-3.3: Minimize visual impacts of public and private facilities and support structures through sensitive site design and construction. This includes but is not limited to: appropriate placement of facilities; undergrounding, where possible; and aesthetic design (e.g., cell tower stealthing).	Consistent: Refer to Section 4.1, Aesthetics . Undergrounding of existing and proposed aerial utilities would be conducted. Design of the Project would be of neutral coloration and aesthetically pleasing. Landscaping would be incorporated throughout the Project site.
Policy CD-3.5: Design parking lots and structures to be functionally and visually integrated and connected; off-street parking lots should not dominate the street scene.	Consistent: The Project would comply with the Menifee GP goals and policies listed in Section 4.1.3 as they pertain to aesthetics and scenic quality. Parking, loading, trash and service areas shall be screened by structures or landscaping, consisting of trees, shrubs, walls, and fencing. Refer to the Conceptual Landscape Plan for further detail.

General Plan Goals/Policies	Project Consistency
Policy CD-3.8: Design retention/detention basins to be visually attractive and well-integrated with any associated project and with adjacent land uses.	Consistent: Refer to Section 4.9, Hydrology and Water Quality . To collect surface water and runoff from the impervious areas, an extensive drainage plan would be in place which includes ribbon gutters, subsurface storm drains, curb cuts, u-channels, and detention basins. The basins are designed to weaken the flow of post-development runoff to pre-development conditions, and have been designed to treat runoff for pollutants, pursuant to SWRCB regulations.
Policy CD-3.9: Utilize Crime Prevention through Environmental Design (CPTED) techniques and defensible space design concepts to enhance community safety.	Consistent: Refer to Section 4.12, Public Services . The Menifee Police Department (MPD) would be provided the opportunity to review the Project's design to verify that all feasible CPTED strategies are incorporated. CPTED is a way of designing the built environment to create a safer built environment. CPTED elements include the strategic use of nighttime security lighting, avoidance of landscaping and fencing that limit sightlines, and use of a single, clearly identifiable point of entry.
Policy CD-3.10: Employ design strategies and building materials that evoke a sense of quality and permanence.	Consistent: Refer to Section 4.1, Aesthetics . The Project would comply with the Menifee GP goals and policies listed in Section 4.1.3 as they pertain to aesthetics and scenic quality. Parking, loading, trash and service areas shall be screened by structures such as iron fencing and decorative walls, and landscaping consisting of trees, shrubs, and ground cover. Outside storage shall be screened with structures, screen walls, and landscaping. Landscaping shall be placed in a manner adjacent to the exterior boundaries of the area so that materials stored are screened from view. All new utilities shall be underground. All lighting, including spotlights, floodlights, electrical reflectors and other means of illumination for signs, structures, landscaping, parking, loading, unloading and similar areas shall be focused, directed, and arranged to prevent glare or direct illumination on streets or adjoining property.
Policy CD-3.14: Provide variations in color, texture, materials, articulation, and architectural treatments. Avoid long expanses of blank, monotonous walls or fences.	Consistent: Project development will consist of variations in color, texture, materials, articulation, and architectural treatments (refer to Architectural and Elevation Plans).
Policy CD-3.15: Require property owners to maintain structures and landscaping to high standards of design, health, and safety.	Consistent: Refer to the Project's Conceptual Landscape Plan, which incorporates a high standard of design, health and safety and for structures through the design review/discretionary City approval process. Improvements for signage, perimeter walls, fencing, pilaster, etc. shall be maintained by an owner's association or private owner(s).
Policy CD-3.16: Avoid use of long, blank walls in industrial developments by breaking them up with vertical and horizontal façade articulation achieved through stamping, colors, materials, modulation, and landscaping.	Consistent: Refer to Section 4.1, Aesthetics . The Project would comply with the Menifee GP goals and policies as they pertain to aesthetics and scenic quality. Project development will consist of variations in color, texture, materials, articulation, and architectural treatments

General Plan Goals/Policies	Project Consistency
	(refer to Architectural and Elevation Plans). Project development areas shall be screened by structures such as decorative walls, and landscaping consisting of trees, shrubs, and varying ground cover.
Policy CD-3.17: Encourage the use of creative landscape design to create visual interest and reduce conflicts between different land uses.	Consistent: Refer to the Project's Conceptual Landscape Plan. The Project site will consist of varying species of tree, flora, and shrubbery.
Policy CD-3.19: Design walls and fences that are well integrated in style with adjacent structures and terrain and utilize landscaping and vegetation materials to soften their appearance.	Consistent: . The Project fences and walls would be designed in accordance with applicable state and local regulations including, but not limited to the Menifee GP Policies and MC industrial design guidelines.
Policy CD-3.20: Avoid the blocking of public views by solid walls.	Consistent: Refer to Section 4.1: Aesthetics . The Project components would be designed in accordance with applicable state and local regulations including, but not limited to Menifee GP Policies and MC industrial design guidelines. This would ensure that the Project does not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Public views of the Project site would be obscured by screening trees, see Exhibit 2-7: Conceptual Landscape Plan for additional details.
<i>Goal CD-5: Economic Development Corridors that are visually distinctive and vibrant and combine commercial, industrial, residential, civic, cultural, and recreational uses.</i>	
Policy CD-5.4: Locate building access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity in the EDC areas where appropriate.	Consistent: The Project would be designed in compliance with this policy as the Project would provide and extend pedestrian facilities throughout the sites. These pedestrian facilities would also encourage bicycle transportation.
Policy CD-5.6: Orient building entrance toward the street and provide parking in the rear, when possible.	Consistent: The Project would be designed in compliance with this policy as Project sites entrances would be located along side streets.
Policy CD-5.8: Encourage adjacent commercial and industrial buildings to share open, landscaped, and/or hardscaped areas for visual relief, access, and outdoor employee gathering places.	Consistent: The Project would be designed in compliance with this policy as the Project proposes to include approximately 273,885 square feet of combined on-site and perimeter landscaping.
<i>Goal CD-6 Attractive landscaping, lighting, and signage that conveys a positive image of the community.</i>	
Policy CD-6.3: Require property owners to maintain the existing landscape on developed nonresidential sites and replace unhealthy or dead landscaping.	Consistent: Refer to the Project's Conceptual Landscape Plan. Improvements for signage, perimeter walls, fencing, pilaster, etc. shall be maintained by the association or private owner(s).
Policy CD-6.4: Require that lighting and fixtures be integrated with the design and layout of a project and that they provide a desirable level of security and illumination.	Consistent: Refer to Section 4.1, Aesthetics . The Project's lighting would be consistent with Menifee GP Policy CD-6.4 and MC Chapter 9.205, Lighting Standards which states that all lighting, including spotlights, floodlights, electrical reflectors, and other means of illumination for signs, structures, landscaping, parking, loading, unloading and similar areas shall be focused, directed, and arranged to prevent glare or direct illumination on streets or adjoining property.

General Plan Goals/Policies	Project Consistency
Policy CD-6.5: Limit light leakage and spillage that may interfere with the operations of the Palomar Observatory.	Consistent: Refer to Section 4.1, Aesthetics , Impact 4.1 4. Once operational, the buildings would use interior lighting and exterior security and parking lot lighting. Consistent with MC Chapter 9.205, Lighting Standards, all lighting, including spotlights, floodlights, electrical reflectors and other means of illumination for signs, structures, landscaping, parking, loading, unloading and similar areas shall be focused, directed, and arranged to prevent glare or direct illumination on streets or adjoining property.
OPEN SPACE AND CONSERVATION ELEMENT	
Goal OSC-4: Efficient and environmentally appropriate use and management of energy and mineral resources to ensure their availability for future generations.	
Policy OCS-4.1: Apply energy efficiency and conservation practices in land use, transportation demand management, and subdivision and building design.	Consistent: Refer to Section 4.5, Energy . The energy conservation policies and plans relevant to the Project include the California Title 24 energy standards and the CALGreen Building Code. The Project would be required to comply with these existing energy standards. Compliance with state and local energy efficiency standards would ensure that the Project meets all applicable energy conservation policies and regulations. As such, the Project would not conflict with applicable plans for renewable energy or energy efficiency. SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) (RTP/SCS), adopted in September 2020, integrates transportation, land use, and housing to meet GHG reduction targets set by CARB. The document establishes GHG emissions goals for automobiles and light-duty trucks, as well as an overall GHG target for the region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of SB 375. The Project would not conflict with the stated goals of the RTP/SCS. Potential impacts are considered less than significant.
Policy OCS-4.2: Evaluate public and private efforts to develop and operate alternative systems of energy production, including solar, wind, and fuel cell.	Consistent: Refer to Section 4.5, Energy .
Goal OSC-5: Archaeological, historical, and cultural resources are protected and integrated into the city's built environment.	
Policy OCS-5.1: Preserve and protect archaeological and historic resources and cultural sites, places, districts, structures, landforms, objects and native burial sites, traditional cultural landscapes and other features, consistent with state law and any laws, regulations or policies which may be adopted by the city to implement this goal and associated policies.	Consistent: The Project's impacts on cultural resources are analyzed within Section 4.4, Cultural Resources .
Policy OCS-5.3: Preserve sacred sites identified in consultation with the appropriate Native American tribes whose ancestral territories are within the city, such as Native American burial locations, by avoiding activities that would negatively impact the sites, while maintaining the confidentiality of the location and nature of the sacred site	Consistent: Pursuant to Assembly Bill (AB) 52, the City entered into consultation with applicable Native American tribes whose ancestral territories reside within or near the Project site. Refer to Section 4.14, Tribal Cultural Resources for more information.

General Plan Goals/Policies	Project Consistency
Policy OCS-5.4: Establish clear and responsible policies and best practices to identify, evaluate, and protect previously unknown archaeological, historic, and cultural resources, following applicable CEQA and NEPA procedures and in consultation with the appropriate Native American tribes who have ancestral lands within the city.	Consistent: The Project's impacts on cultural and tribal resources are analyzed within Section 4.4, Cultural Resources and 4.14, Tribal Cultural Resources, respectively..
Policy OCS-5.5: Develop clear policies regarding the preservation and avoidance of cultural resources located within the city, in consultation with the appropriate Native American tribes who have ancestral lands within the city.	Consistent: Refer to response to Policy OCS-5.3.
Goal OSC-7: A reliable and safe water supply that effectively meets current and future user demands.	
Policy OCS-7.1: Work with the Eastern Municipal Water District (EMWD) to ensure that adequate, high-quality potable water supplies and infrastructure are provided to all development in the community.	Consistent: The Project would receive potable water from EMWD. Section 4.15, Utilities and Service Systems determined that EMWD will have adequate supply to support the Project's water demand in conjunction with cumulative development. Refer to Section 4.15, Utilities and Service Systems for more information.
Policy OCS-7.2: Encourage water conservation as a means of preserving water resources.	Consistent: Refer to Section 4.9, Hydrology and Section 4.15, Utilities and Service Systems for more information. The Project would comply with the RCWQMP for the Santa Ana River Region of Riverside County, which would minimize impacts on receiving water quality by incorporating post-construction BMPs into Project design, including LID site design, hydromodification measures, source control, and treatment control. Implementation of the BMPs as PDFs would reduce the impacts of the Project to receiving water quality in both the construction and operation phases, encouraging the use of water conservation and preservation of the surrounding water resources.
Policy OCS-7.5: Utilize a wastewater collection, treatment, and disposal system that adequately serves the existing and long-term needs of the community.	Consistent: The Project includes wastewater, water, and sewer infrastructure improvements and connections in accordance with Policy OCS-7.5.
Policy OCS-7.8: Protect groundwater quality by decommissioning existing septic systems and establishing connections to sanitary sewer infrastructure.	Consistent: The Project would connect to the City's sewer system.
Goal OSC-8: Protected biological resources, especially sensitive and special status wildlife species and their natural habitats.	
Policy OCS-8.2: Support local and regional efforts to evaluate, acquire, and protect natural habitats for sensitive, threatened, and endangered species occurring in and around the city.	Consistent: The Project's impacts to biological resources are evaluated in Section 4.3, Biological Resources of this Draft EIR. Where necessary, mitigation measures are implemented to reduce impacts to less than significant levels.
Policy OCS-8.4: Support local and regional efforts to evaluate, acquire, and protect natural habitats for sensitive, threatened, and endangered species occurring in and around the city.	

General Plan Goals/Policies	Project Consistency
<p>Policy OCS-8.5: Recognize the impacts new development will have on the city's natural resources and identify ways to reduce these impacts.</p>	
<p>Goal OSC-9: Reduced impacts to air quality at the local level by minimizing pollution and particulate matter.</p>	
<p>Policy OCS-9.1: Meet state and federal clean air standards by minimizing particulate matter emissions from construction activities.</p>	<p>Consistent: The Project's impacts to air quality were evaluated in Section 4.2, Air Quality of this EIR. Where necessary, mitigation measures are implemented to reduce impacts to less than significant levels.</p>
<p>Policy OCS-9.2: Buffer sensitive land uses, such as residences, schools, care facilities, and recreation areas from major air pollutant emission sources, including freeways, manufacturing, hazardous materials storage, wastewater treatment, and similar uses.</p>	<p>Consistent: Refer to response to Goal OSC-9.1 above. Sensitive land uses surrounding the Project consist mostly of residential uses. The nearest sensitive receptors to the Project are single-family residential buildings located approximately 90 feet (27 meters) to the north of the Project site. Localized effects of on-site Project emissions on nearby receptors were found to be less than significant. The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standard. The ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations. Neither the SCAQMD nor any other air district currently have methodologies that would provide Lead Agencies and CEQA practitioners with a consistent, reliable, and meaningful analysis to correlate specific health impacts that may result from a proposed project's mass emissions. Information on health impacts related to exposure to ozone and particulate matter emissions can be found here: http://www.capcoa.org/health-effects/.</p>
<p>Policy OCS-9.3: Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.</p>	<p>Consistent: Refer to response to Goal OSC-9.1 above. Potential odor sources associated with the Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed Project's (long-term operational) uses. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the solid waste regulations. The Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances.</p>
<p>Policy OCS-9.5: Comply with the mandatory requirements of Title 24 Part 1 one of the California Building Standards Code (CALGreen) and Title 24 Part 6 Building and Energy Efficiency Standards.</p>	<p>Consistent: Refer to response to Goal OSC-9.1 above, and refer to Section 4.2, Air Quality, Section 4.5, Energy, and Section 4.7, Greenhouse Gas Emissions for how the Project is compliant with the mandatory requirements of</p>

General Plan Goals/Policies	Project Consistency
	<p>Title 24. The 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020. It should be noted that the analysis herein assumes compliance with the 2019 Title 24 Standards. It should be noted that the CEC anticipates that nonresidential buildings would use approximately 30 percent less energy compared to the prior code. As such, the CalEEMod defaults for Title 24 – Electricity and Lighting Energy were reduced by 30 percent in order to reflect consistency with the 2019 Title 24 standard. The Project would use energy from SCE, which have committed to diversify their portfolio of energy sources by increasing energy from wind and solar sources. No feature of the Project would interfere with implementation of SB 350. Additionally, the Project would be designed and constructed to implement the energy efficiency measures for new industrial developments and would include several measures designed to reduce energy consumption. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2022 California Green Building Code Standards that became effective January 1, 2020. Because the Project would be constructed after January 1, 2020, the 2019 CALGreen standards are applicable to the Project and require, among other items.</p>
SAFETY ELEMENT	
<i>Goal S-1: A community that is minimally impacted by seismic shaking and earthquake-induced or other geologic hazards.</i>	
<p>Policy S-1.1: Require all new habitable buildings and structures to be designed and built to be seismically resistant in accordance with the most recent California Building Code adopted by the City.</p>	<p>Consistent: The Project’s proposed buildings would be designed in accordance with the latest California Building Code which includes, but is not limited to, seismic-resistant design standards. Refer to Section 4.6, Geology and Soils for more information.</p>
<i>Goal S-2: A community that has used engineering solutions to reduce or eliminate the potential for injury, loss of life, property damage, and economic and social disruption caused by geologic hazards such as slope instability; compressible, collapsible, expansive or corrosive soils; and subsidence due to groundwater withdrawal.</i>	
<p>Policy S-2.1: Require all new developments to mitigate the geologic hazards that have the potential to impact habitable structures and other improvements.</p>	<p>Consistent: Section 4.6, Geology and Soils, analyzed existing seismic shaking and other geologic hazards and the Project’s effects on them. Project development would be required to comply with all applicable state and local design standards, regulations, goals, and policies. Refer to Section 4.6, for more information.</p>
<p>Policy S-2.2: Monitor the losses caused by geologic hazards to existing development and require studies to specifically address these issues, including the implementation of measures designed to mitigate these hazards, in all future developments in these areas</p>	<p>Consistent: Refer to Section 4.6, Geology and Soils, for more information. None of the Project characteristics would affect or influence the geotechnical hazards for off-site development and any cumulative development would be required to comply with the same applicable state and local design standards, regulations, goals, and policies. For these reasons, no significant cumulative geotechnical impacts would occur for the Project.</p>

General Plan Goals/Policies	Project Consistency
<p>Policy S-2.3: Minimize grading and modifications to the natural topography to prevent the potential for man-induced slope failures.</p>	<p>Consistent: Refer to Section 4.6, Geology and Soils, for more information. No major grading or excavation would be needed to substantially alter the slope of the site, create, or remove steep slopes, create retaining walls, or make other landform modifications. Nevertheless, grading and earthwork activities during construction would expose soils to potential short-term erosion by wind and water. During construction, the Project site would be required to comply with erosion and siltation control measures.</p>
<p>Goal S-3: A community that is minimally disrupted by flooding and inundation hazards.</p>	
<p>Policy S-3.1: Require that all new developments and redevelopments in areas susceptible to flooding (such as the 100-year floodplain and areas known to the City to flood during intense or prolonged rainfall events) incorporate mitigation measures designed to mitigate flood hazards.</p>	<p>Consistent: The Project would develop a stormwater management protection plan (SWPP) which includes Best Management Practices (BMPs) that would help minimize impacts from flooding hazards.</p>
<p>Goal S-4: A community that has effective fire mitigation and response measures in place, and as a result is minimally impacted by wildland and structure fires.</p>	
<p>Policy S-4.1: Require fire-resistant building construction materials, the use of vegetation control methods, and other construction and fire prevention features to reduce the hazard of wildland fire.</p>	<p>Consistent: Refer to Section 4.12, Public Services. The Project would include a minimum of fire safety and fire suppression features, including type of building construction, fire sprinklers, a fire hydrant system, and paved access.</p>
<p>Policy S-4.4: Review development proposals for impacts to fire facilities and compatibility with fire areas or mitigate.</p>	<p>Consistent: Station 7 is approximately 2.7 miles southwest of the Project site and Station 54 is approximately five miles northeast of the Project site. Stations 7 and 54 are the closest to the Project site. Based on the Project site's proximity to two existing fire stations, the Project would be served by fire protection services from these stations.</p> <p>Service response times provided by The Department of Forestry and Fire Protection (Cal Fire) concluded that the response times from these stations currently do not meet the City's 4-minute response time goal and therefore, fire protection services are currently inadequate to service the Project. However, payment of Development Impact Fees (DIF) constitutes adequate mitigation because through implementation of the DIF program, the City of Menifee collects DIF from development projects and is mandated to use the DIF funds to construct new fire and emergency service facilities. Additionally, the Project would be designed in accordance with the Menifee MC's fire safety and fire suppression features, including type of building construction, fire sprinklers, a fire hydrant system, and paved access. The proposed building would be of concrete tilt-up construction that contains a low fire hazard risk rating. Fire protection apparatus ingress and egress would be available via four driveways and the Project site's internal circulation (a 26-foot-wide fire lane with red curbs and signage per fire department standards) would allow fire apparatus access around the building. Overall, the</p>

General Plan Goals/Policies	Project Consistency
	<p>Project would receive adequate fire protection service and would not result in adverse physical impacts. Because no fire protection facilities exist on the Project site, development of the Project would not conflict with existing fire structures or require modification of fire protection facilities. Compliance with applicable local and state regulations would ensure that Project implementation would result in a less than significant impact to fire protection services. Therefore, the Project would be consistent with Policy S-4.4.</p>
Goal S-5: A community that has reduced the potential for hazardous materials contamination.	
<p>Policy S-5.1: Locate facilities involved in the production, use, storage, transport, or disposal of hazardous materials away from land uses that may be adversely impacted by such activities and areas susceptible to impacts or damage from a natural disaster.</p>	<p>Consistent: Refer to Section 4.8, Hazards and Hazardous Materials. Project construction would involve the use, storage, transport, and disposal of hazardous materials and would therefore be required to conform to existing laws and regulations.</p>
<p>Policy S-5.4: Ensure that all facilities that handle hazardous materials comply with federal and state laws pertaining to the management of hazardous wastes and materials.</p>	<p>Consistent: Refer to Section 4.8, Hazards and Hazardous Materials. Project construction would involve the use, storage, transport, and disposal of hazardous materials and would therefore be required to conform to existing laws and regulations. Compliance with applicable laws and regulations concerning hazardous materials (California Fire Code, OSHA, Construction Safety Orders § 1529 (pertaining to ACM) and § 1532.1 (pertaining to LBP) from Title 8 of the CCR and Part 61, Subpart M, of the CFR (pertaining to ACM), CCR Title 8 § 1529, etc.) would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, hazards to the public or the environment arising from the routine transport, use, or disposal of hazardous materials during Project construction would be less than significant. The Project may also involve transport, use, and disposal of hazardous materials; the specific substances and quantities of such materials are presently unknown. The use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the U.S. EPA, U.S. Department of Transportation, California OSHA, and the Riverside County Fire Protection District. Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Additionally, the Project would also be operated with strict adherence to all emergency response plan requirements set forth by the Riverside County Fire Protection District. Mandatory compliance with laws and regulations, would ensure that operational impacts would be less than significant.</p>

General Plan Goals/Policies	Project Consistency
<p>Policy S-5.5: Require facilities that handle hazardous materials to implement mitigation measures that reduce the risks associated with hazardous material production, storage, and disposal.</p>	<p>Consistent: Refer to response above and Section 4.8, Hazards and Hazardous Materials. Compliance with applicable laws and regulations concerning hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, hazards to the public or the environment arising from the routine transport, use, or disposal of hazardous materials during Project construction would be less than significant.</p>
NOISE ELEMENT	
Goal N-1: Noise-sensitive land uses are protected from excessive noise and vibration exposure.	
<p>Policy N-1.1: Assess the compatibility of proposed land uses with the noise environment when preparing, revising, or reviewing development project applications.</p>	<p>Consistent: The Project's noise-related impacts were evaluated in Section 4.11, Noise. An acoustical assessment was prepared for this Project to determine noise impacts associated with the Project's proposed short-term and long-term activities (see Appendix I).</p>
<p>Policy N-1.2: Require new projects to comply with the noise standards of local, regional, and state building code regulations, including but not limited to the city's Municipal Code, Title 24 of the California Code of Regulations, the California Green Building Code, and subdivision and development codes.</p>	<p>Consistent: The Project would comply with this policy.</p>
<p>Policy N-1.3: Require noise abatement measures to enforce compliance with any applicable regulatory mechanisms, including building codes and subdivision and zoning regulations, and ensure that the recommended mitigation measures are implemented.</p>	<p>Consistent: As applicable, the Project would implement noise abatement measures, consistent with this policy.</p>
<p>Policy N-1.7: Mitigate exterior and interior noises to the levels listed in the table below to the extent feasible, for stationary sources adjacent to sensitive receptors</p>	<p>Consistent: The Project would be required to adhere to the stationary source noise standards set within this policy.</p>
<p>Policy N-1.8: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state, and city noise standards and guidelines as a part of new development review.</p>	<p>Consistent: Refer to Section 4.11, Noise</p>
<p>Policy N-1.9: Limit the development of new noise-producing uses adjacent to noise-sensitive receptors and require that new noise-producing land uses are designed with adequate noise abatement measures.</p>	<p>Consistent: Refer to Section 4.11, Noise</p>
<p>Policy N-1.13: Require new development to minimize vibration impacts to adjacent uses during demolition and construction.</p>	<p>Consistent: Refer to Section 4.11, Noise.</p>
<p>Source: City of Menifee. (2013). <i>City of Menifee General Plan</i>. Retrieved from: https://www.cityofmenifee.us/221/General-Plan (accessed August 2023).</p>	

Consistency with City of Menifee Zoning

As stated in Section 4.10.2 above, the Project's existing General Plan land use designation and zoning designations are both EDC-NG. The Project's proposed land uses would be consistent with the EDC land use designation. In addition, the Project would be compliant with the City's Zoning designation for the

Project site. Furthermore, the Project would also be designed consistently with all applicable planning policies and design standards set within the Menifee MC.

Overall, the Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation and is anticipated to cause a less than significant impact without the need for mitigation.

Mitigation Measures

No mitigation is necessary.

4.10.6 Cumulative Impacts

For purposes of cumulative land use and planning impact analysis, cumulative impacts are considered for cumulative development according to the related projects; see **Table 3-1: Cumulative Projects List**. Those projects described in **Table 3-1** represent past, present, and potential future projects that could lead to cumulative impacts once combined with this Project. The geographic context for the land use and planning cumulative impact analysis includes the jurisdiction of local and regional agencies including the City, County of Riverside, and SCAG.

Implementation of the Project, when considered in conjunction with other existing and planned developments listed in **Table 3-1**, would result in the development of warehouse uses and associated infrastructure and off-site improvements. The Project would be compatible with existing land use and zoning designations and would not conflict with applicable plans or policies. Future cumulative development, like the proposed Project, would be required to be reviewed for consistency with adopted planning documents and policies associated with the previously listed agencies, in accordance with the requirements of CEQA, the California Zoning and Planning Law, and the California Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development.

Overall, the cumulative impact of the Project with respect to future development will not be cumulatively considerable and is, therefore, less than significant.

4.10.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.10.8 References

City of Menifee. (2020). *General Plan Community Design Element*. Available at:

<https://cityofmenifee.us/882/Community-Design-Element>

City of Menifee. (2023). *General Plan Land Use Map*. Retrieved at:

<https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---March-2023?bidId=>

City of Menifee. (2023). *Zoning Map*. Retrieved at:

<https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map---March-2023?bidId=>

County of Riverside. (2023). *Map My County*.

https://gis1.countyofriverside.us/Html5Viewer/index.html?viewer=MMC_Public_v11

SCAG. (2020). *Connect SoCal*. Available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal-plan_0.pdf?1606001176

4.11 NOISE

4.11.1 Introduction

The section of the Draft Environmental Impact Report (EIR) discusses potential noise impacts associated with the development and implementation of the CADO Menifee Industrial Warehouse Project (Project). This section identifies existing conditions in the Project area and evaluates the Project's potential to generate a substantial temporary or permanent increase in ambient noise; generate groundborne vibration or noise; or, if located in the vicinity of an airport, expose people to excessive noise levels. In the case where impacts were found to be potentially significant, mitigation will be proposed to reduce their significance. The current conditions were observed as the baseline for the analysis along with relevant federal, state, and local noise regulations.

This analysis is based primarily on the following technical report in **Appendix J, Acoustical Assessment**.

- Kimley-Horn and Associates. (2024). *Acoustical Assessment*.

Sound and Environmental Noise

Acoustics is the science of sound. Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a medium (e.g., air) to human (or animal) ear. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is defined as loud, unexpected, or annoying sound. In acoustics, the fundamental model consists of a noise source, a receptor, and the propagation path between the two. The loudness of the noise source, obstructions, or atmospheric factors affecting the propagation path, determine the perceived sound level and noise characteristics at the receptor. Acoustics deal primarily with the propagation and control of sound. A typical noise environment consists of a base of steady background noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to continuous noise from traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large range of numbers. To avoid this, the decibel (dB) scale was devised. The dB scale uses the hearing threshold of 20 micropascals (μPa) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels correspond closely to human perception of relative loudness. **Table 4.11-1, Typical Noise Levels** provides typical noise levels.

Table 4.11-1: Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	– 110 –	Rock Band
Jet fly-over at 1,000 feet		
	– 100 –	
Gas lawnmower at 3 feet		
	– 90 –	
Diesel truck at 50 feet at 50 miles per hour		Food blender at 3 feet
	– 80 –	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawnmower, 100 feet	– 70 –	Vacuum cleaner at 10 feet
Commercial area		Normal Speech at 3 feet
Heavy traffic at 300 feet	– 60 –	
		Large business office
Quiet urban daytime	– 50 –	Dishwasher in next room
Quiet urban nighttime	– 40 –	Theater, large conference room (background)
Quiet suburban nighttime		
	– 30 –	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	– 20 –	
		Broadcast/recording studio
	– 10 –	
Lowest threshold of human hearing	– 0 –	Lowest threshold of human hearing

Source: Kimley-Horn and Associates. (2022). *Acoustical Assessment*. Page 6 - Table 1

Noise Descriptors

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The equivalent noise level (L_{eq}) represents the continuous sound pressure level over the measurement period, while the day-night noise level (L_{dn}) and Community Equivalent Noise Level (CNEL) are measures of energy average during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m. Most commonly, environmental sounds are described in terms of L_{eq} that has the same acoustical energy as the summation of all the time-varying events. Each is applicable to this analysis and defined in **Table 4.11-2, Definitions of Acoustical Terms**.

Table 4.11-2: Definitions of Acoustical Terms.

Term	Definitions
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in μPa (or 20 micronewtons per square meter), where 1 pascals is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in dB as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 μPa). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.

Term	Definitions
A-Weighted Sound Level (dBA)	The sound pressure level in dB is measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level (L_{eq})	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Maximum Noise Level (L_{max}) Minimum Noise Level (L_{min})	The maximum and minimum dBA during the measurement period.
Exceeded Noise Levels (L_{01} , L_{10} , L_{50} , L_{90})	The dBA values that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day-Night Noise Level (L_{dn})	A 24-hour average L_{eq} with a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity at nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn} .
Community Noise Equivalent Level (CNEL)	A 24-hour average L_{eq} with a 5 dBA weighting during the hours of 7:00 a.m. to 10:00 a.m. and a 10 dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 7 - Table 2	

The dBA sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source.

Noise Descriptors

The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic dB is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than one source under the same conditions. Under the dB scale, three sources of equal loudness together would produce an increase of 5 dBA.

Sound Propagation and Attenuation

Sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern. Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics. No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. For line sources, an overall attenuation rate of 3 dB per doubling of distance is assumed.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The way older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted:

- Except in carefully controlled laboratory experiments, a 1-dBA change cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a barely perceivable difference.
- A minimum 5-dBA change is required before any noticeable change in community response would be expected. A 5-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance. Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. A noise level of about 55 dBA L_{dn} is the threshold at which a substantial percentage of people begin to report annoyance.¹

Groundborne Vibration

Sources of groundborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Table 4.11-3, Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations, shows the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

¹ Kimley-Horn and Associates. (2022). *Acoustical Assessment*. p. 10.

Table 4.11-3: Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibrations

Maximum PPV (in/sec)	Vibration Annoyance Potential Criteria	Vibration Damage Potential Threshold Criteria	FTA Vibration Damage Criteria
0.008	--	Extremely fragile historic buildings, ruins, ancient monuments	--
0.01	Barely Perceptible	--	--
0.04	Distinctly Perceptible	--	--
0.1	Strongly Perceptible	Fragile buildings	--
0.12	--	--	Buildings extremely susceptible to vibration damage
0.2	--	--	Non-engineered timber and masonry buildings
0.25	--	Historic and some old buildings	--
0.3	--	Older residential structures	Engineered concrete and masonry (no plaster)
0.4	Severe	--	--
0.5	--	New residential structures, Modern industrial/commercial buildings	Reinforced-concrete, steel or timber (no plaster)
PPV = peak particle velocity; in/sec = inches per second; FTA = Federal Transit Administration			
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 10 - Table 3			

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for groundborne vibration are planes, trains, and construction activities such as earth-moving which requires the use of heavy-duty earth moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

4.11.2 Environmental Setting

Existing Conditions

The City is impacted by various noise sources. Mobile sources of noise, especially cars, trucks, and trains are the most common and significant sources of noise. Other noise sources are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise.

Existing Noise Sources

Existing roadway noise levels were calculated for the roadway segments in the Project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the Project Traffic Impact Analysis (refer to **Appendix K1**). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by the California Department of Transportation (Caltrans). The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels.

The average daily noise levels along roadway segments in proximity to the Project site are included in **Table 4.11-4, Existing Traffic Noise Levels**. **Table 4.11-4** shows the existing traffic-generated noise level on Project-vicinity roadways currently ranges from 54.86 dBA CNEL to 66.73 dBA CNEL 100 feet from the

centerline. As previously described, CNEL is 24-hour average noise level with a 5 dBA “weighting” during the hours of 7:00 p.m. to 10:00 p.m. and a 10 dBA “weighting” added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Table 4.11-4: Existing Traffic Noise Levels

Roadway Segment		ADT	dBA CNEL 100 Feet from Roadway Centerline
Case Road	Goetz Road to Murrieta Road	7,642	61.93
	Murrieta Road to Mapes Road	5,815	60.75
Goetz Road	Case Road to Mapes Road	7,669	61.06
	Mapes Road to Ethanac Road	11,487	62.66
Murrieta Road	Case Road to Ethanac Road	2,521	54.86
	Ethanac Road to Rouse Road	7,947	59.89
	Chambers Avenue to McCall Blvd.	7,587	59.68
Ethanac Road	Goetz Road to Wheat Street	14,349	63.65
	Wheat Street to Murrieta Road	14,391	63.64
	Murrieta Road to Evans Road	17,715	64.91
	Case Road to I-215 SB Ramps	25,161	66.73
	I-215 SB Ramps to I-215 NB Ramps	18,907	65.26
	I-215 NB Ramps to Trumble Road	14,139	64.10
McLaughlin Road	Byers Road to Murrieta Road	N/A	N/A
	Murrieta Road to Evans Road	N/A	N/A
Byers Road	Ethanac Road to McLaughlin Road	N/A	N/A
Wheat Road	Ethanac Road to McLaughlin Road	N/A	57.45
McCall Blvd.	Murrieta Road to Sun City Blvd.	8,375	62.78
	Bradley Road to I-215 SB Ramps	28,352	62.58
	I-215 SB Ramps to I-215 NB Ramps	27,453	62.62
	I-215 NB Ramps to Encanto Drive	27,638	61.93
ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level; N/A = data not available; SB = Southbound; NB = Northbound			
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 18 - Table 6.			

Stationary Sources

The nearest source of stationary noise in the Project vicinity would come from existing single-family residential properties scattered around the Project site. Noise sources from residential uses typically include mechanical equipment such as heating ventilation and air conditioning (HVAC), automobile related noise such as cars starting and doors slamming, and landscaping equipment. The noise associated with these sources may represent a single-event noise occurrence or short-term noise.

Noise Measurements

The Project applicant proposes the development of approximately 700,037 SF of industrial warehouse space (including office space) within one building on a total of 36.8 net acres. The Project would include 393 automobile parking spaces and 221 truck trailer parking spaces. To quantify existing ambient noise levels in the Project area, Kimley-Horn conducted four short-term noise measurements; refer to Appendix A of **Appendix J** for more information. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the Project site. The 10-minute measurements were taken between 8:40 a.m. and 9:40 a.m. on Wednesday, September 7, 2022. Measurements of L_{eq} are considered representative of the noise levels throughout the day. The average noise levels and sources of noise measured at each location are listed in **Table 4.11-5, Existing Noise Measurements** and shown on **Exhibit 4.11-1, Noise Measurement Locations**.



Source: Kimley-Horn and Associates, (2023). Acoustical Assessment

Exhibit 4.11-1: Noise Measurement Locations
City of Menifee
CADO Menifee Industrial Warehouse Project



Not to Scale

Kimley»Horn

Table 4.11-5: Existing Noise Measurements

Site	Location ¹	Measurement Period	Duration	Leq (dBA)
ST-1	Corner of Byers Road and Ethanac Road, northeast of Project site.	8:40 – 8:50 a.m.	10 Minutes	57.2
ST-2	Kuffel Road, north of Project site.	8:56 – 9:06 a.m.	10 Minutes	46.5
ST-3	Wheat Street, near Aaron Alan Drive intersection, west of Project site	9:11 – 9:21 a.m.	10 Minutes	48.4
ST-4	Byers Road, east of Project site.	9:30 – 9:40 a.m.	10 Minutes	44.4
1. Noise monitoring locations were selected to represent the ambient conditions at sensitive receptors in the vicinity of the Project site.				
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 18 – Table 7				

Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise sensitive uses typically include residences, hospitals, schools, childcare facilities, and places of assembly. Vibration sensitive receivers are generally similar to noise sensitive receivers but may also include businesses, such as research facilities and laboratories that use vibration-sensitive equipment. The Project site is surrounded by vacant/undeveloped, agriculture, and scattered residential land uses to the west, south, and east. North of the Project is primarily residential. Sensitive land uses nearest to the Project are shown in **Table 4.11-6, Sensitive Receptors**.

Table 4.11-6: Sensitive Receptors

Receptor Description	Distance and Direction from the Project	Description
Single-family Residences	90 feet to the north	Houses along north side of Kuffel Road, between Wheat Street and Byers Road
Single-family Residences	100 feet to the west	Houses along west side of Wheat Street, between Kuffel Road and Corsica Lane
Single-family Residence	100 feet to the east	House along east side of Byers Road, between Kuffel Road and Corsica Lane
Single-family Residence	180 feet to the south	House along north side of Corsica Lane, between Wheat Street and Byers Road
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 20 - Table 8		

4.11.3 Regulatory Setting

To limit population exposure to physically or psychologically damaging as well as intrusive noise levels, the Federal government, the State of California, various county governments, and most municipalities in the state have established standards and ordinances to control noise.

Federal

Federal Transit Administration Noise and Vibration Guidance

The Federal Transit Administration (FTA) has published the Transit Noise and Vibration Impact Assessment report to provide guidance on procedures for assessing impacts at different stages of transit project development. The report covers both construction and operational noise impacts and describes a range of measures for controlling excessive noise and vibration. The specified noise criteria are an earlier version of the criteria provided by the Federal Railroad Administration's High-Speed Ground Transportation Noise and Vibration Impact Assessment. In general, the primary concern regarding vibration relates to potential

damage from construction. The guidance document establishes criteria for evaluating the potential for damage for various structural categories from vibration.

State

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 CNEL and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

California Building Code - Title 24, Part 2

The State’s noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, hotel rooms, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings and habitable rooms (including hotels), the acceptable interior noise limit for new construction is 45 dBA CNEL.

Local

City of Menifee General Plan

Noise Element²

The City of Menifee General Plan (City GP) Noise Element contains the following goals and policies that address noise:

- | | |
|----------------------|--|
| Goal N-1 | Noise-sensitive land uses are protected from excessive noise and vibration exposure. |
| Policy N-1.1: | Assess the compatibility of proposed land uses with the noise environment when preparing, revising, or reviewing development project applications. |
| Policy N-1.2: | Require new projects to comply with the noise standards of local, regional, and state building code regulations, including but not limited to the city's Municipal Code, Title |

² City of Menifee. (2013). *Menifee General Plan Noise Element*. Available at: <https://www.cityofmenifee.us/901/Noise-Element> (accessed August 2023).

24 of the California Code of Regulations, the California Green Building Code, and subdivision and development codes.

Policy N-1.3: Require noise abatement measures to enforce compliance with any applicable regulatory mechanisms, including building codes and subdivision and zoning regulations, and ensure that the recommended mitigation measures are implemented.

Policy N-1.7: Mitigate exterior and interior noises to the levels listed in the table below to the extent feasible, for stationary sources adjacent to sensitive receptors:

Land Use (Residential)	Interior Standards	Exterior Standards
10 p.m. - 7 a.m.	40 Leq (10 minute)	45 Leq (10 minute)
7 a.m. - 10 p.m.	55 Leq (10 minute)	65 Leq (10 minute)
Source: <i>ibid.</i>		

Policy N-1.8: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state, and city noise standards and guidelines as a part of new development review.

Policy N-1.9: Limit the development of new noise-producing uses adjacent to noise-sensitive receptors and require that new noise-producing land be are designed with adequate noise abatement measures.



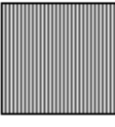

Policy N-1.13: Require new development to minimize vibration impacts to adjacent uses during demolition and construction.

Land Use Compatibility

The noise criteria identified in the City of Menifee Noise Element are guidelines to evaluate the land use compatibility of transportation related noise. The compatibility criteria, shown on **Table 4.11-7, Land Use Compatibility for Community Noise Environments**, provides the City with a planning tool to gauge the compatibility of land uses relative to existing and future exterior noise levels. The Land Use Compatibility for Community Noise Exposure matrix describes categories of compatibility and not specific noise standards.

Table 4.11-7: Land Use Compatibility for Community Noise Environments

Land Uses	CNEL (dBA)					
	55	60	65	70	75	80
Residential-Low Density Single Family, Duplex, Mobile Homes						
Residential- Multiple Family						
Transient Lodging, Motels, Hotels						
Schools, Libraries, Churches, Hospitals, Nursing Homes						
Auditoriums, Concert Halls, Amphitheaters						
Sports Arena, Outdoor Spectator Sports						
Playgrounds, Neighborhood Parks						
Golf Courses, Riding Stables, Water Recreation, Cemeteries						
Office Buildings, Businesses, Commercial and Professional						
Industrial, Manufacturing, Utilities, Agricultural						

	Normally Acceptable: Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.		Normally Unacceptable: New construction or development should generally be discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and the needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.		Clearly Unacceptable: New construction or development generally should not be undertaken.

Source: Kimley-Horn and Associates. (2022). *Acoustical Assessment*. Page 14 - Table 5.

City of Menifee Municipal Code

The Menifee Municipal Code establishes the following noise provisions relative to the Project:³

- All construction activities shall adhere to Menifee MC Section 8.01.010, which requires projects within one-fourth mile from an occupied residence to operate Monday through Saturday, except nationally recognized holidays, from 6:30 a.m. to 7:00 p.m. and prohibits construction from occurring on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer. Compliance with City of Menifee Municipal Code Section 8.01.010 would reduce construction-related noise impacts.
- Menifee MC Section 9.210.070 discusses the vibration levels for site development: All uses shall be so operated so as not to generate vibration discernible without instruments by the average person while on or beyond the lot upon which the sources is located or within an adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains and temporary construction is exempted from this standard.⁴

City of Menifee Design Guidelines – Appendix A: Industrial Good Neighbor Policies⁵

According to the City’s Design Guidelines, the purpose of the Good Neighbor Policies (Policies) is to provide local government and developers with ways to address environmental and neighborhood compatibility issues associated with permitting warehouse, logistics and distribution facilities. The Policies were designed to promote economic vitality and sustainability of businesses, while still protecting the general health, safety, and welfare of the public and sensitive receptors within the City of Menifee. Sensitive receptors include residential neighborhoods, schools, public parks, playgrounds, day care centers, nursing homes, hospitals, and other public places where residents are most likely to spend time.

The intent of the City of Menifee’s Good Neighbor Policies, in siting new warehouse, logistics and distribution uses, include:

1. Minimize impacts to sensitive uses
2. Protect public health, safety, and welfare by regulating the design, location and operation of facilities
3. Protect neighborhood character of adjacent communities

The Policies apply to all new warehouse, logistics and distribution facilities (“industrial uses”), excluding pending applications that have been deemed complete as the effective day of this policy, that include any building larger than 100,000 square feet in size or any sized building with more than 10 loading bays (dock high). There are general performance standards, as well as site design, access and layout standards,

³ City of Menifee. (2023). *City of Menifee Municipal Code*. Available at: <https://codelibrary.amlegal.com/codes/menifee/latest/overview> (accessed August 2023).

⁴ City of Menifee. (2023). Development Code Section 9.210.070 Vibrations. Available at: <https://online.encodeplus.com/regs/menifee-ca/doc-viewer.aspx?secid=1550&keywords=noise%27s%2Cnoised%2Cnoises%27%2Cnoising%2Cnoise#secid-1551> (accessed August 2023).

⁵ City of Menifee. (2022). *Design Guidelines*. Available at: https://www.cityofmenifee.us/DocumentCenter/View/14902/Design-Guidelines_Amended-March-2-2022?bidId= (accessed August 2023).

signage and information standards, and environmental considerations, including air quality and noise and traffic. The Project would comply with the Policies below specifically relating to noise:

- Use of perimeter walls, buildings, and/or enhanced landscaping to reduce noise impacts as appropriate.
- If a public address (PA) system is being used in conjunction with an industrial use, the PA system shall be oriented away from sensitive receptors and the volume set at a level not readily audible past the property line.
- Prepare a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations to minimize impacts to sensitive receptors.

4.11.4 Impact Thresholds and Significance Criteria

Based upon the criteria derived from Appendix G of the CEQA Guidelines, a project normally would have a significant effect on the environment if it would:

- Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Result in the generation of excessive groundborne vibration or groundborne noise levels; or
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

Methodology

Construction

Construction noise levels were based on typical noise levels generated by construction equipment published by the Federal Transit Administration (FTA) and the FHWA. Construction noise is assessed in dBA L_{eq} . This unit is appropriate because L_{eq} can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period.

Construction noise modeling was conducted using the FHWA Roadway Construction Noise Model (RCNM). Reference noise levels are used to estimate operational noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). The City of Menifee's General Plan and Municipal Code does not establish maximum numerical construction noise levels for potentially affected receivers, which would allow for a quantified determination of what CEQA constitutes as the generation of noise levels in excess of standards or as a substantial temporary or periodic noise increase. To evaluate whether the Project will generate potentially significant temporary construction noise levels at sensitive receiver locations, a construction-related noise level threshold has been adopted from the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual*. Due to the lack of standardized construction

noise thresholds, the FTA provides guidelines that are considered reasonable criteria for evaluating construction noise impacts. Therefore, this analysis conservatively uses the FTA's threshold of 80 dBA (8-hour L_{eq}) for residential uses, 85 dBA (8-hour L_{eq}) for commercial uses, and 90 dBA (8-hour L_{eq}) for industrial uses.⁶

Operations

Operational noise is evaluated based on the standards within the Menifee MC and GP. Menifee GP Noise Element N-1 section identifies a daytime (7:00 a.m. – 10:00 p.m.) standard of 55 dBA (interior) and 65 dBA (exterior) for residential receptors and a nighttime (10:00 p.m. – 7:00 a.m.) standard of 40 dBA (interior) and 45 dBA (exterior).

The analysis of the Without Project and With Project noise environments is based on noise prediction modeling and empirical observations. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Noise levels are collected from field noise measurements and other published sources from similar types of activities are used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level from stationary sources can vary throughout the day. Operational noise is evaluated based on the standards within the City's Municipal Code and General Plan.

An analysis was conducted of the Project's effect on traffic noise conditions at off-site land uses. Without Project traffic noise levels were compared to With Project traffic noise levels. The environmental baseline is the Without Project condition. The Without Project and With Project traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108). The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures (walls and buildings), barriers, and topography. The noise attenuating effects of changes in elevation, topography, and intervening structures were not included in the model. Therefore, the modeling effort is considered a worst-case representation of the roadway noise. In general, a 1.5-dBA increase is not perceptible, a 3-dBA increase in traffic noise is barely perceptible, while a 5-dBA increase is readily noticeable.

Vibration

Ground-borne vibration levels associated with construction-related activities for the Project were evaluated utilizing typical ground-borne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential ground-borne vibration impacts related to building/structure damage and interference with sensitive existing operations were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria.

For a structure built traditionally, without assistance from qualified engineers, the FTA guidelines show that a vibration level of up to 0.20 in/sec is considered safe and would not result in any vibration damage. FTA guidelines show that modern engineered buildings built with reinforced-concrete, steel or timber can withstand vibration levels up to 0.50 in/sec and not experience vibration damage. The Caltrans 2020

⁶ Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, Table 7-2, Page 179, September 2018.

Transportation and Construction Vibration Guidance Manual identifies the vibration threshold for human annoyance, vibrations levels of 0.04 in/sec begin to cause annoyance and levels of 0.2 in/sec is used for building damage.

4.11.5 Impacts and Mitigation Measures

Impact 4.11-1 *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Level of Significance: Less than Significant

Construction

On-Site Construction Noise

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect residents surrounding the construction site. Project construction would occur near the existing residential uses scattered around the Project construction area. However, it is acknowledged that construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors.

Construction activities would include demolition, site preparation, grading, building construction, paving, and architectural coating. Such activities would require industrial saws, excavators, and dozers during demolition; dozers and tractors during site preparation; excavators, graders, dozers, scrapers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, and paving equipment during paving; and air compressors during architectural coating. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 to 4 minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). Typical noise levels associated with individual construction equipment are listed in **Table 4.11-8, Typical Construction Equipment Noise Levels** and includes noise levels at 90 feet, the distance from the Project boundary to the nearest sensitive receptor.

Table 4.11-8: Typical Construction Equipment Noise Levels

Equipment	Typical Noise Level (dBA) at 50 feet from Source	Typical Noise Level (dBA) at 90 feet from Source ¹
Air Compressor	80	75
Backhoe	80	75
Compactor	82	77
Concrete Mixer	85	80
Concrete Pump	82	77
Concrete Vibrator	76	71

Equipment	Typical Noise Level (dBA) at 50 feet from Source	Typical Noise Level (dBA) at 90 feet from Source ¹
Crane, Mobile	83	78
Dozer	85	80
Generator	82	77
Grader	85	80
Impact Wrench	85	80
Jack Hammer	88	83
Loader	80	75
Paver	85	80
Pneumatic Tool	85	80
Pump	77	72
Roller	85	80
Saw	76	71
Scraper	85	80
Shovel	82	77
Truck	84	79
1. Calculated using the inverse square law formula for sound attenuation: $dBA_2 = dBA_1 + 20\log(d_1/d_2)$ Where: dBA_2 = estimated noise level at receptor; dBA_1 = reference noise level; d_1 = reference distance; d_2 = receptor location distance Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 24 - Table 9.		

Although the construction equipment noise levels in **Table 4.11-8** are from FTA's 2018 Transit Noise and Vibration Impact Assessment Manual, the noise levels are based on measured data from a U.S. Environmental Protection Agency report which uses data from the 1970s, the FHWA Roadway Construction Noise Model uses data from the early 1990s, and other measured data. Since that time, construction equipment has been required to meet more stringent emissions standards and the additional necessary exhaust systems also reduce noise from what is shown in the table.

Project Construction Noise Levels

The City's Municipal Code does not establish quantitative exterior construction noise standards. However, Section 8.01.010 states construction activities within one-quarter mile of an occupied residence can only occur Monday through Saturday, except nationally recognized holidays, from 6:30 a.m. to 7:00 p.m. While the Menifee Municipal Code does not establish quantitative construction noise standards, this analysis conservatively uses the FTA's threshold of 80 dBA (8-hour L_{eq}) for residential uses, 85 dBA (8-hour L_{eq}) for commercial uses, and 90 dBA (8-hour L_{eq}) for industrial uses.

The noise levels calculated in **Table 4.11-9, Project Construction Noise Levels**, show the exterior construction noise for the Project without accounting for attenuation from existing physical barriers. Construction noise has been calculated with FHWA's RCNM. The nearest noise sensitive receptors are residences to the north of the Project sites. Construction equipment was assumed to operate simultaneously to represent a worst-case noise scenario as construction activities would routinely be spread throughout the construction site and would operate at different intervals.

Table 4.11-9: Project Construction Noise Levels

Construction Phase	Receptor Location Relative to Construction Activity				FTA's Construction Noise Threshold (dBA L_{eq}) ³	Exceeded?
	Land Use	Direction	Average Distance (feet) ¹	Worst Case Modeled Exterior Noise Level (dBA L_{eq}) ²		
Demolition	Residential	North	210	74.0	80	No
Site Preparation	Residential	North	675	65.0	80	No
Grading	Residential	North	675	65.6	80	No
Building Construction	Residential	North	675	64.3	80	No
Combined Paving and Architectural Coating	Residential	North	675	58.0	80	No
Notes: 1. Distances for construction noise are based on FTA methodology and may not match sensitive receptor distances in other sections. FTA methodology is based on the average distance from the nearest sensitive receptor. Demolition would occur exclusively in the northeast corner of the site, thus the average distance used in the RCNM model was 210 feet. Other construction phases would occur throughout the entire site, thus the average distance used in the RCNM model was 675 feet from the nearest sensitive receptors to the north. 2. Modeled noise levels conservatively assume the simultaneous operation of all pieces of equipment. 3. Federal Transit Administration noise threshold of 80 dBA for residences.						
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 26 - Table 10.						

FTA's construction threshold is an 8-hour L_{eq} , which accounts for the percentage of time each individual piece of equipment operates under full power in that period. Additionally, construction equipment moves throughout the site during that period. Construction noise is measured in L_{eq} which is used to measure average noise over an 8-hour workday. During an 8-hour period the construction equipment will move throughout the site. As construction equipment moves, the distances from the nearest receptor will change, therefore an average distance from the nearest sensitive receptor is used. Not all equipment would operate at the closest distance to the receptors and some equipment would operate further away.

The demolition phase of construction would be the loudest at the residences to the north of the Project sites based on the equipment used and the average distance of the demolition activities. During demolition, **Table 4.11-9** shows that noise levels at these sensitive receptors would reach 74.0 dBA L_{eq} and therefore do not exceed the applicable FTA 80 dBA 8-hour L_{eq} construction threshold, resulting in a less than significant impact.

In addition, as required by the City Municipal Code, construction activities within one—fourth mile from an occupied residence may only occur between Monday through Saturday, except nationally recognized holidays, from 6:30 a.m. to 7:00 p.m., and construction activities are prohibited from occurring on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer. Therefore, construction noise would have a less than significant impact.

Operations

Implementation of the Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project would include:

- Mechanical equipment (i.e., trash compactors, air conditioners, etc.);
- Slow moving trucks on the Project site, approaching and leaving the loading areas;
- Activities at the loading areas (i.e., maneuvering and idling trucks, equipment noise);

- Parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and
- Off-Site Traffic Noise.

As discussed under the City of Menifee Design Guidelines, the City includes Policies for new warehouses, logistics, and distribution facilities that are intended to reduce operational noise impacts. These include perimeter walls or enhanced landscaping to reduce noise and orienting PA systems so that they are not readily audible past the property line. A wall surrounding the Project would reduce noise levels by 8 to 5 dBA, depending on whether the wall has gaps in it. The analysis shall conservatively assume the perimeter wall will provide a reduction of 5 dBA.

Mechanical Equipment

The Project is located near residential properties to the north, south, east, and west. The nearest sensitive receptor to the Project site is approximately 90 feet north of the property boundary. Potential stationary noise sources related to the operation of the Project would include mechanical equipment. Mechanical equipment (e.g., HVAC equipment) typically generates noise levels of approximately 52 dBA at 50 feet.⁷ Based on conceptual site plans, the closest existing sensitive receptors to the building would be located 290 feet to the east. At this distance, and after taking into account a 5 dBA reduction for the perimeter wall, mechanical equipment noise would attenuate to 31.7 dBA which is below the City's exterior ambient noise standards of 45 dBA for nighttime (10:00 p.m. – 7:00 a.m.) and 65 dBA for daytime (7:00 a.m. – 10:00 p.m.) for residential receptors.

Operation of mechanical equipment would increase ambient noise levels at the property line of these receptors from 44.4 dBA (refer to **Table 4.11-5**) to 44.6 dBA, an increase of 0.2 dBA which is not perceptible to the human ear. Therefore, mechanical equipment noise would result in a less than significant impact.

Warehouse Truck and Loading Dock Noise

During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting/braking activities; backing up toward the docks; dropping down the dock ramps; and maneuvering away from the docks. The proposed warehouse building includes dock-high doors for truck loading/unloading and manufacturing/light industrial operations. The dock-high doors are approximately 250 feet from the closest property line (residential uses located to the south).

Vehicular access to the Project site would consist of several driveways, two driveways along Wheat Street and two driveways along Byers Road. Loading dock noise is approximately 68 dBA at a distance of 30 feet. The property line of the closest sensitive receptor is located approximately 250 feet from the nearest proposed loading area. At this distance and after taking into account a 5 dBA reduction for the perimeter wall, loading dock noise would attenuate to 44.6 dBA which is below the City's exterior ambient noise standards of 45 dBA for nighttime (10:00 p.m. – 7:00 a.m.) and 65 dBA for daytime (7:00 a.m. – 10:00 p.m.) for residential receptors. The ambient noise levels at the nearest sensitive receptor would increase from 44.4 dBA (refer to **Table 4.11-5**) to 47.5 dBA, an increase of 3.1 dBA, which is barely perceptible to most

⁷ Ibid. p. 27

people. Furthermore, loading dock doors would also be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, interior loading and associated activities would be permissible during all hours of the day. Noise levels associated with trucks and loading or unloading activities would not exceed the City's standards and impacts would be less than significant.

Parking Noise

The Project would provide approximately 393 automobile parking stalls and 221 trailer parking stalls in total. Automobile parking stalls will be located along the east and west perimeter of the Project and trailer parking would be located along the north and south perimeter of the Project. Nominal parking noise would occur within the on-site parking facilities. Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA⁸ at 50 feet and may be an annoyance to adjacent noise-sensitive receptors. Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. Sound levels of speech typically range from 33 dBA at 50 feet for normal speech to 50 dBA at 50 feet for very loud speech.⁹ It should be noted that parking lot noises are instantaneous noise levels compared to noise standards in the hourly L_{eq} metric, which are averaged over the entire duration of a time period.

Based on peak p.m. traffic, a maximum of 840 vehicles would access the parking lot in a single hour. According to the trip generation information presented in the Traffic Study, 97 percent of these vehicles (815) accessing the site would be passenger vehicles and the remaining three percent (25) would be trucks. For a worst-case scenario all vehicles are assumed to park in the lot nearest to sensitive receptors, passenger vehicles will park in eastern lot, approximately 120 feet from the property line of sensitive receptors located east of the Project and trucks will park in the southern lot, approximately 32 feet from the property line of sensitive receptor to the south. At these distances and after taking into consideration the 5 dBA reduction from the perimeter wall, parking lot noise at the sensitive receptors to the east would be 42.9 dBA and parking lot noise at the sensitive receptor to the south would be 41.4 dBA, both of which are below the City's exterior ambient noise standards of 45 dBA for nighttime (10:00 p.m. – 7:00 a.m.) and 65 dBA for daytime (7:00 a.m. – 10:00 p.m.) for residential receptors.

Parking lot noise would increase ambient noise levels at the property line of these receptors. Ambient noise for sensitive receptors to the east of the Project would increase from 44.4 dBA (refer to **Table 4.11-5**) to 46.7 dBA, an increase of 2.3 dBA which is not perceptible to the human ear. Ambient noise for sensitive receptors to the south of the Project would increase from 44.4 dBA (refer to **Table 4.11-5**) to 46.2 dBA, an increase of 1.8 dBA which is not perceptible to the human ear. Therefore, parking lot noise would result in a less than significant impact.

⁸ Ibid. p. 28.

⁹ Ibid. p. 28.

On-Site Composite Noise

Each on-site operational noise source would impact the closest sensitive receptor to the Project site. **Table 4.11-10, On-Site Composite Noise** shows the overall noise level generated by the Project at each of the closest sensitive receptors and the combined noise level experienced by the sensitive receptors from operations. A noise level of 5 dBA is considered readily noticeable. Therefore, ambient noise level increases of less than 5 dBA would be considered less than significant.

Table 4.11-10: On-Site Composite Noise

Sensitive Receptor	Modeled Exterior Operational Noise (dBA L _{eq})	Ambient Noise Level (dBA L _{eq})	Ambient + Project Combined Noise Level	Incremental Increase	Exceed Threshold? ¹
Sensitive Receptor 1 North of Project	38.4	46.5	47.1	0.6	No
Sensitive Receptor 2 West of Project	44.1	48.4	49.8	1.4	No
Sensitive Receptor 3 East of Project	47.0	44.4	48.9	4.5	No
Sensitive Receptor 4 South of Project	46.2	44.4	48.4	4.0	No
Refer <i>Acoustical Assessment</i> for noise modeling results.					
1. An increase in ambient noise of 5 dBA is readily noticeable and considered significant.					

As shown in **Table 4.11-10**, none of the closest sensitive receptors would experience a noise level increase greater than 4.5 dBA. Therefore, on-site operational noise impacts with regard to increases in ambient noise levels would be less than significant.

Off-Site Traffic Noise

Implementation of the Project would generate increased traffic volumes along nearby roadway segments. Based on the Traffic Study, the Project would result in approximately 4,508 daily trips. The Opening Year “2024 Without Project” and “2024 With Project” scenarios are compared in **Table 4.11-11, Traffic Noise Levels**. **Table 4.11-11** shows roadway noise levels without the Project would range from 45.26 dBA CNEL to 69.02 dBA CNEL and between 47.29 dBA CNEL and 69.54 dBA CNEL with the Project.

In general, a 3-dBA increase in traffic noise is barely perceptible to people, while a 5-dBA increase is readily noticeable. As shown in **Table 4.11-11** a maximum increase of 2.04 dBA would occur on McLaughlin Road. Typically, traffic volumes need to double in order to produce an increase in noise levels that are considered significant. It should be noted that although traffic volumes increase significantly on Byers Road and Wheat Street, traffic noise is not significant on these roadways. Byers Road and Wheat Street are both currently unpaved roads which would be paved as part of off-site Project improvements. Vehicles traveling on unpaved and gravel roads are 4-dBA louder than vehicles on paved roads.¹⁰ Therefore “2024 With Project” noise levels on these roads would decrease when compared to “2024 Without

¹⁰ Ibid. p. 28

Project” noise levels on unpaved roads. As shown in **Table 4.11-11**, traffic noise impacts would be less than significant.

Table 4.11-11: Traffic Noise Levels

Roadway Segment		2024 Without Project		2024 With Project		Change	Normally Acceptable Standard ²	Significant Impact
		ADT	dBA CNEL ¹	ADT	dBA CNEL ¹			
Case Road	Goetz Road to Murrieta Road	8,731	62.51	8,731	62.51	0.00	60	No
	Murrieta Road to Mapes Road	6,422	61.18	6,499	61.23	0.05	60	No
Goetz Road	Case Road to Mapes Road	9,027	61.77	9,291	61.89	0.13	60	No
	Mapes Road to Ethanac Road	13,124	63.24	13,520	63.37	0.13	60	No
Murrieta Road	Case Road to Ethanac Road	2,964	55.56	3,041	55.68	0.11	60	No
	Ethanac Road to Rouse Road	13,529	62.20	13,886	62.31	0.11	60	No
	Chambers Avenue to McCall Blvd.	13,956	62.32	14,378	62.45	0.13	60	No
Ethanac Road	Goetz Road to Wheat Street	20,946	65.29	21,518	65.81	0.52	60	No
	Wheat Street to Murrieta Road	23,868	65.84	27,853	66.83	0.99	60	No
	Murrieta Road to Evans Road	30,680	67.29	34,213	68.01	0.72	60	No
	Case Road to I-215 SB Ramps	42,664	69.02	46,215	69.54	0.51	60	No
	I-215 SB Ramps to I-215 NB Ramps	33,257	67.71	35,257	68.19	0.47	60	No
	I-215 NB Ramps to Trumble Road	25,449	66.65	25,801	67.00	0.36	60	No
McLaughlin Road	Byers Road to Murrieta Road	276	45.26	441	47.29	2.04	60	No
Byers Road	Ethanac Road to McLaughlin Road	2,878	56.65	5,884	55.76	-0.89 ³	60	No
Wheat Street	Ethanac Road to McLaughlin Road	N/A	N/A	1,550	49.90	N/A	60	No
McCall Blvd.	Murrieta Road to Sun City Blvd.	11,550	58.85	11,807	58.95	0.10	60	No
	Bradley Road to I-215 SB Ramps	33,718	63.54	33,975	63.57	0.03	60	No
	I-215 SB Ramps to I-215 NB Ramps	33,948	63.50	34,282	63.54	0.04	60	No
	I-215 NB Ramps to Encanto Drive	34,886	63.63	35,324	63.69	0.05	60	No
ADT = average daily traffic; dBA = A-weighted decibels; CNEL = community noise equivalent level. N/A = data not available; SB = Southbound; NB = Northbound								
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography. 2. Noise levels up to 60 dBA CNEL are considered Normally Acceptable. Potential impacts occur when the Project change exceeds 3 dBA and the land use compatibility standard is exceeded (i.e., both must occur). 3. "2024 With Project" traffic noise on Byers Road and Wheat Street will decrease despite an increase in vehicle traffic because part of the Project's off-site improvements include paving those roads.								
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 29 - Table 11								

Conclusion

As demonstrated in **Tables 4.11-9** through **4.11-11**, implementation of the Project would not result in substantial temporary or permanent increases in ambient noise levels. **Table 4.11-9** confirms that construction of the Project would not exceed construction noise thresholds. As discussed under operational noise and shown in **Table 4.11-10**, the Project would not result in noise levels that exceed applicable daytime and nighttime thresholds. In addition, **Table 4.11-11** shows that traffic noise generated by the Project would not exceed applicable noise standards. Therefore, the Project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. As a result, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Impact 4.11-2 *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

Level of Significance: Less than Significant

Construction

Construction can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. Construction on the Project site would have the potential to result in varying degrees of temporary ground-borne vibration, depending on the specific construction equipment used and the operations involved.

The FTA has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 in/sec) appears to be conservative. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. For example, for a building that is constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.20 in/sec is considered safe and would not result in any construction vibration damage.

Table 4.11-12, Typical Construction Equipment Vibration Levels lists vibration levels at 25 feet for typical construction equipment. Vibration levels at 50 feet, the distance from the Project boundary to the nearest existing structure is also included in **Table 4.11-12**. Ground-borne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 4.11-12**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.0011 to 0.0315 in/sec PPV at 50 feet from the source of activity.

Table 4.11-12: Typical Construction Equipment Vibration

Equipment	Peak Particle Velocity at 25 Feet (in/sec)	Peak Particle Velocity at 50 Feet (in/sec) ¹
Large Bulldozer	0.089	0.0315
Caisson Drilling	0.089	0.0315
Loaded Trucks	0.076	0.0269
Jackhammer	0.035	0.0124
Small Bulldozer/Tractors	0.003	0.0011
¹ Calculated using the following formula: $PPV_{\text{equip}} = PPV_{\text{ref}} \times (25/D)^{1.5}$, where: PPV_{equip} = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPV_{ref} = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Manual</i> , 2018; D = the distance from the equipment to the receiver.		
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 30 - Table 12.		

The nearest structure to the Project construction site is approximately 50 feet away. **Table 4.11-12** shows that at 50 feet the vibration velocities from construction equipment would not exceed 0.0315 in/sec PPV,

which is below the FTA's 0.20 in/sec PPV threshold for building damage and below the 0.04 in/sec PPV annoyance threshold. It is also acknowledged that construction activities would occur throughout the Project site and would not be concentrated at the point closest to the nearest structure. Therefore, vibration impacts associated with Project construction would be less than significant.

Operations

The Project would include truck movement activity at the Project site. These movements would generally be low-speed (i.e., less than 15 miles per hour) and would occur over new, smooth surfaces. For perspective, Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and notes that "heavy trucks, and quite frequently buses, generate the highest earthborn vibrations of normal traffic." Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Their study finds that "vibrations measured on freeway shoulders (five meters from the centerline of the nearest lane) have never exceeded 0.08 inches per second, with the worst combinations of heavy trucks and poor roadway conditions (while such trucks were moving at freeway speeds). This level coincides with the maximum recommended safe level for ruins and ancient monuments (and historic buildings)." Since the Project's truck movements would be at low speed (not at freeway speeds) and would be over smooth surfaces (not under poor roadway conditions), Project-related vibration associated with truck activity would not result in excessive ground-borne vibrations; no vehicle-generated vibration impacts would occur. In addition, there are no sources of substantial ground-borne vibration associated with the Project, such as rail or subways. The Project would not create or cause any vibration impacts during operations.

Mitigation Measures

No mitigation is required.

Impact 4.11-3 *For or a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

Level of Significance: No Impact

Construction and Operations

The closest airport to the Project site is the Perris Valley Aviation Airport located approximately one mile to the north. Although the Project is within two miles of the Perris Valley airport, it is outside of the 55 CNEL noise contour.¹¹ Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

Mitigation Measures

No mitigation is required.

¹¹ Ibid. p. 31.

4.11.6 Cumulative Impacts

Cumulative Construction Noise

The Project's construction activities would not result in a temporary increase in ambient noise levels. Construction noise would be periodic and temporary noise impacts that would cease upon completion of construction activities. The Project would contribute to other proximate construction project noise impacts if other construction activities were conducted concurrently. However, based on the noise analysis above, the Project's construction-related noise impacts would be less than significant and would comply with the Menifee GP Goals and Policies, and Menifee MC noise standards.

Construction activities at other planned and approved projects near the Project site would be required to comply with applicable City regulations related to noise and would take place during daytime hours on the days permitted by the applicable Municipal Code, and projects requiring discretionary City approvals would be required to evaluate construction noise impacts, comply with the City's standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. Construction noise impacts are by nature localized. Based on the fact that noise dissipates as it travels away from its source, noise impacts would be limited to the Project site and vicinity. Therefore, Project construction would not result in a cumulatively considerable contribution to significant cumulative impacts and impacts in this regard are not cumulatively considerable.

Cumulative Operational Noise

Cumulative Off-Site Traffic Noise

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the Project and other foreseeable projects. Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to buildout of the Project and other projects in the vicinity. Cumulative increases in traffic noise levels were estimated by comparing the Existing and Opening Year Without Project scenarios to the Opening Year Plus Project scenario. The traffic analysis considers cumulative traffic from future growth assumed in the transportation model, as well as cumulative projects.

A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The following criteria is used to evaluate the combined and incremental effects of the cumulative noise increase.

- *Combined Effect*. The cumulative with Project noise level ("Opening Year With Project") would cause a significant cumulative impact if a 3.0 dB increase over "Existing" conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use. Although there may be a significant noise increase due to the Project in combination with other related projects (combined effects), it must also be demonstrated that the Project has an incremental effect. In other words, a significant portion of the noise increase must be due to the Project.
- *Incremental Effects*. The "Opening Year With Project" causes a 1.0 dBA increase in noise over the "Opening Year Without Project" noise level.

A significant impact would result only if both the combined and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon and reduces as distance from the source increases. Consequently, only the Project and growth due to occur in the general area would contribute to cumulative noise impacts.

Table 4.11-13, Cumulative Off-Site Traffic Noise Levels identifies the traffic noise effects along roadway segments in the Project vicinity for “Existing,” “Opening Year Without Project,” and “Opening Year With Project,” conditions, including incremental and net cumulative impacts.

Table 4.11-13: Cumulative Off-Site Traffic Noise Levels

Roadway Segment		Existing ¹	Opening Year Without Project ¹	Opening Year With Project ¹	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
					Difference In dBA Between Existing and Opening Year With Project	Difference In dBA Between Opening Year Without Project and Opening Year With Project	
Case Road	Goetz Road to Murrieta Road	61.93	62.51	62.51	0.58	0.00	No
	Murrieta Road to Mapes Road	60.75	61.18	61.23	0.48	0.05	No
Goetz Road	Case Road to Mapes Road	61.06	61.77	61.89	0.83	0.13	No
	Mapes Road to Ethanac Road	62.66	63.24	63.37	0.71	0.13	No
Murrieta Road	Case Road to Ethanac Road	54.86	55.56	55.68	0.81	0.11	No
	Ethanac Road to Rouse Road	59.89	62.20	62.31	2.42	0.11	No
	Chambers Avenue to McCall Blvd	59.68	62.32	62.45	2.78	0.13	No
Ethanac Road	Goetz Road to Wheat Street	63.65	65.29	65.81	2.16	0.52	No
	Wheat Street to Murrieta Road	63.64	65.84	66.83	3.19	0.99	No
	Murrieta Road to Evans Road	64.91	67.29	68.01	3.10	0.72	No
	Case Road to I-215 SB Ramps	66.73	69.02	69.54	2.81	0.51	No
	I-215 SB Ramps to I-215 NB Ramps	65.26	67.71	68.19	2.92	0.47	No
	I-215 NB Ramps to Trumble Road	64.10	66.65	67.00	2.91	0.36	No
McLaughlin Road	Byers Road to Murrieta Road	N/A	45.26	47.29	N/A	2.04	No
Byers Road	Ethanac Road to McLaughlin Road	N/A	56.65	55.76	N/A	-0.89	No
Wheat Road	Ethanac Road to McLaughlin Road	N/A	N/A	49.90	N/A	N/A	No
McCall Blvd.	Murrieta Road to Sun City Blvd.	57.45	58.85	58.95	1.49	0.10	No

Roadway Segment		Existing ¹	Opening Year Without Project ¹	Opening Year With Project ¹	Combined Effects Difference In dBA Between Existing and Opening Year With Project	Incremental Effects Difference In dBA Between Opening Year Without Project and Opening Year With Project	Cumulatively Significant Impact?
	Bradley Road to I-215 SB Ramps	62.78	63.54	63.57	0.79	0.03	No
	I-215 SB Ramps to I-215 NB Ramps	62.58	63.50	63.54	0.96	0.04	No
	I-215 NB Ramps to Encanto Drive	62.62	63.63	63.69	1.07	0.05	No
ADT = average daily trips; dBA = A-weighted decibels; CNEL = Community Noise Equivalent Level, N/A = data not available; SB = Southbound; NB = Northbound							
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.							
Source: Kimley-Horn and Associates. (2022). <i>Acoustical Assessment</i> . Page 33 - Table 13.							

Table 4.11-13 shows the increase for combined effects and incremental effects and none of the segments meet the criteria for cumulative noise increase. The Project would not result in long-term mobile noise impacts based on Project-generated traffic as well as cumulative and incremental noise levels. Therefore, the Project, in combination with cumulative background traffic noise levels, would result in a less than significant cumulative impact. The Project's contribution would not be cumulatively considerable.

Cumulative Stationary Noise

The stationary noise sources of the Project would not result in an incremental increase in non-transportation noise sources in the Project vicinity. Furthermore, as discussed under operations, the operational noise generated by the Project would be less than significant and would not result in cumulatively considerable impact. Existing daytime ambient noise levels are less than the noise limits established in the City's municipal code and the increase in over ambient conditions is less than 5 dBA (refer to **Table 4.11-10**). Similar to the Project, other planned and approved projects that exceed the City's noise thresholds would be required to mitigate for stationary noise impacts at nearby sensitive receptors. As stationary noise sources are generally localized, there is a limited potential of other projects to contribute to cumulative noise impacts.

No known past, present, or reasonably foreseeable projects would combine with the operational noise levels generated by the Project to increase noise levels above acceptable standards because each project must comply with applicable City regulations that limit operational noise. Therefore, the Project, together with other projects, would not create a significant cumulative impact, and even if there was such a significant cumulative impact, the Project would not make a cumulatively considerable contribution to significant cumulative operational noises.

Given that noise dissipates as it travels away from its source, operational noise impacts from on-site activities and other stationary sources would be limited to the Project site and vicinity. Thus, cumulative operational noise impacts from related projects, in conjunction with Project specific noise impacts, would not be cumulatively significant.

4.11.7 Significant Unavoidable Impacts

No significant unavoidable impacts associated with noise would occur.

4.11.8 References

City of Menifee. (2023). *Development Code Section 9.210.070 Vibrations*. Available at:

<https://online.encodeplus.com/regs/menifee-ca/doc-viewer.aspx?secid=1550&keywords=noise%27s%2Cnoised%2Cnoises%2Cnoises%27%2Cnoising%2Cnoise#secid-1551> (accessed August 2023).

City of Menifee. (2013). *Menifee General Plan Noise Element*. Available at:

<https://www.cityofmenifee.us/901/Noise-Element>

City of Menifee. (2023). *City of Menifee Municipal Code*. Available at:

<https://codelibrary.amlegal.com/codes/menifee/latest/overview>

Kimley-Horn and Associates. (2024). *Acoustical Assessment*. (**Appendix J**)

4.12 PUBLIC SERVICES

4.12.1 Introduction

This section evaluates potential CADO Menifee Industrial Warehouse Project (Project) impacts on public services by identifying anticipated demand and evaluating its relationship to existing and planned public services, facilities, and availability to serve the City of Menifee (City) population. For abbreviation purposes, the general term “public services” in this Draft Environmental Impact Report (EIR) includes the following: fire protection, police protection, schools, parks, and other services. This section identifies potential impacts that could result from implementation of the Project, which includes construction and operation of the warehouse.

In accordance with Appendix G of the California Environmental Quality Act (CEQA), the emphasis in this Draft EIR is on impacts to public services that could result from implementation of the Project and that could require construction or expansion of existing public service facilities resulting in a physical impact on the environment. The environmental setting discussion is based largely on review of relevant documents and information including the following:

- City of Menifee General Plan (Menifee GP)
- City of Menifee website

4.12.2 Environmental Setting

Fire Protection

The City contracts with the Riverside County Fire Department/CAL FIRE for fire services (“Menifee Fire Department”), providing a full range of fire protection services. The fire department responds to fires; rescues; traffic accidents; medical emergencies; and requests for general public assistance.¹ There are four fire stations in the City. Station 68 is located at 26020 Wickerd Road, approximately 6.5 miles southwest of the Project site, and Station 76 is located at 29950 Menifee Road, approximately four miles southeast of the Project site. Station 5 is located at 28971 Goetz Road in Menifee. Also nearby is Station 7 located at 28349 Bradley Road, Sun City, CA 92586, and Station 54 located at 25730 Sultans Road, Homeland, CA 92548. Station 7 is approximately 2.7 miles southeast of the Project site and Station 54 is approximately five miles east of the Project site.

Police Protection

Police protection services would be provided by the Menifee Police Department (MPD). The MPD is comprised of the Operations Division (Patrol, SWAT, Traffic, and K9 Unit) and Investigations and Support Services (Investigations Unit, Problem-Oriented Policing Team, Crime-Scene Investigators, Code Enforcement, and Records Bureau).² The MPD station is located at 29714 Haun Road Unit-A, Menifee, CA 92586, approximately four miles southeast of the Project site.

¹ City of Menifee. (2022). *Fire Department*. Available at: <https://www.cityofmenifee.us/103/Fire-Department> (accessed August 2023).

² City of Menifee. (2022). *Menifee Police Department*. Available at <https://menifeepolice.org/> (accessed August 2023).

Schools

The Project site is within the boundaries of the Romoland School District³ and the Perris Union High School District.⁴ Schools closest to the Project site include Hans Middle School located at 27625 Sherman Road, Menifee, CA 92585, approximately 2.5 miles southeast; Romoland Elementary School located at 25890 Antelope Road, Romoland, CA 92585, approximately 2.6 miles east; and Ridgemoor Elementary School located at 25455 Ridgemoor Road, Sun City, CA 92586, approximately 2.8 miles south of the Project site.

Parks and Recreation

The City currently has 15 City-owned parks and 22 Valley-Wide Recreation and Park District-owned parks within the City for public use.⁵ The closest parks to the Project site are Monument Ranch Park located at 163 Monument Parkway, Perris, CA 92570, approximately 0.5 mile west; and Goetz Park located at 3020 Goetz Road, Perris, CA 92570, approximately 0.6 mile north of the Project site.

Other Public Facilities

Other public facilities present in the City include the Lazy Creek Recreation Center (26480 Lazy Creek Road, Menifee, CA 92586), located approximately 3.6 miles south, Kay Cenicerros Senior Center (29995 Evans Road, Sun City, CA 92586), located approximately 3.8 miles south, and Sun City Library (26982 Cherry Hills Boulevard, Sun City, CA 92586), located approximately 2.5 miles southeast.⁶

4.12.3 Regulatory Setting

Federal

International Fire Code

The International Fire Code (IFC) establishes minimum requirements for fire prevention and fire protection systems using prescriptive and performance-related provisions. This is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage, and processes. The IFC includes general and specialized technical fire and life safety regulations addressing fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, use and storage of hazardous materials, protection of emergency responders, industrial processes, and many other topics. The IFC is issued by the International Code Council, an international organization of building officials.

³ Romoland School District. 2017. *2016-2017 Elementary School Boundaries*. Available at: https://www.romoland.net/cms/lib/CA01902709/Centricity/domain/19/documents/BoundaryMap_4-11-2017.pdf (accessed August 2023).

⁴ Perris Union High School District. (2023). *School Boundaries Map*. Available at: <https://www.puhisd.org/Content2/school-boundaries-and-transfers> (accessed August 2023).

⁵ City of Menifee. (2023). *Parks*. Available at: <https://www.cityofmenifee.us/285/Parks> (accessed August 2023).

⁶ City of Menifee. (2022). *Public Facilities Map*. Available at: <https://www.cityofmenifee.us/DocumentCenter/View/12095/Menifee-Public-Facilities-Map> (accessed August 2023).

State

California Senate Bill 50 and California Government Code (Section 65995(b)) and Education Code (Section 17620)

California Senate Bill (SB) 50 places limitations on the power of local governments to require mitigation of school facilities by developers. Under the provisions of SB 50, school districts can collect fees to offset the cost of expanding school capacity, which becomes necessary as development occurs. These fees are determined based on the square footage of proposed uses. As a part of SB 50, school districts must base their long-term facilities needs and costs on long-term population growth in order to qualify for this source of funding. Payment of statutory school fees is deemed to be adequate mitigation of school impacts under CEQA. Prior to SB 50, case law allowed cities to consider and impose conditions to mitigate impacts of new development on school facilities.

SB 50 amended California Government Code (CGC) § 65995, which contains limitations on Education Code § 17620, the statute that authorizes school districts to assess development fees within school district boundaries. CGC § 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. Currently, the maximum impact fees allowed by SB 50 are as follows:

- In the case of residential construction, one dollar and ninety-three cents (\$1.93) per square foot of assessable space.
- In the case of any commercial or industrial construction, thirty-one cents (\$0.31) per square foot of chargeable covered and enclosed space. (CGC §65995, subd. (b)).

According to CGC § 65995(3)(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities.” The school district is responsible for implementing the specific methods for mitigating school impacts under the CGC.

California State Assembly Bill 2926: Facilities Act of 1986

To assist in providing school facilities to serve students generated by new development, Assembly Bill (AB) 2926 was enacted in 1986 and authorizes a levy of impact fees on new residential, commercial, and industrial development. The bill was expanded and revised in 1987 through the passage of AB 1600, which added §§ 66000 et seq. to the CGC. Under this statute, payment of school impact fees by developers serves as CEQA mitigation to satisfy the impact of development on school facilities.

Mitigation Fee Act (California Government Code (Sections 66000 through 66008))

Enacted as AB 1600, the Mitigation Fee Act requires a local agency, such as the City of Menifee, establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied. This Act became enforceable on January 1, 1989.

California State Assembly Bill 97

Approved in July 2013, AB 97 revises existing regulations related to financing for public schools, by requiring state funding for county superintendents and charter schools that previously received a general-purpose entitlement. AB 97 authorizes local educational agencies to spend, for any local educational purpose, the funds previously required to be spent for specified categorical education programs, including, among others, programs for teacher training and class size reduction.

2022 California Building Code

The 2022 State of California provides a minimum standard for building design through the California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations (CCR). The CBC is based on the International Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Industrial buildings are plan checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all industrial buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

2022 California Fire Code

The 2022 California Fire Code (CCR Title 24 Part 9) sets forth requirements including those for building materials and methods pertaining to fire safety and life safety, fire protection systems in buildings, emergency access to building, and handling and storage of hazardous materials. The Fire Code also is intended to aid firefighters and other emergency responders during their operations. The 2022 CFC has been enforced as of January 1, 2023. Project applications submitted after January 1, 2023, are subject to adherence with the 2022 CFC.

Mutual Aid Agreements

The Emergency Management Mutual Aid (EMMA) system is a collaborative effort between city and county emergency managers in the Office of Emergency Services in the coastal, southern, and inland regions of the state. EMMA provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center, local Emergency Operations Centers, the Disaster Field Office, and community service centers. The purpose of EMMA is to support disaster operations in affected jurisdictions by providing professional emergency management personnel. In accordance with the MAA, local and state emergency managers have responded in support of each other under a variety of plans and procedures.

Local

City of Menifee General Plan

Safety Element

According to the City's Safety Element, it provides a strategy for City staff, residents, developers, and business owners to effectively address natural and man-made hazards in the City, including seismic and geological issues; flood hazards; fire hazards; hazardous materials; wind hazards; and disaster preparedness, response, and recovery.⁷

Goals and policies from the Safety Element applicable to the Project include:

- Goal S-4:** **A community that has effective fire mitigation and response measures in place, and as a result is minimally impacted by wildland and structure fires.**
- Policy S-4.1** Require fire-resistant building construction materials, the use of vegetation control methods, and other construction and fire prevention features to reduce the hazard of wildland fire.
- Policy S-4.4** Review development proposals for impacts to fire facilities and compatibility with fire areas or mitigate.

Community Design Element

The City's Community Design Element is intended to enhance the current community identity through the identification of design techniques, guidelines, and features that will enhance the visual character of the City and its neighborhoods. It serves as a practical guide to City leaders, developers, business owners, and residents as they provide direction to implement new projects in the City and is intended to stimulate design creativity in the City.⁸

A goal and policy from the Community Design Element applicable to the Project includes:

- Goal CD-3:** **Projects, developments, and public spaces that visually enhance the character of the community and are appropriately buffered from dissimilar land uses so that differences in type and intensity do not conflict.**
- Policy CD-3.9** Utilize Crime Prevention through Environmental Design (CPTED) techniques and defensible space design concepts to enhance community safety.

4.12.4 Impact Thresholds and Significance Criteria

CEQA Guidelines Appendix G, Environmental Checklist Form, includes questions pertaining to public services. The issues presented in the Environmental Checklist Form have been utilized as thresholds of significance in this section. Accordingly, the Project would have a significant adverse environmental impact if it:

⁷ City of Menifee. (2013). *Menifee General Plan Safety Element*. Available at: <https://www.cityofmenifee.us/893/Safety-Element> (accessed August 2023).

⁸ City of Menifee. (2013). *Menifee General Plan Community Design Element*. Available at <https://www.cityofmenifee.us/882/Community-Design-Element> (accessed August 2023).

- Would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - Fire protection?
 - Police protection?
 - Schools?
 - Parks?
 - Other public facilities?

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning public services. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce a potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the Project's potentially significant environmental impacts associated with public services.

Approach to Analysis

This analysis of impacts on public services examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on field observations conducted by Kimley-Horn; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on public services standards considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.12.5 Impacts and Mitigation Measures

Impact 4.12-1 *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

A significant impact would result if development of the Project site would result in a significant increase in demands for fire protection services, police protection services, schools, parks, or other facilities such that new or physically altered stations, schools, parks, or other facilities or locations from which services are provided would be needed. If the construction or operation of such facilities would cause substantial environmental effects due to the expansion or construction of facilities on new sites needed to maintain acceptable service ratios, response times, or other performance objectives, a potentially significant impact could result.

I) FIRE PROTECTION?

Level of Significance: Less Than Significant

The City is served by the Riverside County Fire Department/CAL FIRE, providing a full range of fire services. The Project site would be served by Station 7 located at 28349 Bradley Road, Menifee, CA 92586, and Station 54 located at 25730 Sultan Rd, Homeland, CA. Station 7 is approximately 2.7 miles southeast of the Project site and Station 54 is approximately five miles east of the Project site. Station 7 is equipped with one three-person fire engine and one two-person medic squad; Station 7 has an approximate five minute response time to the Project area and receives approximately 7,193 calls per year.⁹ Station 54 is equipped with one three-person fire engine. Station 54 receives approximately 1,900 calls/year.

The Menifee Fire Department, Office of the Fire Marshal (OFM) currently reviews all new development plans, and future development is required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency access, and fire flow. The Project applicant must be able to demonstrate sufficient fire flow. The Project would be required to comply with the most current provisions of the Fire Fee Schedule,¹⁰ which requires a fee payment that the City applies to the funding of fire protection facilities. Mandatory compliance with the Fire Fee Schedule and plan review would be required prior to the issuance of a building permit. In addition, property tax revenues generated from development of the site would also provide funding to offset potential increases in the demand for fire protection at Project build-out. The Project would comply with the Riverside County Fire Department Technical Policies and Standards, California Fire Code (CFC), and CBC, including Project features that aid in fire safety and support fire suppression activities, such as fire sprinklers, paved access, and required aisle widths.

Additionally, the Project would be designed in accordance with Menifee MC's fire safety and fire suppression features, including type of building construction, fire sprinklers, a fire hydrant system, and paved access. The proposed building would be of concrete tilt-up construction that contains a low fire hazard risk rating. Fire protection apparatus ingress and egress would be available via four driveways and the Project site's internal circulation (a 26-foot-wide fire lane with red curbs and signage per fire department standards) would allow fire apparatus access around the building. There are currently no fire hydrants present on adjacent Project roadways. Fire hydrants shall be located no closer than 40 feet from a building. A fire hydrant shall be located within 200 feet of the fire department connection for buildings

⁹ Rivera-Bu, Sonya. (2023). Riverside County Fire Department/CAL FIRE. May 31, 2023. Public Services and Utilities Questionnaire (Fire Service).

¹⁰ Menifee Fire Department. (2023). Fire Fee Schedule. Available at: <https://www.cityofmenifee.us/DocumentCenter/View/16893/2023-FIRE-FEE-SCHEDULE?bidid=> (accessed August 2023).

protected with a fire sprinkler system. In addition, a fire alarm system is proposed to be installed, as well as ESFR (Early Suppression, Fast Response) ceiling-mounted fire sprinklers. ESFR systems are located in ceiling spaces as with conventional fire sprinkler systems, but they incorporate large, high volume, high-pressure heads to provide the necessary fire protection for warehouse buildings that may contain high-piled storage. While most other sprinklers are intended to control the growth of a fire, an ESFR sprinkler system is designed to suppress a fire. To suppress a fire does not necessarily mean it would extinguish the fire but rather it is meant to "knock" the fire back down to its source.

The Project would be designed in compliance with all applicable fire protection and prevention requirements and pay DIF's (\$0.32 per square foot) toward the construction of new fire facilities. CAL FIRE, Station 7 and 54, which would service the Project site, do not currently meet the Menifee GP's four minute¹¹ adequate response time goal. Station 7 is the busiest fire station with no ability to expand or add additional resources. However, payment of DIF constitutes adequate mitigation because through implementation of the DIF program, the City collects DIF from development projects and is mandated to use the DIF funds to construct new fire and emergency service facilities. In addition, the Project's fire safety and fire suppression features pursuant to the Menifee MC, and the Project applicant's compliance with all required design regulations, will further minimize the demand for fire protection and emergency public services impacts. Further, because no fire protection facilities exist on the Project site, development of the Project would not conflict with existing fire structures or require modification of fire protection facilities. Because the Project site is not residential, although some calls for service are anticipated, the increase for fire and emergency services would not be significantly impacted due to construction and operation of the Project warehouse. Additionally, development of the site would increase property tax revenues to provide a source of funding to offset any increases in demands for public services generated by the Project. Lastly, the Project would be consistent with planned industrial uses per the Economic Development Corridor – Northern Gateway. When it is determined that a new fire station would be required, the City would determine if that Project would be subject to the California Environmental Quality Act (CEQA). CAL FIRE has indicated that an additional fire station located in the northeast quadrant of the City would be an ideal location for a future fire station. No such plans exist for the construction of the station at this time.

Through payment of DIF and implementation of state and local regulation including but not limited to the Menifee MC fire safety/suppression design standards, the Project would receive adequate fire protection service and would not result in adverse physical impacts associated with the provision of or need for new or physically altered fire protection facilities, and would not adversely affect service ratios, response times, or other performance objectives. Project implementation would result in a less than significant impact to fire protection services.

Mitigation Measures

No mitigation is required.

¹¹ Determined by the National Fire Protection Association (NFPA 2020) Standard 1710, Standard for the organization and deployment of fire suppression operations to the public by career fire departments, Sections 4.1.2.1 (4) & (7).

II) POLICE PROTECTION?

Level of Significance: Less Than Significant

Police protection services for the City and Project site would be provided by the MPD. MPD is a new department, authorized by the City Council, to be created in late 2018 and officially opened to serve the public on July 1st, 2020. The MPD operates out of its headquarters at 29714 Haun Road, which is approximately four miles southeast of the Project site. As with fire protection services discussed above, the Project site is already within the service area of the MPD. The MPD is authorized to serve the City with 118 full-time employees of which 91 are sworn officers and 27 are not sworn (professional staff members).¹² According to the Department of Finance, the City's population (in January 1, 2023) was 110,034.¹³ This represents a service ratio of 0.83 sworn officers per 1,000 population.

MPD is comprised of two divisions: Operations and Investigations & Support Services. Within these divisions numerous units are used to serve the public. These include SWAT (in partnership with the cities of Murrieta and Hemet), K-9, Traffic, Patrol, Crime Scene Investigators, Code Enforcement, Records, Investigations Unit, Problem Oriented Policing, and Court Ordered Registrants. The Patrol unit is the largest unit within the department and calls for routine and emergency service are typically handled by this unit. Between 2021-2022 there were a total of 50,342 calls for service. The average response time for Priority 1 calls was 9:08 minutes. The targeted numbers for 2022-2023 are 55,000 total calls and a response time to Priority One calls of 7:00 minutes. MPD's goal response time for Priority 1 calls is 7:00 minutes. This goal can be achieved through such measures as a False Alarm Ordinance.¹⁴

The MPD would be provided the opportunity to review the Project's design to verify that all feasible CPTED strategies are incorporated, consistent with Menifee GP Policy CD-3.9. CPTED is a way of designing the built environment to create a safer built environment. CPTED elements include the strategic use of nighttime security lighting, avoidance of landscaping and fencing that limit sightlines, and use of a single, clearly identifiable point of entry. Therefore, impacts would be less than significant.

Additionally, the Project developer would be required to pay a \$0.17 per square foot in DIF to expand law enforcement facilities.¹⁵ Funding for the operation and maintenance of existing services comes from the City's General Fund, Measure DD funds, as well as County Service Area 86 monies. The Project does not contain residential uses and it is not anticipated that the Project would increase the number of residents in the City. Therefore, it is anticipated that the Project site would be adequately served by existing MPD facilities, equipment, and personnel such that new facilities would not be required. Although some calls for service are anticipated, the increase for police services would not be significantly impacted due to construction and operation of the Project warehouse. Additionally, development of the site would

¹² Gutierrez, David. MPD. March 24, 2022. Personal communication (email).

¹³ State of California – Department of Finance. (2023). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021-2023*. Available at: <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/> (accessed August 2023).

¹⁴ Gutierrez, David. MPD. November 1, 2022. Personal communication (email).

¹⁵ City of Menifee. (2023). *City of Menifee Memorandum*. Available at: <https://www.cityofmenifee.us/DocumentCenter/View/18413/Development-Fee-Memo-July-1-2023-to-June-30-2024> (accessed October 2023).

increase property tax revenues to provide a source of funding to offset any increases in the anticipated demands for public services generated by the Project.

Mitigation Measures

No mitigation is required.

III) SCHOOLS?

Level of Significance: Less Than Significant

The Project site is within the boundaries of the Romoland School District and the Perris Union High School District. Schools closest to the Project site include Hans Middle School, Romoland Elementary School, and Ridgemoor Elementary School.

The Project, however, would not create a direct demand for public school services, as the subject property would contain non-residential uses that would not generate any school-aged children requiring public education. The Project is not expected to draw a substantial number of new residents to the districts and therefore, would not indirectly generate school-aged students requiring public education. Because the Project would not directly generate students and is not expected to indirectly draw students to the area, the Project would not cause or contribute to a need to construct new or physically altered public school facilities. Although the Project would not create a direct demand for additional public school services, the Project Applicant would be required to contribute DIF to the Romoland School District and the Perris Union High School District in compliance with California SB 50 (Greene), which allows school districts to collect fees from new developments to offset the costs associated with increasing school capacity needs. Payment of school fees would be required prior to the issuance of building permits and the payment of school fees constitutes complete mitigation under CEQA.

Developer fees for industrial development located within the Romoland School District is \$0.56 per square foot.¹⁶

Developer fees for industrial development located in the Perris Union High School District (within the City) is \$0.2184 per square foot.¹⁷

Overall, Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Because no school facilities exist on the Project site, development of the Project would not conflict with existing school structures or require modification of school facilities. Compliance with applicable local and state regulations would ensure that Project implementation would result in a less than significant impact to school services.

Mitigation Measures

No mitigation is required.

¹⁶ Romoland School District. (2022). *Developer Fees General Information*. Available at: <https://www.romoland.net/Page/2593> (accessed March 2024).

¹⁷ Perris Union Highschool District. (2023). *Developer School Fees*. Available at: <https://www.puhsd.org/developer-school-fees> (March 2024).

IV) PARKS?

Level of Significance: Less Than Significant

The closest parks to the Project site are Monument Ranch Park and Goetz Park. The Project, however, would not create a direct demand for park facilities, as the subject property would contain non-residential uses that would not generate population growth requiring park facilities. The Project is not expected to draw a substantial number of new residents to the area and therefore, would not indirectly generate population growth requiring park facilities. Since the Project would not directly generate population growth and is not expected to indirectly introduce parkgoers to the area, the Project would not cause or contribute to a need to construct new or physically alter park facilities.

Overall, Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Because no park facilities exist on the Project site, the Project would not conflict with existing park structures or require modification of park facilities. Therefore, Project implementation would result in a less than significant impact to park facilities.

Mitigation Measures

No mitigation is required.

V) OTHER PUBLIC FACILITIES?

Level of Significance: Less Than Significant

Other public facilities located in the greater Project area include the Lazy Creek Recreation Center, Kay Cenicerros Senior Center, and Sun City Library.

The Project, however, would not create a direct demand for other public facilities, as the subject property would contain non-residential uses that would not generate population growth requiring other public facilities. The Project is not expected to draw a substantial number of new residents to the area and therefore, would not indirectly generate population growth requiring other public facilities. Because the Project would not directly generate population growth and is not expected to indirectly introduce new population to the area, the Project would not cause or contribute to a need to construct new or physically alter other public facilities.

Overall, Project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered other public facilities, need for new or physically altered other public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives. Because no public facilities exist on the Project site, development of the Project would not conflict with existing public structures or require modification of public facilities. Therefore, Project implementation would result in a less than significant impact to other public facilities.

Mitigation Measures

No mitigation is required.

4.12.6 Cumulative Impacts

The Project is not anticipated to substantially increase the need for public services in the City. The Project would not result in an overall net increase in City population. Anticipated increase demands for public services within the City was accounted for in the GP and analyzed in the GP Final EIR, which accounts for cumulative growth in the City. In addition, related to all public services, the Project would pay the required development fees that would be appropriately allocated for police, fire, schools, and other public facilities.

Similar to the Project, other cumulative projects would be required to demonstrate their level of impact on public services including paying the appropriate development fees; therefore, the past, present, and future projects would not result in a cumulative impact related to the provision of public services.

4.12.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.12.8 References

City of Menifee. (2023). *City of Menifee Memorandum*. Available at:

<https://www.cityofmenifee.us/DocumentCenter/View/18413/Development-Fee-Memo---July-1-2023-to-June-30-2024> (accessed October 2023).

City of Menifee. (2013). *Menifee General Plan Safety Element*. Available at: (accessed August 2023).

City of Menifee. (2013). *Menifee General Plan Community Design Element*. Available at <https://www.cityofmenifee.us/882/Community-Design-Element> (accessed August 2023).

City of Menifee. (2022). *Fire Department*. Available at: <https://www.cityofmenifee.us/103/Fire-Department>.

City of Menifee. (2022). *Fire Stations*. Available at: <https://www.cityofmenifee.us/567/Fire-Stations>.

City of Menifee. (2022). *Menifee Police Department*. Available at <https://menifeepolice.org/>.

City of Menifee. (2023). *Parks*. Available at: <https://www.cityofmenifee.us/285/Parks>.

City of Menifee. (2022). *Public Facilities Map*. Available at: <https://www.cityofmenifee.us/DocumentCenter/View/12095/Menifee-Public-Facilities-Map>.

State of California – Department of Finance. (2023). *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021-2023*. Available at: <https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>.

Gerfen, Arrow. PUHSD. March 8, 2021. Personal communication (email).

Gutierrez, David. MPD. March 24, 2022. Personal communication (email).

Menifee Fire Department. (2023). Fire Fee Schedule. Available at:
[https://www.cityofmenifee.us/DocumentCenter/View/16893/2023-FIRE-FEE-SCHEDULE?bidId=.](https://www.cityofmenifee.us/DocumentCenter/View/16893/2023-FIRE-FEE-SCHEDULE?bidId=)

Menifee Police Department. (2022). Available at <https://menifeepolice.org/>.

Owen, Karen. Romoland School District. March 8, 2021. Personal communication (email).

Perris Union High School District. (2023). *School Boundaries Map*. Available at:
<https://www.puhsd.org/Content2/school-boundaries-and-transfers> (accessed August 2023).

Reinertson, Adrian. Riverside County Fire Department/CAL FIRE. April 14, 2022. Personal communication (email).

Rivera-Bu, Sonya. (2023). Riverside County Fire Department/CAL FIRE. May 31, 2023. Public Services and Utilities Questionnaire (Fire Service).

Romoland School District. 2017. *2016-2017 Elementary School Boundaries*. Available at:
[https://www.romoland.net/cms/lib/CA01902709/Centricity/domain/19/documents/Boundary Map 4-11-2017.pdf](https://www.romoland.net/cms/lib/CA01902709/Centricity/domain/19/documents/Boundary%20Map%204-11-2017.pdf) (accessed August 2023).

City of Menifee. (2022). *Menifee Police Department*. Available at <https://menifeepolice.org/> (accessed August 2023).

4.13 TRANSPORTATION

4.13.1 Introduction

This section addresses transportation impacts related to the construction and operation of the CADO Warehouse Project (Project), within the City of Menifee (City), including the existing transportation system, significance criteria for transportation impacts, and potential Project impacts resulting from Project implementation. Information presented in this section was obtained from the City of Menifee's General Plan (Menifee GP) and the following technical reports:

- Kimley-Horn and Associates. (2022). *Traffic Study*. **Appendix K1**
- Kimley-Horn and Associates. (2022). *SB 743 VMT Analysis*. **Appendix K2**

4.13.2 Environmental Setting

Existing Transportation System

Existing Roadway Network

Regional vehicular access to the Project site is provided via Interstate 215 (I-215), located approximately one half-mile east of the Project site and State Route 74 (SR-74), located approximately one mile north of the Project site. I-215 is a north-south trending freeway, providing three travel lanes in each direction separated by a wide median with median barrier. SR-74 is a four-lane regional roadway providing access to I-215.

Local access to the Project site is provided primarily via Ethanac Road. Direct vehicular access provisions for both passenger vehicles and trucks for the Project site would consist of two full-movement driveways on Byers Road and two full-movement driveways on Wheat Street. The following provides a description of the roadways surrounding the Project site.

Case Road is an east-west undivided roadway with one lane in each direction. The posted speed limit is 55 miles per hour (mph), and on-street parking is prohibited on both sides.

Goetz Road is a north-south divided roadway with two lanes in each direction. The posted speed limit is 50 mph, and on-street parking is prohibited on both sides. In the Menifee GP, Goetz Road is designated as an Arterial.

Murrieta Road is a north-south undivided roadway with one lane in each direction. The posted speed limit is 45 mph. In the Menifee GP, Murrieta Road is designated as a Secondary roadway.

Ethanac Road is an east-west divided roadway with two lanes in each direction. The posted speed limit is 50 mph, and on-street parking is prohibited on both sides. In the Menifee GP, Ethanac Road is designated as an Expressway.

McLaughlin Road is an east-west undivided roadway with one lane in each direction. On-street parking is permitted on south side of the road. In the Menifee GP, McLaughlin Road is designated as a Secondary Arterial and the speed limit is 45 mph.

McCall Boulevard is an east-west divided roadway that provides two lanes in each direction within the Project vicinity. The posted speed limit is 35 mph, and on-street parking is permitted on both sides. McCall Boulevard is designated as a Major roadway west of the I-215 freeway and an Urban Arterial east of the I-215 freeway in the Menifee GP.

Byers Road is a north-south unpaved roadway with one lane in each direction. In the Menifee GP, Byers Road is designated as a Collector. Byers Road would provide direct access to the Project site.

Wheat Street is a north-south unpaved roadway with one lane in each direction. Wheat Street would provide direct access to the Project site.

Existing Transit Service

Transit service to the City is provided by Riverside Transit Agency (RTA), which serves the City of Riverside and surrounding cities. Currently there is no bus stop located near the Project site. The closest RTA bus stop to the Project site is located on the north side of the Case Road and Ethanac Road intersection. Descriptions of the bus route serving the Project are provided below.

- RTA Route 61 operates in the City, traveling along Murrieta Road and McCall Boulevard in the project vicinity. Route 61 operates on weekdays from approximately 4:40 AM to 8:15 PM with approximately 1-hour headways and weekends from approximately 6:50 AM to 7:30 PM with 1-hour headways.
- RTA Route 74 operates in the City, traveling along Ethanac Road and Murrieta Road in the project vicinity. Route 74 operates on weekdays from approximately 5:30 AM to 8:00 PM with approximately 1-hour headways and weekends from approximately 6:00 AM to 8:00 PM with 1-hour headways.

Pedestrian and Bicycle Facilities

There are no existing pedestrian or bike facilities along Project area roadways. Similarly, the Menifee Active Transportation Plan (ATP) adopted in 2020 does not designate any of the surrounding roadways as Class I or Class II Bike Routes.¹ According to Menifee GP Exhibit C-4: Proposed Bikeway and Community Pedestrian Network, the following designations are proposed for Project area roadways:²

- Byers Road - Class III Bike Route
- McLaughlin Road - Community On-Street Bike Lanes (Class II)

4.13.3 Regulatory Setting

Federal

Federal rules and regulations govern many facets of the City's transportation system, including transportation planning and programming; funding; and design, construction, and operation of facilities. The City complies with all applicable rules and regulations of the Federal Highway Administration, the

¹ City of Menifee. (2020). *Active Transportation Plan*. Available at: <https://www.cityofmenifee.us/687/Menifee-Active-Transportation-Plan> (accessed July 2023).

² City of Menifee. (2013). *Exhibit C-4: Proposed Bikeway and Community Pedestrian Network*. Retrieved from: https://www.cityofmenifee.us/DocumentCenter/View/1021/C-4-Bikeways_HD0913?bidId= (accessed July 2023).

Urban Mass Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and other Federal agencies. In addition, the City coordinates with Federal resource agencies where appropriate in the environmental clearance process for transportation facilities.

Americans With Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination toward people with disabilities and guarantees that they have equal opportunities as the rest of society to become employed, purchase goods and services, and participate in government programs and services. The ADA includes requirements pertaining to transportation infrastructure. The Department of Justice's revised regulations for Titles II and III of the ADA, known as the 2010 ADA Standards for Accessible Designs, set minimum requirements for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. These standards apply to accessible walking routes, curb ramps, and other facilities.

Surface Transportation Assistance Act Routes

The Surface Transportation Assistance Act (STAA) of 1982 allows large trucks, referred to as STAA trucks that comply with maximum length and width requirements, to operate on routes that are part of the National Network. The National Network includes the Interstate System and other designated highways that were a part of the Federal-Aid Primary System on June 1, 1991; states are encouraged, however, to allow access for STAA trucks on all highways.

State

Assembly Bill 1358 – Complete Streets

The California Complete Streets Act of 2008 was signed into law on September 30, 2008. Beginning January 1, 2011, Assembly Bill (AB) 1358 required General Plan circulation elements to address the transportation system from a multi-modal perspective. The Complete Streets Act also requires circulation elements to consider the multiple users of the transportation system, including children, adults, seniors, and people with disabilities.

Assembly Bill 32 – Global Warming Solutions Act

The California Global Warming Solutions Act of 2006 (AB 32) was signed into law in September 2006 after considerable study and expert testimony before the legislature. The law instructs the California Air Resources Board (CARB) to develop and enforce regulations for the reporting and verifying of statewide greenhouse gas (GHG) emissions. The Act directed CARB to set a GHG emission limit based on 1990 levels to be achieved by 2020. The bill set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner (AB 32). In December 2008, CARB adopted a Scoping Plan to achieve the goals of AB 32. AB 32 was followed by Senate Bill (SB) 32 in 2016, which expanded this goal for statewide GHG emissions to be 40 percent below 1990 levels by 2030 (SB 32).

The scoping plan has a range of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms (e.g., cap-and-trade system), and an AB 32 program implementation regulation to fund the

program. CARB recognizes cities as “essential partners” in reducing GHG emissions. As such, CARB has developed a Local Government Toolkit with guidance for GHG reduction strategies, such as improving transit, developing bicycle/pedestrian infrastructure, and increasing city fleet vehicle efficiency, among other strategies.

Adopted December 15, 2022, CARB’s 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California’s single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State’s Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects. CARB specifically states that Appendix D does not address other land uses (e.g., industrial). However, CARB plans to explore new approaches for other land use types in the future.

Senate Bill 375 – Sustainable Communities and Climate Protection Act

The Sustainable Communities and Climate Protection Act, or SB 375, provides incentives for cities and developers to bring housing and jobs closer together and to improve public transit. The goal is to reduce the number and length of automobile commuting trips, which will help to meet the statewide targets for reducing GHG emissions set by AB 32.

SB 375 requires each Metropolitan Planning Organization to add a broader vision for growth, called a Sustainable Communities Strategy (SCS), to its transportation plan. The SCS must lay out a plan to meet

the region's transportation, housing, economic, and environmental needs in a way that enables the area to lower GHG emissions. The SCS should integrate transportation, land-use, and housing policies to plan for achieving the emissions target for their region. The latest Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), also referred to as the Connect SoCal, was adopted in 2020.

Senate Bill 743 – Amending CEQA with Respect to Evaluating Transportation Impacts

On September 27, 2013, Governor Jerry Brown signed SB 743 into law. A key element of this law is, for CEQA purposes, the potential elimination or deemphasizing of auto delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts. According to the legislative intent contained in SB 743, these changes to current practice were necessary to more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of GHG emissions.

As noted, SB 743 requires impacts to transportation network performance to be viewed through a filter that promotes the reduction of GHG emissions, the development of multimodal transportation networks, and the diversification of land uses. Some alternative metrics were identified in the law, including VMT or automobile trip generation rates. SB 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e., the general plan), studies, or ongoing network monitoring, but these metrics may no longer constitute the sole basis for determining CEQA impacts once SB 743 is ratified into CEQA Guidelines.

In December 2018, the California Natural Resources Agency finalized updates to the State CEQA Guidelines, which included SB 743. Section 15064.3 of the 2019 CEQA Guidelines provides that transportation impacts of projects are, in general, best measured by evaluating the project's VMT. Automobile delay will no longer be considered to be an environmental impact under CEQA. Automobile delay can, however, still be used by agencies to determine local operational impacts. The provisions of this section became mandatory July 1, 2020.

Technical Advisory on Evaluating Transportation Impacts in CEQA

The Governor's Office of Planning and Research (OPR) released the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) in December 2018. The Technical Advisory aids in the transition from LOS to VMT methodology for transportation impact analysis under CEQA. The advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures.

California Department of Transportation

The California Department of Transportation (Caltrans) owns and operates the State Highway System (SHS), which includes the freeways and State routes within California. In the City, Caltrans maintains I-215 and SR-74. The Caltrans Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TSIG; May 20, 2020) provides guidance on the evaluation of transportation impacts on the SHS. The TSIG states the following: "Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce the capita VMT, increase accessibility to destinations via cycling, walking,

carpooling, and transit, and reduce greenhouse gas (GHG) emissions. Those goals along with standard CEQA practice create the foundation of Caltrans review of proposed new land use projects.”

Regional

County of Riverside Congestion Management Program

The passage of Proposition 111 in June 1990 established a process for each metropolitan county in California that has an urbanized area with a population over 50,000 (which would include the County of Riverside) to prepare a Congestion Management Plan (CMP). The CMP that was prepared by the Riverside County Transportation Commission (RCTC) in 2011 in consultation with the county and cities in Riverside County is an effort to more directly align land use, transportation, and air quality management efforts, and to promote reasonable growth management programs that effectively use statewide transportation funds while ensuring that new development pays its fair share of needed transportation improvements. Additionally, the passage of Proposition 111 provided additional transportation funding through a \$.09 per gallon increase in the state gas tax.

The focus of the CMP is the development of an Enhanced Traffic Monitoring System in which real-time traffic count data can be accessed by the RCTC to evaluate the condition of the Congestion Management System, as well as meeting other monitoring requirements at the state and federal levels. Per the CMP-adopted LOS standard of E, when a Congestion Management System segment falls to LOS F, a deficiency plan is required. Preparation of a deficiency plan would be the responsibility of the local agency where the deficiency is located. Other agencies identified as contributors to the deficiency would also be required to coordinate with the development of the plan. The plan must contain mitigation measures, including transportation demand management (TDM) strategies and transit alternatives, and a schedule of mitigating the deficiency. To ensure that the Congestion Management System is appropriately monitored to reduce the occurrence of CMP deficiencies, it is the responsibility of local agencies, when reviewing and approving development proposals, to consider the traffic impacts on the Congestion Management System.

Local

City of Menifee General Plan

Circulation Element

The Circulation Element provides overall guidance for the City's responsibility to satisfy the local and subregional circulation needs of its residents, visitors, and businesses while maintaining the City's quality of life. In addition, it coordinates the circulation system with future land use patterns and levels of buildout and addresses access and connectivity among the various neighborhoods and economic development districts.³

³ City of Menifee. (2013). *Menifee General Plan Circulation Element*. Available at: <https://www.cityofmenifee.us/863/Circulation-Element> (accessed August 2023).

Goals and policies from the Circulation Element applicable to the Project include:

Goal C-1 **A roadway network that meets the circulation needs of all residents, employees, and visitors to the City of Menifee.**

Policy C-1.1: Require roadways to:

- Comply with federal, state, and local design and safety standards.
- Meet the needs of multiple transportation modes and users.
- Be compatible with the streetscape and surrounding land uses.
- Be maintained in accordance with best practices.

Policy C-1.2 Require development to mitigate its traffic impacts and achieve a peak hour LOS D or better at intersections, except at constrained intersections at close proximity to the I-215 where LOS E may be permitted.

Policy C-1.5 Minimize idling times and vehicle miles traveled to conserve resources, protect air quality, and limit greenhouse gas emissions.

Goal C-2 **A bikeway and community pedestrian network that facilitates and encourages nonmotorized travel throughout the City of Menifee.**

Policy C-2.1 Require on- and off-street pathways to:

- Comply with federal, state, and local design and safety standards.
- Meet the needs of multiple types of users (families, commuters, recreational beginners, exercise experts) and meet ADA standards and guidelines.
- Be compatible with the streetscape and surrounding land uses.
- Be maintained in accordance with best practices.

Policy C-2.2 Provide off-street multipurpose trails and on-street bike lanes as our primary paths of citywide travel, and explore the shared use of low-speed roadways for connectivity wherever it is safe to do so.

Policy C-2.3 Require walkways that promote safe and convenient travel between residential areas, businesses, schools, parks, recreation areas, transit facilities, and other key destination points.

Active Transportation Plan

The City has adopted an ATP to meet the City’s goals and vision for providing a transportation system that supports walking, cycling, public transit and automobiles. The ATP was developed through a robust public engagement process that included a series of workshops, outreach “pop-up” events and online engagement that provided multiple opportunities for residents to participate and provide input into the ATP.

4.13.4 Impact Thresholds and Significance Criteria

The following significance criteria for transportation impacts were derived from the Environmental Checklist Form in State CEQA Guidelines Appendix G. An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria:

- Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment?); or
- Result in inadequate emergency access.

Methodology and Standards

The Project is evaluated against the aforementioned significance criteria/thresholds as the basis for determining the impact's level of significance concerning transportation resources. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended to avoid or reduce the Project's potentially significant environmental impacts.

CEQA Guidelines § 15064.3(b), Determining the Significance of Transportation Impacts, provides the following guidance on how VMT from various types of projects can be evaluated:

b) Criteria for Analyzing Transportation Impacts.

1. **Land Use Projects.** VMT exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease VMT in the project area compared to existing conditions should be considered to have a less than significant transportation impact.
2. **Transportation Projects.** Transportation projects that reduce, or have no impact on, VMT should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, a lead agency may tier from that analysis as provided in § 15152.
3. **Qualitative Analysis.** If existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze a Project's VMT qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

4. **Methodology.** A lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's VMT and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate VMT and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in § 15151 shall apply to the analysis described in this section.

The analysis for VMT for the Project was completed in February 2023 by Kimley-Horn and Associates and is included as **Appendix K2** of this EIR. The analysis below utilizes the VMT significance criteria to determine the Project's potential impacts related to VMT and if mitigation is needed to reduce impacts to less than significant levels.

VMT Analysis Methodology

The analysis methodology for the Project-generated VMT and Project effect of VMT were developed consistent with the City's Traffic Impact Analysis Guidelines for VMT (January 2022).

VMT Screening

A VMT screening was conducted for the proposed project. Based on the City's VMT screening criteria, the proposed project would not screen out of a VMT analysis.

VMT Thresholds

The analysis methodology for the Project generated VMT and Project effect of VMT were developed consistent with the City VMT guidelines.

A project would result in a significant project generated VMT impact if either of the following conditions are satisfied:

1. The baseline project generated VMT per service population exceeds the County of Riverside General Plan Buildout VMT per service population, or
2. The cumulative project generated VMT per service population exceeds the County of Riverside General Plan Buildout VMT per service population.

VMT Analysis Scenarios

The Project's VMT analysis was completed using the current version of Riverside County's Transportation Model, RIVCOM (referred to as the "RIVCOM Model"). The model is trip-based and considered interaction between different land uses based on socio-economic data such as population, households, and employment. Adjustments in socio-economic data (employment) were made to the appropriate Traffic Analysis Zones (TAZ) in the RIVCOM Model to reflect the project's proposed land uses.

In order to evaluate the Project's VMT, the land use was first turned into a RIVCOM compatible dataset. This dataset relied on land use assumptions developed as part of the Project and the trip generation estimates for the Project.

The resultant land use data was coded into the RIVCOM Model for analysis. For VMT analysis purposes, this represented the following broad land use category:

- Employee-Based VMT (land uses where the principal source of VMT relates to worker commutes)

Since the Project is employment based, the applicable “Employee-Based VMT” threshold of significance was utilized to determine the Project’s VMT impacts.

The current version of the RIVCOM Model maintains a base year condition of 2018 which, for the purposes of analysis, is considered to be representative of existing conditions since the closest baseline year of the RIVCOM model for existing conditions is 2018. Since the Project VMT per employee for Cumulative model run (2045) is lower than the baseline, interpolating to 2022 will result in lower VMT/employee value. As such, VMT per employee based on RIVCOM model baseline year of 2018 is more conservative. The planning horizon for the RIVCOM Model is 2045. VMT analysis was conducted for existing and cumulative scenarios and results were compared to the existing conditions.

The analysis included the following scenarios:

- Existing Conditions – based on 2018 RIVCOM Model conditions.
- Existing Plus Project Conditions – Based on 2018 RIVCOM Model with the proposed Project land use.
- Cumulative No Project Conditions – Based on 2045 RIVCOM Model conditions without the proposed Project land use.
- Cumulative Plus Project Conditions – Based on 2045 RIVCOM Model conditions with the proposed Project land use.

Level of Service Analysis Methodology

In compliance with the City of Menifee Traffic Study Guidelines, a TIA was conducted for the Project which includes an LOS analysis. However, this additional information is provided for informational purposes only, as additional delay – to an intersection or roadway segment – is no longer considered a significant impact under CEQA. Details of the TIA LOS analysis are summarized below.

Per the City of Menifee Traffic Study Guidelines, the Traffic Analysis used methodology from the most-recent Transportation Research Board (TRB) *Highway Capacity Manual* (HCM 6th Edition) to analyze peak hour intersection operations for the following scenarios:

- Existing Conditions
- Existing Plus Project
- Opening Year 2024 Cumulative
- Opening Year 2024 Cumulative Plus Project

Per the HCM Methodology, LOS for signalized intersections is defined in terms of average vehicle delay. Specifically, LOS criteria are stated in terms of the average control delay per vehicle during the peak hours.

The average control delay includes initial deceleration delay, queue move-up time, and final acceleration time in addition to the stop delay.

The procedure for unsignalized intersection analysis determines the average total delay, expressed in seconds of delay per vehicle, for left turns from the major street and from the stop controlled minor street traffic stream. Delay values are calculated based on the relationship between traffic on the major street and the availability of acceptable “gaps” in this stream through which conflicting traffic movements can be made.

Per the HCM, LOS rankings at intersections use a letter-grade scale ranging from LOS A (optimal conditions) to LOS F (congested or overcrowded conditions) based on average control delay in seconds per vehicle, or how long a vehicle typically waits before proceeding through the intersection. This delay is compared with free-flow conditions, and includes slowing before an intersection, waiting in queues, and stopping at the intersection. The Traffic Analysis used Vistro traffic modeling software to evaluate LOS at both signalized and unsignalized intersections.

Level of Service Standards and Measure of Significance

The City of Menifee LOS Traffic Study Guidelines (October 2020) establishes minimum LOS standards, which has identified LOS D as the threshold for acceptable operating conditions for intersections, except at constrained locations in close proximity to I-215, where LOS E is accepted during peak hours.

Study intersections and roadway segments are considered to have a project-related effect when any of the following occurs between the “without project” and the “plus project” conditions:

- If the pre-project condition at an intersection or roadway segment is at or better than the minimum acceptable LOS (LOS D, or LOS E, at constrained locations near I-215) and the addition of project trips results in an unacceptable LOS (LOS E or LOS F).
- If the pre-project condition is LOS E or F and the project adds 50 or more peak hour trips to the intersection or roadway segment. This type of effect would be considered a cumulative effect in which the project would be required to contribute a fair share payment toward reducing the effect.

Per the City’s LOS Traffic Study Guidelines, Project-related effects are identified as direct or cumulative in the Project’s traffic study report. Only feasible improvements were recommended in the traffic study report. Analysis of the recommended improvements are be provided to demonstrate the proposed improvement would reduce the Project effect to meet LOS standards.

4.13.5 Impacts and Mitigation Measures

Impact 4.13-1: Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Level of Significance: Less than Significant

The Project would be consistent with SB 375 by complying with SCAG’s Connect SoCal. The Project’s consistency analysis with SCAG’s Connect SoCal goals is further discussed in **Table 4.10-3, Project**

Compatibility with SCAG Connect SoCal Strategies within **Section 4.10, Land Use and Planning** of this EIR. The Project would also be consistent with Riverside County's CMP goals which include, but are not limited to, adhering to the CMP by maintaining and enhancing the performance of the multimodal transportation system near the Project site and minimizing travel delay (refer to the LOS analysis in the Project's Traffic Study [**Appendix K1**] evaluating the effectiveness of recommendation measures.

The Project would also comply with the Complete Streets Act of 2008 by being consistent with the Menifee GP Circulation Element. Per the Complete Streets Act of 2008, General Plans are required to accommodate a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways in manners that are suitable to applicable rural, suburban, or urban contexts. More specifically, the Project's circulation system would be designed and constructed in conformance with relevant goals and policies in the Menifee GP Circulation Element that pertain to the Project's circulation system. For example, the Project would be consistent with Menifee GP Policy C-1.5, which would require the Project to minimize idling times and vehicles miles traveled to conserve resources, protect air quality, and limit greenhouse gas emissions. For further details, see **Table 4.10-3, Consistency with the City's General Plan** in **Section 4.10, Land Use and Planning** of this EIR.

The Project would include improvements to the existing Byers Road, Wheat Street, and Kuffel Road. Internal circulation improvements would include on-site perimeter circulation in compliance with all applicable City of Menifee Municipal Code (Menifee MC) development standards. Furthermore, the Project would include off-site improvements for Opening Year 2024 and Opening Year 2024 Cumulative Plus Project Conditions through a combination of fee payments to help establish programs, construction of specific improvements, payment of fair-share contribution toward future improvements, or a combination of these approaches. The Project's fair share proportion at deficient study intersections are further addressed in the LOS analysis provided in the Project's Traffic Study.

Furthermore, the Project's development could result in an increased demand of public transportation as employment opportunities increase. RTA, as the public transit agency for the area, would be responsible for routinely reviewing and adjusting their ridership schedules and service destinations to accommodate public demand. Thus, implementation of the Project would not conflict with local public transit services.

Overall, the Project would not conflict with a program plan, ordinance or policy addressing the Project's circulation system. Accordingly, impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Impact 4.13-2: *Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?*

Level of Significance: Less than Significant

As discussed in Section 4.13.4 above, per the City's VMT Guidelines a project would result in a significant Project-generated VMT impact if either of the following conditions are met:

1. The baseline project-generated VMT per service population exceeds the County of Riverside General Plan Buildout VMT per service population; or
2. The cumulative project-generated VMT per service population exceeds the County of Riverside General Plan Buildout VMT per service population.

Project VMT Analysis⁴

As described in the City’s VMT Guidelines, VMT significance thresholds are based on land use type, broadly categorized as efficiency metrics. Efficiency metrics include VMT/Capita (Residential) and Work VMT/employee (Employee-Based VMT). Since the Project is employment based, the applicable “Employment-Based VMT” threshold of significance was utilized to determine the Project’s VMT impacts.

The calculation of VMT efficiency metrics has two components – the total number of trips generated and the average trip length of each vehicle. As the proposed Project has only non-residential trips, trip attractions were used from all home-based-work trip purpose matrices. Using the peak and off-peak person trip matrices, skim (distances) matrices and appropriate occupancy rates, VMT was calculated for the Project’s TAZs. **Table 4.13-1, Project VMT Impact Evaluation – Efficiency Metrics**, shows the efficiency metric results for the analysis scenarios.

Table 4.13-1: Project VMT Impact Evaluation – Efficiency Metrics

Analysis Scenario	Employment-Based VMT/EMP	VMT Impact
Riverside County Average⁽¹⁾	28.94	
Existing Plus Project		
Project Home Based Work (HBW) VMT/Employee	22.3	No
Cumulative Plus Project Conditions		
Project HBW VMT/Employee	19.4	No
Source: Kimley-Horn and Associates. (2022). <i>SB 743 VMT Analysis</i> . Pg. 4 – Exhibit 1		
(1) Value consistent with the County of Riverside General Plan Buildout VMT per service population threshold noted in the City of Menifee Traffic Impact Analysis Guidelines for Vehicles Miles Traveled (January 2022).		

Based on the results in **Table 4.13-1** and the City’s VMT guidelines, the following initial unmitigated results are determined:

- The proposed Project’s Employment-Based VMT land use does not exceed the county threshold under any Project scenario.

The City’s traffic impact study guidelines also state that the cumulative no project shall reflect SCAG’s adopted Connect SoCal. As such, if a project is consistent with the RTP/SCS, then the cumulative impacts would generally be considered less than significant. The proposed land use is consistent with the Menifee GP and the Project’s Employment-Based VMT does not exceed the threshold under any Project scenario and as a result are determined to not have a significant transportation impact based on the City’s adopted threshold. A less than significant impact would occur.

⁴ Kimley-Horn and Associates. (2022). *SB 743 VMT Analysis*.

The City provides Industrial Good Neighbor Policies for new industrial project sites. Although the Project's VMT impact would be less than significant, the Project would comply with the Industrial Good Neighbor Policies which require TDM measures for industrial uses with over 100 employees to reduce work-related vehicle trips. Overall, impacts concerning the Project's VMT effects are less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.13-3: *Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Level of Significance: Less than Significant

The Project would not include the use of any incompatible vehicles or equipment on-site, such as farm equipment. The Project site would consist of two full-movement, 40-foot driveways on Byers Road and two full-movement, 40-foot driveways on Wheat Street. On-site drive aisles would provide two-way circulation on site. Additionally, the Project would construct the following off-site improvements to Byers Road, Wheat Street, and Kuffel Road. The project would construct the following site adjacent roadway improvements:

- Byers Road: Construction along the Project frontage to its ultimate half width as a 2-Lane Industrial Collector (78-foot right-of-way). Based on conversation with City of Menifee Staff, the intersection of Ethanac Road and Byers Road would be signalized.
- Wheat Street: Construction along the Project frontage to its ultimate half width as a 2-Lane Modified Industrial Collector (74-foot right-of-way)."

The anticipated on-site and off-site roadway improvements would be compatible with the surrounding existing and future land uses. All on-site and site-adjacent improvements would be constructed as approved by the City of Menifee Public Works Department. In accordance with the City's Development Code § 9.160.050, "Every structure shall be constructed upon or moved to a legally recorded parcel with a permanent means of access to a public street or road, or a private street or road, conforming to city standards. All structures shall be located to provide safe and convenient access for servicing, fire protection and required off-street parking." Additionally, sight distance at Project access points would comply with applicable City of Menifee sight distance standards and no sharp curves are proposed as part of the Project design (Development Code § 9.160.060). Therefore, a less than significant impact would occur, and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.13-4: *Would the Project result in inadequate emergency access?*

Level of Significance: Less than Significant

Menifee GP Exhibit S-9: Evacuation Routes identifies the City's evacuation route network relating to hazard impacts, bridges, and water crossings. Approximately eight miles (12 percent of the City's network) are evacuation routes and are located within a Fire Hazard Zone. As shown in Exhibit S-9 of the City's GP, Ethanac Road, Goetz Road, and Murrieta Road are part of the City's evacuation system.⁵

Project access is proposed via two full-movement, 40-foot driveways on Byers Road and two full-movement, 40-foot driveways on Wheat Street. On-site drive aisles would provide two-way circulation on site, connecting to the City's evacuation system. Emergency access lanes would be provided around the perimeter of both buildings. In accordance with the City's Development Code § 9.160.050, "Every structure shall be constructed upon or moved to a legally recorded parcel with a permanent means of access to a public street or road, or a private street or road, conforming to city standards. All structures shall be located to provide safe and convenient access for servicing, fire protection and required off-street parking." Metal, manual operated gates with Knox-Padlock would be provided at each driveway per Riverside County Fire Department (RCFD) Standards. Curbs would be painted, and signage provided to inform of the fire lanes, as required by the RCFD. The RCFD would review the Project for access requirements concerning minimum roadway width, fire apparatus access roads, fire lanes, signage, access devices and gates, and access walkways, among other requirements, which would enhance emergency access to the Project site. Following compliance with RCFD access requirements, adequate emergency access to the Project site would be provided. Project impacts concerning emergency access would be less than significant.

Mitigation Measures

No mitigation is necessary.

4.13.6 Cumulative Impacts

Transportation-related impacts associated with the Project and nearby cumulative projects may overlap and result in temporary traffic impacts to local roadways. However as concluded above, the Project would not result in significant traffic-related impacts resulting from conflicts with regional and local transportation plans or policies.

Based on the City's traffic impact study guidelines, if a project is consistent with the regional RTP/SCS, then the cumulative impacts shall be considered less than significant. The proposed land use is consistent with the Menifee GP; therefore, the proposed Project's cumulative VMT impact is considered less-than-significant. The Project effect on VMT was discussed under Impact 4.13-2 for a Cumulative scenario and found that the cumulative plus project VMT per Employee is lower than the Riverside County Average, in all analysis scenarios including Cumulative (year 2045). Therefore, the Project would have a less than significant impact. Just as the Project will have to do, other development projects would also be required to reduce transportation-related impacts on the local circulation system and implement any required measures that may be prescribed as conditions of approval by the City. Therefore, the Project contribution to cumulative transportation-related impacts would be less than significant.

⁵ City of Menifee. 2013. *Exhibit S-9: Evacuation Routes*. <https://www.cityofmenifee.us/DocumentCenter/View/14711/Evacuation-Routes> (accessed May 2022).

4.13.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

Supplemental Non-CEQA Analysis – For Informational Purposes Only

A Traffic Study (**Appendix K1**) was conducted for the Project in accordance with the traffic study requirements of the City LOS Traffic Study Guidelines and the City Traffic Impact Analysis Guidelines for Vehicle Miles Traveled. Even though General Plan Policy C-1.2 provides a minimum LOS, the state has determined that automobile delay – to an intersection or roadway segment – is no longer required by or considered a significant impact under CEQA. Therefore, the LOS analysis set forth in the following paragraphs and in Appendix K1 is provided for informational purposes only for the City’s use in evaluating the Project and considering conditions of approval outside of CEQA’s framework.

Project Trip Generation

The trip generation rates, passenger car equivalent (PCE) factors, and the resulting trip generation estimates for the Project are summarized in **Table 4.13-2, Summary of Project Trip Generation**. Based on **Table 4.13-2**, the total Project is estimated to generate 4,716 daily PCE trips, with 639 PCE trips (517 inbound and 122 outbound) in the morning peak hour and 879 PCE trips (343 inbound and 536 outbound) in the evening peak hour.

Table 4.13-2: Summary of Project Trip Generation

Trip Generation Rates										
ITE Land Use	ITE Code	Unit	Daily	AM Peak Hour			PM Peak Hour			
				In	Out	Total	In	Out	Total	
High-Cube Fulfillment Center - Sort	155b	KSF	6.44	0.71	0.17	0.87	0.47	0.73	1.20	
Project Trip Generation										
Project Land Use	Quantity	Unit	Daily	AM Peak Hour			PM Peak Hour			
				In	Out	Total	In	Out	Total	
High-Cube Fulfillment Center - Sort	700.037	KSF	4,508	494	116	610	328	512	840	
Passenger Vehicles	97.00%	-	4,373	479	113	592	318	497	815	
Trucks	3.00%	-	135	15	3	18	10	15	25	
Project Trips – Passenger Car Equivalents (PCE)										
Vehicle Type	Vehicle Mix ^{1,2}	Daily Vehicles	PCE Factor	Daily	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Passenger Vehicle	97.00%	4,373	1.0	4,373	479	113	592	318	497	815
2-Axle Trucks	0.51%	23	1.5	35	4	1	5	3	4	7
3-Axle Trucks	0.68%	31	2.0	62	7	2	9	4	7	11
4+ Axle Trucks	1.81%	82	3.0	246	27	6	33	18	28	46
Total Truck PCE Trips				343	38	9	47	25	39	64
Total Project PCE Trips				4,716	517	122	639	343	536	879
Source: Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition 1 Passenger Vehicle and Truck splits taken from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition Supplement. 2 Truck mix percentages were calculated based on a ratio between the ITE truck splits and the Truck Trip Generation Study - City of Fontana, August 2003 PCE = Passenger Car Equivalent KSF = Thousand Square Feet										

Intersection and Roadway Analysis

Pursuant to Menifee GP Policy C-1.2, the City of Menifee has identified LOS D as the threshold for acceptable operating conditions for intersections except at constrained intersections and roadway segments in close proximity to I-215, where LOS E is accepted during peak hours. Based on a review of the existing roadway network and anticipated Project traffic, the following study intersections were selected for analysis in conjunction with the City⁶:

Study Intersections

- | | |
|--|--|
| 1. Goetz Road at Case Road | 15. I-215 NB Ramps at Ethanac Road |
| 2. Murrieta Road at Case Road | 16. Trumble Road at Ethanac Road |
| 3. Goetz Road at Mapes Road | 17. Sherman Road at Ethanac Road |
| 4. I-215 SB Ramps/SR-74 at Bonnie Drive | 18. Byers Road at McLaughlin Road |
| 5. I-215 NB Ramps at SR-74 | 19. Murrieta Road at McLaughlin Road |
| 6. Sherman Road at SR-74 | 20. Murrieta Road at Rouse Road |
| 7. Goetz Road at Fieldstone Drive | 21. Murrieta Road at Chambers Avenue |
| 8. Goetz Road at Ethanac Road | 22. Murrieta Road at McCall Boulevard |
| 9. Wheat Street at Ethanac Road | 23. Sun City Boulevard at McCall Boulevard |
| 10. Byers Road at Ethanac Road | 24. Bradley Road at McCall Boulevard |
| 11. Murrieta Road at Ethanac Road | 25. I-215 SB Ramps at McCall Boulevard |
| 12. Evans Road at Ethanac Road | 26. I-215 NB Ramps at McCall Boulevard |
| 13. Barnett Road/Case Road at Ethanac Road | 27. Encanto Drive at McCall Boulevard |
| 14. I-215 SB Ramps at Ethanac Road | 28. Sherman Road at McCall Boulevard |

Additionally, the following study roadway segments were selected for analysis in conjunction with the City:

- | | |
|---|--|
| 1. Case Road: Goetz Road to Murrieta Road | 11. Ethanac Road: Case Road to I-215 SB Ramps |
| 2. Case Road: Murrieta Road to Mapes Road | 12. Ethanac Road: I-215 SB Ramps to I-215 NB Ramps |
| 3. Goetz Road: Case Road to Mapes Road | 13. Ethanac Road: I-215 NB Ramps to Trumble Road |
| 4. Goetz Road: Mapes Road to Ethanac Road | 14. McLaughlin Road: Byers Road to Murrieta Road |
| 5. Murrieta Road: Case Road to Ethanac Road | 15. Byers Road: Ethanac Road to McLaughlin Road |

⁶ The study locations were established in consultation with City staff through the Scoping Agreement process based on the City of Menifee LOS Traffic Study Guidelines (October 2020). A copy of the approved Scope of Study Form is provided in Appendix A of the Traffic Study (Appendix K1).

- | | |
|---|---|
| 6. Murrieta Road: Ethanac Road to Rouse Road | 16. Wheat Street: Ethanac Road to McLaughlin Road |
| 7. Murrieta Road: Chambers Avenue to McCall Boulevard | 17. McCall Boulevard: Murrieta Road to Sun City Boulevard |
| 8. Ethanac Road: Goetz Road to Wheat Street | 18. McCall Boulevard: Bradley Road to I-215 SB Ramps |
| 9. Ethanac Road: Wheat Street to Murrieta Road | 19. McCall Boulevard: I-215 SB Ramps to I-215 NB Ramps |
| 10. Ethanac Road: Murrieta Road to Evans Road | 20. McCall Boulevard: I-215 NB Ramps to Encanto Drive |

Existing Conditions

To establish a baseline analysis for existing traffic volumes, turning movement and daily roadway traffic counts were collected for all study intersections and study roadway segments in October 2021, and January 2022, for the existing morning peak period (7:00 to 9:00 AM) and evening peak period (4:00 to 6:00 PM). PCE factors, were then applied to the truck types, based on number of axles (1.5 PCE for 2-axle trucks, 2.0 PCE for 3-axle trucks, and 3.0 PCE for 4+-axle trucks) to determine the total existing PCE volumes.

Based on the existing intersection geometrics and peak-hour traffic volumes, intersection LOS and roadway segment LOS were analyzed for the AM and PM peak hours (see Traffic Study Table 1 and 2). Under existing conditions, the following study intersections currently operate below the minimum acceptable LOS standard:

- #17 - Sherman Road at Ethanac Road: AM & PM - LOS E

Additionally, under existing conditions, the following study roadway segment operates at an unacceptable LOS:

- Ethanac Road: I-215 NB Ramps to Trumble Road - LOS F

Existing Plus Project

The Project-related traffic was added to the existing AM and PM peak-hour traffic volumes. Review of Traffic Study Table 4 indicated that, with the addition of project traffic, the following study intersections would operate at an unacceptable LOS:

- #9 – Wheat Street at Ethanac Road: AM & PM - LOS F
- #10 - Byers Road at Ethanac Road: AM & PM - LOS F
- #15 - I-215 NB Ramps at Ethanac Road: PM – LOS F
- #17 - Sherman Road at Ethanac Road: AM – LOS F & PM – LOS E

The LOS for an unsignalized intersection is reported based on the single approach movement with the highest delay, which in this case, would be the northbound approach for intersections 9, 10 and 17. The side street traffic at these intersections experience delay during the peak hours while waiting for an acceptable gap in traffic on Ethanac Road. While the side street approaches operate at a deficient LOS

based on the highest delay approach, the overall intersection delay would be acceptable. Any queuing that occurs on the side streets are contained on the minor intersection approaches and do not impact the progression of traffic on the main arterials.

Review of Traffic Study indicates that, with the addition of Project traffic, the following study roadway segments would operate at unacceptable LOS:

- Goetz Road: Mapes Road to Ethanac Road - LOS E
- Ethanac Road: I-215 NB Ramps to Trumble Road - LOS F

Opening Year 2024 Cumulative Conditions

The Project Opening Year is anticipated to be Year 2024. Based on consultation with City staff, an ambient annual growth rate of 2 percent per year was applied to existing traffic volumes to develop Opening Year 2024 Base forecasts.

Review of Traffic Study Table 7 indicates that, with the addition of ambient growth and cumulative projects traffic, the following study intersections would operate at an unacceptable LOS under Opening Year 2024 conditions:

- #9 – Wheat Street at Ethanac Road: AM & PM - LOS F
- #10 - Byers Road at Ethanac Road: PM - LOS F
- #11 - Murrieta Road at Ethanac Road: AM & PM - LOS F
- #12 - Evans Road at Ethanac Road: AM & PM - LOS F
- #14 - I-215 SB Ramps at Ethanac Road: AM & PM - LOS F
- #15 - I-215 NB Ramps at Ethanac Road: AM & PM - LOS F
- #16 - Trumble Road at Ethanac Road: PM - LOS E
- #17 - Sherman Road at Ethanac Road: AM & PM - LOS F
- #19 - Murrieta Rd at McLaughlin Road: PM - LOS F
- #20 - Murrieta Road at Rouse Road: AM & PM - LOS F
- #25 - I-215 SB Ramps at McCall Boulevard: PM - LOS E

Additionally review of Traffic Study Table 8 indicates that the following study roadway segments, with the addition of ambient growth and cumulative projects traffic, would operate at an unacceptable LOS:

- Goetz Road: Mapes Road to Ethanac Road - LOS F
- Murrieta Road: Ethanac Road to Rouse Road - LOS F
- Ethanac Road: Case Road to I-215 SB Ramps - LOS F
- Ethanac Road: I-215 SB Ramps to I-215 NB Ramps - LOS F
- Ethanac Road: I-215 NB Ramps to Trumble Road - LOS F

Opening Year 2024 Cumulative Plus Project

Project-related traffic for the Project was added to the Opening Year 2024 Cumulative traffic volumes. Intersection LOS analysis was conducted for the Opening Year 2024 Cumulative Plus Project condition. Review of Traffic Study Table 9 indicates, that with the addition of Project traffic, and cumulative conditions, the following intersections would operate at an unacceptable LOS under Opening Year 2024 Cumulative Plus Project conditions:

- #9 – Wheat Street at Ethanac Road: AM & PM - LOS F
- #10 - Byers Road at Ethanac Road: AM & PM - LOS F
- #11 - Murrieta Road at Ethanac Road: AM & PM - LOS F
- #12 - Evans Road at Ethanac Road: AM & PM - LOS F
- #14 - I-215 SB Ramps at Ethanac Road: AM & PM - LOS F
- #15 - I-215 NB Ramps at Ethanac Road: AM & PM - LOS F
- #16 - Trumble Road at Ethanac Road: PM - LOS E
- #17 - Sherman Road at Ethanac Road: AM & PM - LOS F
- #19 - Murrieta Rd at McLaughlin Road: PM - LOS F
- #20 - Murrieta Road at Rouse Road: AM & PM - LOS F
- #21 - Murrieta Road at Chamber Avenue: PM - LOS E
- #25 - I-215 SB Ramps at McCall Boulevard: PM - LOS E

Additionally, review of Traffic Study Table 10 indicates that the following study roadway segments, with the addition of Project traffic and cumulative conditions, would operate at an unacceptable LOS:

- Goetz Road: Mapes Road to Ethanac Road - LOS F
- Murrieta Road: Ethanac Road to Rouse Road - LOS F
- Ethanac Road: Murrieta Road to Evans Road - LOS E
- Ethanac Road: Case Road to I-215 SB Ramps - LOS F
- Ethanac Road: I-215 SB Ramps to I-215 NB Ramps - LOS F
- Ethanac Road: I-215 NB Ramps to Trumble Road - LOS F
- McCall Boulevard: I-215 SB Ramps to I-215 NB Ramps- LOS F

Recommended Improvements

Recommended improvements for the deficient intersections and roadways were proposed in the Traffic Study to address the Project-related effects at the following intersections. "Implementation of the following improvements under Opening Year 2024 Cumulative Plus Project conditions are recommended to address the project-related effect at the study intersections, as shown in **Table 4.13-3, Intersection LOS - Opening Year with Improvements** below.⁷

⁷ See page 55 (Table 14) of the Traffic Study for a summary of the project fair share for the deficient study intersections and roadway segments.

Table 4.13-3: Intersection LOS – Opening Year with Improvements

Intersection	Improvements	Peak Hour	Proposed Traffic Control	Opening Year 2024 Cumulative Plus Project					
				Without Project		With Project		With Improvements	
				Delay	LOS	Delay	LOS	Delay	LOS
9. Wheat St at Ethanac Rd	<ul style="list-style-type: none"> Modify the existing northbound shared lane to a right-turn only (northbound left-out restricted) 	AM	U	-	A	99.1	F	13.9	B
		PM	U	-	A	156.0	F	21.3	C
10. Byers Rd at Ethanac Rd	<ul style="list-style-type: none"> Install traffic signal Modify the existing northbound shared lane to a right-turn lane Add a dedicated northbound left-turn lane Add protected westbound left-turn phasing Increase the left turn pocket length to 350 feet 	AM	S	14.6	B	139.5	F	13.7	B
		PM	S	50.6	F	>180	F	14.7	B
11. Murrieta Rd at Ethanac Rd	<ul style="list-style-type: none"> Add a dedicated northbound right-turn lane Add northbound right-turn overlap phasing Add eastbound right-turn lane Add a dedicated northbound left-turn lane Modify northbound/southbound phasing from split to protected 	AM	S	86.6	F	100.9	F	29.9	C
		PM	S	150.8	F	379.7	F	37.8	D
12. Evans Rd at Ethanac Rd	<ul style="list-style-type: none"> Install traffic signal Modify the existing northbound shared lane to a right-turn lane Add a northbound left-turn lane Add northbound right-turn overlap phasing 	AM	S	>180	F	>180	F	14.4	B
		PM	S	>180	F	>180	F	13.2	B
14. I-215 SB Ramps at Ethanac Rd	<ul style="list-style-type: none"> Add 2nd eastbound through lane Add 2nd westbound left-turn lane Modify southbound approach to provide one left-turn, one right-turn, and one shared Left/Thru/Right movements 	AM	S	135.5	F	191.1	F	37.6	D
		PM	S	188.0	F	283.2	F	43.6	D

Intersection	Improvements	Peak Hour	Proposed Traffic Control	Opening Year 2024 Cumulative Plus Project					
				Without Project		With Project		With Improvements	
				Delay	LOS	Delay	LOS	Delay	LOS
	<ul style="list-style-type: none">Add free eastbound right-turn lane								
15. I-215 NB Ramps at Ethanac Rd	<ul style="list-style-type: none">Add 2nd eastbound through laneAdd 2nd westbound through laneAdd a dedicated westbound right-turn laneAdd 2nd eastbound left-turn laneAdd 2nd northbound left-turn lane	AM	S	220.4	F	285.3	F	34.2	C
		PM	S	259.2	F	352.2	F	45.3	D
16. Trumble Rd at Ethanac Rd	<ul style="list-style-type: none">Add 2nd eastbound through laneAdd 2nd westbound through lane	AM	S	44.0	D	46.8	D	31.2	C
		PM	S	65.6	E	73.2	E	32.3	C
17. Sherman Rd at Ethanac Rd	<ul style="list-style-type: none">Install traffic signalAdd a dedicated westbound left-turn laneAdd a dedicated eastbound left-turn laneAdd protected EB and WB left-turn phasingAdd a dedicated southbound right-turn laneAdd a dedicated northbound left-turn laneSet the northbound/southbound signal phasing to split	AM	S	>180	F	>180	F	53.3	D
		PM	S	>180	F	>180	F	49.6	D
20. Murrieta Rd at Rouse Rd	<ul style="list-style-type: none">Install Traffic Signal	AM	S	67.6	F	103.4	F	19.5	B
		PM	S	>180	F	>180	F	12.9	B
25. I-215 SB Ramps at McCall Boulevard	<ul style="list-style-type: none">Add 2nd southbound right-turn laneAdd southbound left-turn lane	AM	S	50.8	D	51.0	D	32.7	C
		PM	S	61.6	E	64.2	E	33.8	C
<div>Notes:</div> <div>- Bold and Shaded values indicate intersections operating at an unacceptable Level of Service</div> <div>- Delay values for signalized intersections represent the sum of average vehicle delay on all intersection approaches.</div> <div>S = Signalized</div> <div>U = Unsignalized</div>									

Roadway improvements were also recommended to address deficient roadway segments. A summary of the roadway analysis after implementation of the recommended roadway improvements is provided in

Table 4.13-4, Summary of Roadway Segment Analysis with Improvements Opening Year 2024 Cumulative Plus Project.

Table 4.13-4: Summary of Roadway Segment Analysis with Improvements Opening Year 2024 Cumulative Plus Project

Roadway	Segment	Existing Configuration	Recommended Configuration	Opening Year 2024 Cumulative ADT	Project ADT	Opening Year 2024 Plus Project ADT	Recommended LOS E Capacity ¹	V/C	LOS
Goetz Road	Mapes Road to Ethanac Road	2-Lane Arterial	4-Lane Arterial	13,124	396	13,520	37,000	0.365	A
Murrieta Road	Ethanac Road to Rouse Road	2-Lane Secondary	4-Lane Secondary	13,529	357	13,886	25,900	0.536	A
Ethanac Road	Murrieta Road to Evans Road	4-Lane Arterial	6-Lane Urban Arterial	30,680	3,533	34,213	56,300	0.608	B
	Case Road to I-215 SB Ramps	4-Lane Arterial	6-Lane Urban Arterial	42,664	3,551	46,215	56,300	0.821	D
	I-215 SB Ramps to I-215 NB Ramps	3-Lane Arterial	6-Lane Urban Arterial	33,257	2,000	35,257	56,300	0.626	B
	I-215 NB Ramps to Trumble Road	2-Lane Arterial	4-Lane Arterial	25,449	352	25,801	37,000	0.697	B
McCall Boulevard	I-215 SB Ramps to I-215 NB Ramps	4-Lane Major	4-Lane Arterial ²	33,948	334	34,282	37,000	0.927	E
Source: ¹ City of Menifee Engineering Department, LOS Traffic Study Guidelines, October 2020 ² Roadway segment is currently built to ultimate configuration. ADT = Average Daily Traffic V / C = Volume to Capacity LOS = Level of Service									

For the roadway and intersection deficiencies and recommended improvements identified in **Table 4.13-3** and **Table 4.13-4**, the City may consider Project conditions of approval requiring fee payments to established programs, construction of specific improvements, payment of a fair-share contribution toward recommended improvements, or a combination of these approaches. To the extent that the Project will not be directly constructing recommended improvements or paying into an established fee program, the Project fair share proportion for non-programmed improvements at deficient study intersections and roadway segments under Opening Year 2024 Cumulative Plus Project conditions is shown in **Table 4.13-5, Roadway Segment Fair Share Contributions**. The project would pay a fair share towards the recommended improvements for deficient study intersections and roadway segments. For programmed improvements, the developer will pay into the regional transportation fee program and development impact fee.

Table 4.13-5: Roadway Segment and Intersection Fair Share Contributions

Int. #	Intersection	AM Peak Hour					PM Peak Hour				
		Total Volume		Total Growth	Project Trips	%age	Total Volume		Total Growth	Project Trips	%age
		2022	2024				2022	2024			
Opening Year 2021 Cumulative Conditions											
9	Wheat St at Ethanac Rd	1,199	2,018	819	384	19.0%	1,132	2,257	1,125	591	26.2%
10	Byers Rd at Ethanac Rd	1,218	2,384	1,166	545	22.9%	1,148	2,695	1,547	772	28.6%
11	Murrieta Rd at Ethanac Rd	1,664	3,191	1,527	536	35.1%	1,712	3,699	1,987	747	37.6%

Int. #	Intersection	AM Peak Hour					PM Peak Hour				
		Total Volume		Total Growth	Project Trips	%age	Total Volume		Total Growth	Project Trips	%age
		2022	2024				2022	2024			
12	Evans Rd at Ethanac Rd	1,406	3,213	1,807	481	26.6%	1,365	3,697	2,332	664	28.5%
14	I-215 SB Ramps at Ethanac Rd	2,398	4,605	2,207	481	21.8%	2,381	5,222	2,841	664	23.4%
15	I-215 NB Ramps at Ethanac Rd	1,935	3,691	1,756	257	14.6%	2,050	4,361	2,311	381	16.5%
16	Trumble Rd at Ethanac Rd	1,360	2,308	948	47	5.0%	1,415	2,615	1,200	65	5.4%
17	Sherman Rd at Ethanac Rd	936	1,857	921	47	5.1%	782	1,941	1,159	65	5.6%
20	Murrieta Rd at Rouse Rd	487	1,132	645	67	10.4%	725	1,576	851	98	11.5%
25	I-215 SB Ramps at McCall Boulevard	3,105	3,938	833	39	4.7%	3,062	4,096	1,034	79	7.6%
Roadway	Segment	Daily Traffic									
		Total Volume		Total Growth	Project Trips	Fair Share %age					
		2022	2024								
Goetz Road	Mapes Road to Ethanac Road	11,487	13,124	1,637	396	24.2%					
Murrieta Road	Ethanac Road to Rouse Road	7,947	13,886	5,939	357	6.0%					
Ethanac Road	Murrieta Road to Evans Road	17,715	34,213	16,498	3,533	21.4%					
	Case Road to I-215 SB Ramps	25,161	46,215	21,054	3,551	16.9%					
	I-215 SB Ramps to I-215 NB Ramps	18,907	35,257	16,350	2,000	12.2%					
	I-215 NB Ramps to Trumble Road	14,139	25,801	11,662	352	3.0%					
McCall	I-215 SB Ramps to I-215 NB Ramps	27,453	34,282	6,829	334	4.9%					
Notes: Fair Share percentage is to be applied to non-programmed improvements											

Traffic Signal Warrant Analysis

Signal warrants were based on the 2014 California Manual on Uniform Traffic Control Devices (CA MUTCD). The CA MUTCD provides a set of nine warrant guidelines for the installation of a traffic signal. These traffic signal warrants include volume thresholds as well as other considerations such as proximity to railroad grade crossings or existing traffic signals. The warrants were conducted using Warrant 3 (Peak Hour Warrant)⁸ for the following conditions:

⁸ The CA MUTCD Warrant 3 (Peak Hour Warrant) uses peak hour volumes and certain volume thresholds to determine if a traffic signal is warranted under peak hour conditions based on volumes.

Traffic signal warrant analyses were conducted for the following unsignalized intersections:

- #9 – Wheat Street at Ethanac Road
- #10 – Byers Road at Ethanac Road
- #12 - Evans Road at Ethanac Road
- #17 - Sherman Road at Ethanac Road
- #19 - Murrieta Rd at McLaughlin Road
- #20 - Murrieta Road at Rouse Road
- #21 - Murrieta Road at Chambers Avenue

Based on the signal warrant analysis, Signal Warrant 3 was met under the following conditions:

- Existing Plus Project
 - #9 – Wheat Street at Ethanac Road: PM
 - #10 - Byers Road at Ethanac Road: PM
- Opening Year 2024 Cumulative
 - #10 - Byers Road at Ethanac Road: AM & PM
 - #12 - Evans Road at Ethanac Road: AM & PM
 - #17 - Sherman Road at Ethanac Road: AM & PM
- Opening Year 2024 Cumulative Plus Project
 - #9 – Wheat Street at Ethanac Road: PM
 - #10 - Byers Road at Ethanac Road: AM & PM
 - #12 - Evans Road at Ethanac Road: AM & PM
 - #17 - Sherman Road at Ethanac Road: AM & PM
 - #20 - Murrieta Road at Rouse Road: PM

The CA MUTCD specifically states that, “The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal.” The reference document goes on to state a number of other factors to take into account when considering a signal for a specific location, including whether or not a signal would improve the overall safety of the intersection, whether it would benefit or disrupt progressive traffic flow, and consideration of site-specific characteristics such as queuing, signal spacing, and overall delay to the main street through movements. The decision to install a traffic signal should be based on engineering judgement, and not solely upon satisfying a single peak hour warrant. For the intersections where a traffic signal is recommended based on the traffic signal warrant analysis and engineering judgment, a traffic signal is noted in **Table 4.13-3**. Based on discussion with City staff, the intersection of Wheat Street at Ethanac Road is anticipated to be right-in-right-out (RIRO) with a raised median along Ethanac Road at the intersection. Therefore, a signal is not recommended.

LOS Conclusion

With implementation of recommendations listed above, the Project would be consistent with all applicable traffic thresholds. Note that, because automobile delay is no longer considered a CEQA impact, the intersection and roadway recommendations provided above and in Appendix K1, Traffic Study, are not mitigation measures, are conceptual in nature, and are not required to be enforced. However, the City may consider including the recommendations as part of the Project's conditions of approval.

4.13.8 References

City of Menifee. (2020). *Active Transportation Plan*. Available at:

<https://www.cityofmenifee.us/687/Menifee-Active-Transportation-Plan>

City of Menifee. (2013). *Exhibit C-4: Proposed Bikeway and Community Pedestrian Network*. Retrieved

from: https://www.cityofmenifee.us/DocumentCenter/View/1021/C-4-Bikeways_HD0913?bidId=

Kimley-Horn and Associates. (2022). *Traffic Study*. **Appendix K1**

Kimley-Horn and Associates. (2022). *SB 743 VMT Analysis*. **Appendix K2**

4.14 TRIBAL CULTURAL RESOURCES

4.14.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and analyzes the Tribal Cultural Resources (TCRs) impacts associated with the development of the CADO Menifee Industrial Warehouse Project (Project), within the City of Menifee (City). Historically, the term “cultural resources” encompassed archaeological, historical, paleontological, and tribal cultural resources, including both physical and intangible remains, or traces left by historic or prehistoric peoples. TCRs refer to either a site, feature, place, cultural landscape, that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe.

Information in this section is based primarily on the following source:

- BCR Consulting LLC (BCR) (2022). *Phase I Cultural Resources Assessment (CRA)* (**Appendix D**).

4.14.2 Environmental Setting

Ethnographic Setting¹

The Project site is situated within the traditional boundaries of the Luiseño, and is peripheral to the Cahuilla area. Each of these groups belongs to the Cupan group of the Takic subfamily of languages. Like other Native American groups in southern California, they practiced semi-nomadic hunter-gatherer subsistence strategies and commonly exploited seasonably available plant and animal resources. Spanish missionaries were the first outsiders to encounter these groups during the late 18th century.

Luiseño. Typically, the native culture groups in southern California are named after nearby Spanish missions, and such is the case for this population. For instance, the term “Luiseño” is applied to the natives inhabiting the region within the “ecclesiastical jurisdiction of Mission San Luis Rey ...[and who shared] an ancestral relationship which is evident in their cosmogony, and oral tradition, common language, and reciprocal relationship in ceremonies”. The first written accounts of the Luiseño are attributed to the mission fathers; later documentation was produced by Sparkman, Oxendine and others. Prior to Spanish occupation of California, the territory of the Luiseño extended along the coast from Agua Hedionda Creek to the south, Aliso Creek to the northwest, and the Elsinore Valley and Palomar Mountain to the east. These territorial boundaries were somewhat fluid and changed through time. They encompassed an extremely diverse environment that included coastal beaches, lagoons and marshes, inland river valleys and foothills, and mountain groves of oaks and evergreens.

Cahuilla. The Cahuilla are generally divided into three groups: Desert Cahuilla, Mountain Cahuilla, and Western (or Pass) Cahuilla. The term Western Cahuilla is preferred over Pass Cahuilla because this group is not confined to the San Geronio Pass area. The distinctions are believed to be primarily geographic, although linguistic and cultural differences may have existed to varying degrees. Cahuilla territory lies within the geographic center of southern California and the Cocopa Maricopa Trail, a major prehistoric

¹ BCR Consulting LLC. 2022. *Phase I Cultural Resources Assessment*.

trade route, ran through it. The first written accounts of the Cahuilla are attributed to mission fathers; later documentation was by Strong (1929), Bright (1998), and others.

Native American Coordination

As part of the cultural resource assessment, the Native American Heritage Commission (NAHC) was contacted for a review of the Sacred Lands File (SLF) search. The objective of the SLF search was to determine if the NAHC had any knowledge of Native American cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the Project area of potential effect (APE). The NAHC responded on May 27, 2022, stating that the SLF was completed with negative results. However, NAHC noted that the absence of specific site information in the SLF does not indicate the absence of cultural resources within the Project site.

The NAHC suggested that 14 Native American tribal groups be contacted to elicit information regarding cultural resource issues related to the Project. Informal outreach messages were sent to the groups on June 6, 2022. Responses received are as follows:

- Pala Band of Mission Indians: On July 20, 2022, Ms. Shasta Gaughen, PhD stated that the Project as described is not within the boundaries of the recognized Pala Indian Reservation, and the Project is beyond the boundaries of the territory that the tribe considers its Traditional Use Area. She deferred to the tribes in closer proximity to the Project area.
- Pechanga Band of Luiseño Mission Indians: On June 17, 2022, Mr. Paul Macarro stated that the Project is not within reservation land's but is located in the heart of their ancestral territory. Mr. Macarro advised that the tribe is interested in participating in the Project based upon their knowledge of the area; its location surrounded by three Traditional Cultural Properties (TCP); the Project's proximity to the San Jacinto River; and the Project's proximity to Pechanga Reservation Trust Lands. He then requested various information so they may continue the coordination and provide adequate and appropriate recommendations for the Project. In response the Tribe was invited to participate in the field survey. Representatives from the Tribe joined the Project archaeologist during the pedestrian field survey on July 11, 2022.
- The Quechan Historic Preservation Officer responded with no comments on the Project and deferred to more local Tribes.
- Rincon Band of Luiseño Indians: On July 18, 2022, Ms. Cheryl Madrigal stated that the Project is within the Traditional Use Area of the Luiseño people. As such, the Rincon Band is traditionally and culturally affiliated to the Project area. She further added that the Tribe has no information on specific TCRs or TCPs within or surrounding the Project area. Lastly, she recommended working with the Pechanga Band of Luiseño Indians as they may have pertinent information to provide.

AB 52 letters were sent on December 9, 2021, to the Agua Caliente Band of Cahuilla Indians, Pechanga Band of Mission Indians, Soboba Band of Luiseño Indians, and Rincon Cultural Resources Department. To date, request to provide the Project cultural report was received from all tribes except for the Rincon Cultural Resources Department. Consistent with the tribes' request, the cultural report was provided on August 15, 2022.

The City received a request for AB 52 consultation from the Agua Caliente Band of Cahuilla Indians on February 15, 2022. The cultural resources assessment was provided to Agua Caliente Band of Cahuilla Indians on August 15, 2022. On August 23, 2022, Agua Caliente Band of Cahuilla Indians closed consultation.

In response to the AB 52 letter, Ms. Tuba Ebru Ozdil, Cultural Resource Analyst for the Pechanga Band of Luiseño Mission Indians, stated that the Pechanga Tribe was concerned about inadvertent finds, because this Project appears to be near an 1887 plat map road (Road to Temecula). They requested to see the Cultural Resources Assessment, which was provided on August 15, 2022. On October 3, 2022, the Pechanga Tribe stated they were satisfied with the standard Conditions of Approval for cultural/tribal cultural resources and consultation with the Pechanga Band of Luiseño Indians concluded. On April 18, 2023, the City informed the Pechanga Tribe that the CEQA document would be forwarded to them for their review once available. Draft copies of this CEQA document were provided to Ms. Ozdil on October 2023.

The City met with Joseph Ontiveros, Tribal Historic Preservation Officer for the Soboba Band of Luiseño Indians, on January 6, 2022. Soboba stated that there is a possibility of inadvertent finds at this location. The cultural resources assessment was sent to Mr. Ontiveros on August 15, 2022. On March 18, 2023, the City informed the Soboba Band of Luiseño Indians that the CEQA document would be forwarded to them for their review once available. Draft copies of this CEQA document were provided to Mr. Ontiveros on October 2023.

Rincon Band of Luiseño Indians did not send a response for consultation from the Project notification letter requesting consultation on December 9, 2021.

Existing Conditions

The Project site is located in the northwesterly portion of the City of Menifee. The Project site is bound by Wheat Street to the west; Kuffel Road to the north; Byers Road to the east; and Corsica Lane to the south. The Project site is located in Section 17 of Township 5 South, Range 3 West, San Bernardino Baseline and Meridian. The Project site is depicted on the U.S. Geological Survey Romoland, California (1979) 7.5-minute topographic quadrangle. The Project site has been subject to mechanical clearing and discing for weed abatement. It contains a rural residential complex consisting of two modern residences and three modern ancillary buildings in the northeast corner. This complex is not historic in age.

A records search by the Eastern Information Center (EIC) was conducted on the Project site and the surrounding area on June 28, 2022. The records search included a review of all prerecorded historic-period and prehistoric cultural resources, as well as a review of known cultural resources surveys and excavation reports generated from projects located within one half-mile of the Project site. EIC records indicate that 24 cultural resources studies have been conducted within a one half-mile radius of the Project area. One of these studies involved the Project site. This study was updated twice resulting in no cultural resources previously identified within the Project boundaries. The records search identified two cultural resources (one historic and one prehistoric) located approximately 0.25-mile from the Project site.

4.14.3 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) (54 U.S. Code [USC] 300101 et seq.) is legislation intended to preserve historical and archaeological sites in the United States of America. The act created the National Register of Historic Places (NRHP), the list of National Historic Landmarks, and the State Historic Preservation Offices (SHPO). Among other things, the act requires federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties (buildings, archaeological sites, etc.) through a process known as “Section 106 Review.”

National Register of Historic Places

Developed in 1981 pursuant to Title 36 Code of Federal Regulations [CFR] § 60, the NRHP provides an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment. It should be noted that the listing of a private property on the NRHP does not prohibit any actions which may otherwise be taken by the property owner with respect to the property. The listing of sites in California to the NRHP is initiated through an application submitted to the State Office of Historical Preservation (OHP). Applications deemed suitable for potential consideration are handled by the SHPO. All NRHP listings for sites in California are also automatically added to the California Register of Historical Resources (CRHR) by the State of California. The listing of a site on the NRHP does not generally result in any specific physical protection. Among other things, however, it does create an additional level of CEQA (and the National Environmental Protection Act [NEPA]) review to be satisfied prior to the approval of any discretionary action occurring that might adversely affect the resource.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants and culturally affiliated Indian tribes.

National Park Service – National Register Bulletin 38

National Park Service has prepared guidelines to assist in the documentation of TCPs by public entities. The Bulletin is intended to be an aid in determining whether properties have traditional cultural significance and if they are eligible for inclusion in the NRHP. It is also intended to assist federal agencies, SHPOs, Certified Local Governments, tribes, and other historic preservation practitioners who need to evaluate such properties when considering their eligibility for the NRHP as part of the review process prescribed by the Advisory Council on Historic Preservation (ACHP).

TCPs are a broad group of places that can include:

- location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

State

California Register of Historical Resources (Public Resource Code § 5024.1 et seq.)

State law protects cultural resources by requiring evaluations of the significance of historical resources in CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in § 15064.5(a) of the State CEQA Guidelines. These criteria are similar to those used in federal law. The CRHR is maintained by the state OHP. Properties listed, or formally designated eligible for listing, on the NRHP are automatically listed on the CRHR, as are state historical landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

CRHR Criteria

For purposes of CEQA, a historical resource is any object, building, structure, site, area, place, record, or manuscript listed in or eligible for listing in the CRHR (California Public Resources Code [PRC] § 21084.1). A resource is eligible for listing in the CRHR if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history. The California Code of Regulations (CCR) further provides that cultural resources of local significance are CRHR-eligible (Title 14 CCR, § 4852).

California Government Codes (Related to Native American Heritage)

Section 6254(r) of the California Government Code (CGC) exempts from disclosure public records of Native American graves, cemeteries and sacred places maintained by the NAHC. Pursuant to Senate Bill (SB) 18, CGC § 65351 specifies how local planning agencies should provide opportunities for involvement of California Native American tribes to consult on the preparation or amendment of general plans. In particular, CGC § 65352 requires local planning agencies to refer proposed actions of general plan adoption or amendment to California Native American tribes on the contact list maintained by the NAHC and others, with a 45-day opportunity for comments. In regard to historical properties, CGC §§ 25373 and 37361 allows city and county legislative bodies to acquire property for the preservation or development of a historical landmark. It also allows local legislative bodies to enact ordinances to provide special conditions or regulations for the protection or enhancement of places or objects of special historical or aesthetic interest or values. Lastly, CGC §§ 50280-50290 implement the Mills Act which allows the negotiation of historical property contracts between a private property owner of a “qualified historical property” and provides additional guidelines for such contracts.

California Health and Safety Code (§§ 7050.5, 7051, and 7054)

Sections 7050.5, 7051, and 7054 of the California Health and Safety Code (HSC) collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the PRC), as well as the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, treatment of the remains prior to, during and after evaluation, and reburial procedures.

Human Remains

According to § 15064.5 of the CEQA Guidelines, all human remains are a significant resource. This section also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are discussed within PRC § 5097.

Native American Heritage Commission

The NAHC, created in statute in 1976, is a nine-member body, appointed by the Governor, to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The NAHC is charged with the duty of preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintain an inventory of Native American sacred sites located on public lands (i.e., Sacred Lands File), and review current administrative and statutory protections related to these sacred sites.

State Historic Preservation Office

SHPO is a state governmental function created by the federal government in 1966 under NHPA § 101. SHPO administers the NRHP, the CRHR, the California Historical Landmarks, and the California Points of Historical Interest programs. The purposes of a SHPO include surveying and recognizing historic

properties, reviewing nominations for properties to be included in the NRHP, reviewing undertakings for the impact on the properties as well as supporting federal organizations, state and local governments, and private sector. SHPO maintains the CHRIS, which includes the statewide Historical Resources Inventory database.

California State Historical Landmarks

California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance and meet specific criteria. The resource must also be approved for designation by the county or local jurisdiction, be recommended by the State Historical Resources Commission, and be officially designated by California State Parks. California Historical Landmarks are automatically listed in the CRHR.

California Points of Historical Interest

California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific, technical, religious, experimental, or other value.

Native American Heritage Commission

PRC § 5097.91 established the NAHC, the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC § 5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

California Public Records Act

Sections 6254(r) and 6254.10 of the California Public Records Act (CGC § 6250 et seq.) were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects...maintained by, ..., the Native American Heritage Commission....”. Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the [NAHC], another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.”

Assembly Bill 52

Signed into law in September 2014, California Assembly Bill (AB) 52 created a new class of resources – tribal cultural resources – for consideration under CEQA. Tribal cultural resources may include sites, features, places, cultural landscapes, sacred places, or objects with cultural value to a California Native American tribe that are listed or determined to be eligible for listing in the CRHR, included in a local register of historical resources, or a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant and eligible for listing on the CRHR. AB 52 requires

that the lead CEQA agency consult with California Native American tribes that have requested consultation for projects that may affect tribal cultural resources. The lead CEQA agency shall begin consultation with participating Native American tribes prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. Under AB 52, a project that has potential to cause a substantial adverse change to a tribal cultural resource constitutes a significant effect on the environment unless mitigation reduces such effects to a less than significant level.

Local

City of Menifee General Plan

Open Space & Conservation Element

The City of Menifee's Open Space & Conservation Element provides policy direction for Menifee's parks and open space areas, recreational trails, and the conservation, development, and utilization of the City's natural resources with an overall goal of maintaining the high quality of life Menifee residents have enjoyed for generations, while also preserving and protecting the numerous nonrenewable and unique cultural and historic resources located within the City.²

Goals and policies from the Open Space & Conservation Element applicable to the Project include:

Goal OSC-5	Archaeological, historical, and cultural resources are protected and integrated into the city's built environment
Policy OCS-5.1	Preserve and protect archaeological and historic resources and cultural sites, places, districts, structures, landforms, objects and native burial sites, traditional cultural landscapes and other features, consistent with state law and any laws, regulations or policies which may be adopted by the city to implement this goal and associated policies.
Policy OCS-5.4	Establish clear and responsible policies and best practices to identify, evaluate, and protect previously unknown archaeological, historic, and cultural resources, following applicable CEQA and NEPA procedures and in consultation with the appropriate Native American tribes who have ancestral lands within the city.

4.14.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been used as significance criteria in this section. Accordingly, the Project may have a significant environmental impact if one or more of the following occurs:

- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

² City of Menifee. 2013. *Menifee General Plan Open Space & Conservation Element*. Available at: <https://www.cityofmenifee.us/250/Open-Space-Conservation-Element> (accessed July 2023).

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds as the basis for determining the impact's level of significance concerning tribal cultural resources. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impacts. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on tribal cultural resources examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on field reconnaissance; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that any components of the Project may result in "substantial" adverse effects on tribal cultural resources considers the existing site's resource value and the severity of the Project implementation on resources that may be considered significant tribal cultural resources.

4.14.5 Impacts and Mitigation Measures

Impact 4.14-1 *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*

Impact 4.14-2 *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Level of Significance: Less than Significant

AB 52 specifies that a project that may cause a substantial adverse change to a defined TCR may result in a significant effect on the environment. AB 52 requires tribes interested in development projects within a traditionally and culturally affiliated geographic area to notify a lead agency of such interest and to request notification of future projects subject to CEQA prior to determining if a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. The lead agency is then required to notify the tribe within 14 days of deeming a development application subject to CEQA complete to notify the requesting tribe as an invitation to consult on the project. AB 52 identifies examples of mitigation measures that will avoid or minimize impacts to a TCR. The bill makes the above provisions applicable to projects that have a notice of preparation or a notice of intent to adopt a negative declaration/mitigated negative declaration or environmental impact report circulated on or after July 1, 2015. AB 52 amends § 5097.94 and adds §§ 21073, 21074, 2108.3.1., 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to the California PRC, relating to Native Americans.

Based on the City's prior experience with and written request from potentially interested Tribes, AB 52 Notices were sent to the following four Tribes on December 9, 2021:

- Agua Caliente Band of Cahuilla Indians;
- Pechanga Band of Luiseño Mission Indians;
- Rincon Band of Luiseño Indians; and
- Soboba Band of Luiseño Indians.

To date, no response from the Rincon Band of Luiseño Indians Cultural Resources Department has been received. The Agua Caliente Band of Cahuilla Indians closed consultation on August 23, 2022, following review of the cultural resources assessment. Soboba Band of Luiseño Indians requested that the Cultural Resources and Tribal Cultural Resources Section be sent to them upon completion. On October 3, 2022, during a quarterly meeting with the City, the Pechanga Tribe stated they're satisfied with the City's standard conditions of approval for cultural/tribal cultural resources and consultation is concluded.

Based on consultation with local tribes, Standard Conditions of Approval (COA) COA-CUL-1 through COA-CUL-8 (see **Section 4.4, Cultural Resources**) would ensure that any impacts to potential tribal cultural resources would be less than significant.

Mitigation Measures

Overall, the Project would not cause a substantial adverse change to a tribal cultural resource and a less than significant impact would occur in this regard with implementation of COA-CUL-1 through COA-CUL-8 as identified in **Section 4.4, Cultural Resources**.

4.14.6 Cumulative Impacts

For purposes of cumulative impact analysis to cultural and tribal resources, the geographic context for cumulative analysis is regional and considers both direct and indirect impacts over a wide area. However, the discussion is focused on the Projects potential for resulting in site-specific impact that could contribute to a cumulative loss. Accordingly, impacts are site-specific and not generally subject to cumulative impacts unless multiple projects impact a common resource, or an affected resource extends off-site, such as a historic townsite or district. With this consideration, the cumulative analyses for historical, archaeological, and tribal cultural resources considers whether the Project, in combination with the past, present, and reasonably foreseeable projects, could cumulatively affect any common cultural or paleontological resources.

As discussed above, the NAHC determined that there are no known Native American cultural resources within the immediate Project site. However, the potential exists for undiscovered tribal cultural resources to be adversely impacted during groundbreaking activities. In the event that a potential tribal cultural resource is found, the Project would implement the previously discussed Standard Conditions of Approval that would minimize/avoid further damage to the found tribal resource. Therefore, Project impacts would be reduced to a less than significant level.

In addition, future cumulative development projects have the potential to encounter/adversely affect tribal cultural resources. Potential tribal cultural resource impacts associated with other project development would be site-specific and would undergo individual environmental and design review pursuant to CEQA in order to evaluate potential impacts. The combination of the Project as well as past, present, and reasonably foreseeable projects in the City would be required to comply with all applicable state, federal, and local regulations concerning preservation, salvage, or handling of cultural and paleontological resources, including compliance with Standard Conditions of Approval. This also includes project-by-project consultation with the appropriate tribal representatives to discuss mitigation measures/Standard Conditions of Approval that would be included to minimize/avoid impacts to tribal cultural resources. In addition, implementation of the proposed Standard Conditions of Approvals would reduce Project-specific impacts to a less than significant level. Therefore, the Project's contribution to cumulative impacts would be less than significant.

4.14.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.14.8 References

BCR Consulting LLC. (2022). *Phase I Cultural Resources Assessment*. **Appendix D**

City of Menifee. (2013). *Menifee General Plan Open Space & Conservation Element*.
<https://www.cityofmenifee.us/250/Open-Space-Conservation-Element>.

4.15 UTILITIES AND SERVICE SYSTEMS

4.15.1 Introduction

This section evaluates potential impacts of the CADO Menifee Industrial Warehouse project (Project) on utilities and service systems by identifying anticipated demand and evaluating its relationship to existing and planned utilities services facilities and availability. For abbreviation purposes, the general term “utilities and service systems” in this Draft Environmental Impact Report (DEIR) includes the following: water, sewer, stormwater, electricity and natural gas, and solid waste. This section identifies potential impacts that could result from the Project, which includes construction and operation of the warehouse facilities. This section evaluates the existing public utilities and service systems that would be used by the Project and the associated environmental impacts from Project implementation. Information herein is derived from the City of Menifee (City) General Plan (Menifee GP), Eastern Municipal Water District (EMWD) 2020 Urban Water Management Plan and the following technical report:

- EMWD. (2022). *Water Supply Assessment (WSA) Report*. (Appendix L)

4.15.2 Environmental Setting

Water

Water Supply Assessment

EMWD prepared a WSA Report for the Project to evaluate whether EMWD’s total projected water supplies will meet the project water demand associated with the Project. Approximately half of EMWD’s existing and future retail demand will be supplied through local sources such as groundwater, brackish groundwater desalination, and recycled water, with the balance coming from imported water delivered by Metropolitan Water District (MWD). This WSA analyzes and evaluates EMWD’s past and projected water supplies, water rights, the current Urban Water Management Plan (UWMP) developed by EMWD, the Hemet/San Jacinto Groundwater Management Plan, the West San Jacinto Groundwater Basin Management Plan, and supply and demand.

Eastern Municipal Water District

EMWD provides both retail and wholesale water supply to its service area encompassing approximately 555 square miles with an estimated population of over 859,000 people. EMWD owns and operates two desalination plants that convert brackish groundwater from the West San Jacinto Basin into potable water. EMWD also owns, operates, and maintains its own recycled water system that consists of four Regional Water Reclamation Facilities and several storage ponds spread throughout EMWD’s service area that are all connected through the recycled water system.¹ EMWD currently treats approximately 43 million gallons per day of wastewater at its four active regional water reclamation facilities through 1,813 miles of sewer pipelines.²

¹ EMWD. 2021. *EMWD 2020 Urban Water Management Plan*. https://www.emwd.org/sites/main/files/file-attachments/urbanwatermanagementplan_0.pdf?1625160721 (accessed July 2022).

² EMWD. ND. *Wastewater Service*. <https://www.emwd.org/wastewater-service> (accessed July 2022).

In accordance with requirements of Water Code §§ 10610 through 10656 of the Urban Water Management Planning Act, EMWD prepared the 2020 Urban Water Management Plan (UWMP). The 2020 UWMP provided past and existing water supplies well as projected supplies for consecutive five-year periods between 2025 and 2045. **Table 4.15-1, Past and Projected Retail and Wholesale Water Supply (AFY)**, below shows these volumes from each of the respective sources. Additionally, EMWD also provides anticipated water supplies for a normal year, single dry year, multiple dry years which are shown in **Table 4.15-2, Retail and Wholesale - Normal Year Supply and Demand Comparison**, **Table 4.15-3, Retail and Wholesale – Single Dry Year Supply and Demand Comparison**, and **Table 4.15-4, Retail and Wholesale - Multiple Dry Years Supply and Demand Comparison**.

Table 4.15-1: Total Retail and Wholesale Water Supply (AFY)

Supply	2021	2025	2030	2035	2040	2045
Retail						
Purchased/Imported Water	63,441	66,447	72,147	70,247	74,747	78,847
Groundwater	14,883	18,753	18,753	18,753	18,753	18,753
Desalination	7,653	13,400	13,400	13,400	13,400	13,400
Recycled Water	46,042	39,230	44,920	42,200	47,500	51,800
Other	0	4,000	4,000	12,000	12,000	12,000
Total Retail Supply	132,018	141,830	153,220	156,600	166,400	174,800
Wholesale						
Purchased/Imported Water	28,718	58,200	52,400	54,400	56,700	58,800
Recycled Water	1,605	4,770	5,180	5,600	5,600	5,600
Total Wholesale Supply	30,323	62,970	57,580	60,000	62,300	64,400
Total Water Supply	161,983					

Source: EMWD. 2022. WSA Report (**Appendix L**); Tables 2 through 5.

Table 4.15-2: Retail and Wholesale - Normal Year Supply and Demand Comparison

	2025	2030	2035	2040	2045
Retail					
Supply Totals	145,930	157,320	168,900	178,700	187,100
Demand Totals	145,930	157,320	168,900	178,700	187,100
Difference	0	0	0	0	0
Wholesale					
Supply Totals	62,970	57,580	60,000	62,300	64,400
Demand Totals	62,970	57,580	60,000	62,300	64,400
Difference	0	0	0	0	0

Source: EMWD. 2022. WSA Report (**Appendix L**); Tables 12 and 13.

Table 4.15-3: Single Dry Year Supply and Demand Comparison

	2025	2030	2035	2040	2045
Retail					
Supply Totals	151,130	162,820	174,700	184,700	193,300
Demand Totals	151,130	162,820	174,700	184,700	193,300
Difference	0	0	0	0	0
Wholesale					
Supply Totals	64,770	59,080	61,600	63,600	65,900
Demand Totals	64,770	59,080	61,600	63,600	65,900
Difference	0	0	0	0	0

Source: EMWD. 2022. WSA Report (**Appendix L**); Tables 14 and 15.

Table 4.15-4: Multiple Dry Years Supply and Demand Comparisons

		2025	2030	2035	2040	2045
Retail						
First Year	Supply Totals	151,130	162,820	174,700	184,700	193,300
	Demand Totals	151,130	162,820	174,700	184,700	193,300
	Difference	0	0	0	0	0
Second Year	Supply Totals	132,700	143,300	153,700	162,500	170,300
	Demand Totals	132,700	143,300	153,700	162,500	170,300
	Difference	0	0	0	0	0
Third Year	Supply Totals	134,900	145,500	155,500	164,100	171,900
	Demand Totals	134,900	145,500	155,500	164,100	171,900
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	137,100	147,600	157,400	165,700	173,500
	Demand Totals	137,100	147,600	157,400	165,700	173,500
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	140,200	150,800	160,000	168,000	175,800
	Demand Totals	140,200	150,800	160,000	168,000	175,800
	Difference	0	0	0	0	0
Wholesale						
First Year	Supply Totals	64,770	59,080	61,600	63,600	65,900
	Demand Totals	64,770	59,080	61,600	63,600	65,900
	Difference	0	0	0	0	0
Second Year	Supply Totals	63,200	59,100	61,400	63,400	65,600
	Demand Totals	63,200	59,100	61,400	63,400	65,600
	Difference	0	0	0	0	0
Third Year	Supply Totals	62,100	59,600	61,800	63,900	66,000
	Demand Totals	62,100	59,600	61,800	63,900	66,000
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	61,000	60,100	62,200	64,300	66,400
	Demand Totals	61,000	60,100	62,200	64,300	66,400
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	59,800	60,600	62,600	64,700	66,900
	Demand Totals	59,800	60,600	62,600	64,700	66,900
	Difference	0	0	0	0	0

Source: Source: EMWD. 2022. WSA Report (Appendix L); Tables 16 and 17.

EMWD will continue to rely on imported water from the MWD as the main source of supply for its retail and wholesale customers yet recognizes the need to increase local supplies and water conservation to manage supply and demand. MWD has developed dry-year storage through groundwater and surface water reservoirs that help meet dry-year demands. Based on the information provided in MWD's UWMP, MWD has sufficient supply capabilities to meet the expected demands of its member agencies from 2020 through 2045 under normal, historic single-dry, and historic multiple-dry year conditions.³

If another multiple-dry year period were to occur over the next five years, MWD could declare an allocation. EMWD is able to respond to a potential allocation through implementation of its Water

³ EMWD. 2021. 2020 UWMP. https://www.emwd.org/sites/main/files/file-attachments/urbanwatermanagementplan_0.pdf?1625160721 (accessed July 2022).

Shortage Contingency Plan (WSCP) and its balance of carry-over credits in the Hemet/San Jacinto Management Plan Area. EMWD has the ability to meet current and projected water demands through 2045 under normal, historic single-dry and historic multiple-dry year conditions using a combination of imported water from MWD and existing local supply resources.⁴

Stormwater Drainage

The City is in the San Jacinto Subbasin of the larger Santa Ana River Watershed. The Santa Ana River Watershed includes much of Orange County, the northwestern corner of Riverside County, part of southwestern San Bernardino County, and a small portion of Los Angeles County. The watershed is bounded by the Santa Margarita watershed to the south, on the east by the Salton Sea and Southern Mojave watersheds, and on the north and west by the Mojave and San Gabriel watersheds, respectively. The watershed covers approximately 2,800 square miles, with about 700 miles of rivers and major tributaries. The San Jacinto River originates in the San Jacinto Mountains and flows 42 miles west to Lake Elsinore; however, during flooding and heavy storms, Lake Elsinore overflows into Temescal Creek, which flows northwest and discharges into the Santa Ana River.⁵

In the City, open drainage channels and underground storm drains larger than 36 inches diameter are operated and maintained by the Riverside County Flood Control and Water Conservation District (RCFCWCD); smaller underground storm drains are operated and maintained by the City of Menifee Public Works Department.⁶ The Project is located within RCFCWCD Zone 4 which encompasses approximately 733 square miles and includes the cities of Beaumont, Canyon Lake, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Perris, Riverside, San Jacinto, and Wildomar.⁷

The RCFCWCD is responsible for:

- Identification of flood hazards and problems
- Regulation of floodplains and development
- Regulation of drainage and development
- County watercourse and drainage planning
- Education for flood prevention & safety
- Construction of flood control structures and facilities
- Flood warning and early detection
- Maintenance and operation of completed structures⁸

⁴ Ibid.

⁵ City of Menifee. 2013. *City of Menifee General Plan Draft EIR. Utilities and Service Systems*. <https://www.cityofmenifee.us/DocumentCenter/View/1117/Ch-05-17-USS?bidId=> (accessed July 2022).

⁶ City of Menifee. 2013. *City of Menifee General Plan Draft EIR. Utilities and Service Systems*. <https://www.cityofmenifee.us/DocumentCenter/View/1117/Ch-05-17-USS?bidId=> (accessed July 2022).

⁷ RCFCWCD. 2021. *District Zone 4*. <https://rcflood.org/About-the-District/District-Zones-2021> (accessed July 2022).

⁸ RCFCWCD. 2021. *District Overview*. <https://rcflood.org/About-the-District/District-Overview> (accessed July 2022).

Groundwater Recharge

Groundwater recharge depends on numerous factors but occurs largely through snowmelt and rainwaters that are able to enter the aquifer after entering the ground and seeping to lower depths within the ground. Impervious surfaces introduced from development such as roofs, streets, and parking lots, induce runoff and impede infiltration and can keep water from reaching the aquifer. Artificial groundwater recharge is increasingly used where natural sources are insufficient and many projects include designs that incorporate detention basins and timed release of runoff to facilitate infiltration. The Project would incorporate such facilities into the Project design.

Approximately 20 percent of EMWD's potable (drinking) water demand is supplied by EMWD groundwater wells. The majority of the groundwater produced by EMWD comes from its wells in the Hemet and San Jacinto area. Some of these wells have limited production as a result of the Fruitvale Judgment and Decree. EMWD also has wells in the Moreno Valley, Perris Valley and Murrieta areas.⁹ The Project site is located within the San Jacinto Groundwater Basin.¹⁰ According to EMWD, this basin is deemed a high priority basin, but is not critically over drafted. As the Groundwater Sustainability Agency (GSA) for this basin, EMWD is required to develop by 2022 and implement by 2042 a Groundwater Sustainability Plan (GSP). The GSP will document basin conditions and basin management will be based on measurable objectives and minimum thresholds defined to prevent significant and unreasonable impacts to the sustainability indicators defined in the GSP.¹¹

Recycled Water

EMWD's recycled water system currently receives and treats more than 45 million gallons of wastewater each day at its four operating regional treatment plants. The treated water is then distributed throughout the service area, through more than 200 miles of pipeline. According to the Recycled Water System fact sheet from EMWD, 64 percent of recycled water was used for agriculture; 15 percent for recreational and environmental use; 15 percent for landscaping; and seven percent for construction, industrial, and wholesale.¹² According to the EMWD's Public Map Portal, there is currently an Eastern Municipal Water District water and sewer systems located approximately 300 feet north of the subject property at the intersection of Ethanac Road and Byers Road. Furthermore, there are no recycled water mains located within or near the Project site.¹³

Conservation

MWD, one of the larger agencies from which the local water providers receive some of their water, imports about half of the region's overall supply from the Colorado River and northern California and holds water in storage in case of drought. During an extraordinary drought cycle, MWD will limit water supplied and mandatory conservation is required. The district created a Water Supply Allocation Plan to

⁹ EMWD. ND. *Groundwater*. <https://www.emwd.org/post/groundwater> (accessed July 2022).

¹⁰ DWR. 2019. *Groundwater Basin Boundary Assessment Tool*. <https://gis.water.ca.gov/app/bbat/> (accessed July 2022).

¹¹ EMWD. ND. *Sustainable Groundwater Management Act*. <https://www.emwd.org/post/sustainable-groundwater-management-act> (accessed July 2022).

¹² EMWD. 2018. *Recycled Water System*. https://www.emwd.org/sites/main/files/file-attachments/recycledwatersystem_englis.pdf?1537295072 (accessed July 2022).

¹³ EMWD. ND. *Public Map Portal*. <https://mapportal.emwd.org/> (accessed July 2022).

approach drought in a regional and fair manner designed to minimize impacts. The governor called for a 25 percent reduction in urban water use starting in June 2015, which California communities have been meeting and exceeding. Some of the measures used to reduce potable water consumption includes limiting water use for landscaping, use of drought-tolerant vegetations, use of recycled water by municipalities, and encouraging extension of recycled water lines.

Solid Waste

Solid waste from the City is collected by Waste Management, Inc. (WMI). WMI provides residential customers with three bins: burgundy for trash, green for green waste, and gray for recyclable materials. According to the City's GP EIR, for waste generated within the City, WMI transports the waste to the El Sobrante Landfill and Badlands Sanitary Landfill for disposal.¹⁴ See **Table 4.15-5, Landfill Information** for further details regarding the landfills.

Natural Gas and Electricity

The Project would be served by Southern California Gas Company (SoCalGas) and Southern California Edison (SCE). SoCalGas serves 21.8 million consumers through 5.9 million meters in more than 500 communities with its 24,000-square mile service territory through central and southern California.¹⁵ There is a high-pressure distribution line along Ethanac Road, north of the Project site. There are no gas transmission lines with or adjacent to the Project site.¹⁶ SCE delivers power to 15 million people within its 50,000-square mile service across central, coastal, and southern California. SCE's electricity system is comprised of 12,635 miles of transmission lines; 91,375 miles of distribution lines (less Streetlight miles); 1,433,336 electric poles; 720,800 distribution transformers; and 2,959 substation transformers.¹⁷ There are no transmission lines or sub-transmission lines within the Project site.¹⁸

4.15.3 Regulatory Setting

Federal

Safe Drinking Water Act

The U.S. Environmental Protection Agency (U.S. EPA) administers the Safe Drinking Water Act (SDWA), the primary federal law that regulates the quality of drinking water and establishes standards to protect public health and safety. The Department of Health Services (DHS) implements the SDWA and oversees public water system quality statewide. DHS establishes legal drinking water standards for contaminants that could threaten public health.

¹⁴ City of Menifee. 2013. *GP EIR, Utilities and Service Systems*. <https://www.cityofmenifee.us/DocumentCenter/View/1117/Ch-05-17-USS?bidId=> (accessed July 2022).

¹⁵ SoCalGas. 2021. *Company Profile*. <https://www.socalgas.com/about-us/company-profile> (accessed July 2022).

¹⁶ SoCalGas. ND. *Gas Transmission Pipeline Interactive Map-Riverside*. <https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=aaebac8286ea4e4b8e425e47771b8138> (accessed July 2022).

¹⁷ SCE. 2021. *Who We Are*. <https://www.sce.com/about-us/who-we-are> (accessed July 2022).

¹⁸ SCE. 2019. *SCE Power Site Search Tool*. <https://www.arcgis.com/apps/webappviewer/index.html?id=05a84ec9d19f43ac93b451939c330888> (accessed April 2022).

Clean Water Act

In 1972, the Federal Water Pollution Control Act Amendments were enacted to address water pollution problems. After an additional amendment in 1977, this law was renamed the Clean Water Act (CWA). Thereafter, it established the regulation of discharges of pollutants into waters of the United States by the U.S. EPA. Under the CWA, the U.S. EPA can implement pollution control programs and set water quality standards. Additionally, the CWA makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained pursuant to its provisions.

State

California Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, which was passed in California in 1969 and amended in 2013, the State Water Resources Control Board (SWRCB) has authority over State water rights and water quality policy. This Act divided the state into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB) to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. Menifee is overseen by the Santa Ana Area RWQCB.

State Water Resources Control Board

The SWRCB is the California (State) agency focused on providing and ensuring clean sustainable water for all state residents. This state agency works alongside other federal programs like the CWA to regulate water sources and uses. The SWRCB regulates water consumption for irrigation and drinking, as well as water discharges from construction, municipal uses, storm water, and other sources.

Urban Water Management Planning Act

In 1983, the California legislature enacted the Urban Water Management Planning Act (California Water Code, §§ 10610–10656), which requires specified urban water suppliers within the state to prepare a UWMP and update it every five years. Specifically, § 10610.04 et seq. as amended, of the California Urban Water Management Planning Act specifies that “Urban Water Suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.” As such, UWMPs serve as an important element in documenting water supply availability and reliability for purposes of compliance with Senate Bills (SB) 610 and 221, which link water supply sufficiency to large land-use development Project approvals. Urban water suppliers also must prepare UWMPs, pursuant to the Urban Water Management Planning Act, in order to be eligible for state funding and drought assistance.

On June of 2020, the EMWD Board of Directors adopted the District’s 2020 UWMP. This plan details EMWD’s demand projections and provides information regarding EMWD’s supply. The majority of EMWD’s existing and future planned demand is met through imported water delivered by MWD. EMWD’s 2020 UWMP relies heavily on information and assurances included in the 2015 MWD UWMP when determining supply reliability. Demand for EMWD included in the 2020 UWMP is calculated across the District and is not project-specific.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SGMA) consists of three legislative bills, SB 1168 (Pavley), Assembly Bill (AB) 1739 (Dickinson), and SB 1319 (Pavley). The legislation provides a framework for long-term sustainable groundwater management across California. Under the roadmap laid out by the legislation, local and regional authorities in medium and high priority groundwater basins will form Groundwater Sustainability Agencies that oversee the preparation and implementation of a local Groundwater Sustainability Plan. Groundwater Sustainability Plans will have to be in place and implementation will begin between 2020 and 2022. Groundwater Sustainability Agencies will have until 2040 to achieve groundwater sustainability.

California Senate Bills 610 and 221

SB 610 and SB 221 amended State law to (1) ensure better coordination between local water supply and land use decisions and (2) confirm that there is an adequate water supply for new development. Both statutes require city and county decision-makers to receive detailed information regarding water availability prior to approval of large development projects. SB 610 requires the preparation of a Water Supply Assessment (WSA) for certain types of projects subject to the California Environmental Quality Act (CEQA). Projects that would be required to prepare a WSA include, but are not limited to, residential developments of more than 500 dwelling units and shopping centers or business establishments employing more than 1,000 persons or having more than 500,000 square feet of floor area.

Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881)

The Water Conservation in Landscaping Act of 2006 (AB 1881) required the State Department of Water Resources (DWR) to update the State Model Water Efficient Landscape Ordinance (WELO) by 2009. The State's model ordinance was issued on October 8, 2009. Under AB 1881, cities and counties were required to adopt a state updated model landscape water conservation ordinance by January 31, 2010, or to adopt a different ordinance that is at least as effective in conserving water as the updated Model Ordinance (MO).

City of Menifee "Landscape Water Use Efficiency Requirements" are under Ordinance No. 2009-61 (MMC Chapter 15.04) and City Landscape Standard can be found here (Regulating documents for these standards include AB 1881:

<https://www.cityofmenifee.us/DocumentCenter/View/2247/DRAFT-Landscape-Standards>.

2015 Update of the State Model Water Efficient Landscape Ordinance (per Governor's Executive Order B-29-15)

To improve water savings in the landscaping sector, the DWR, updated the MO in 2015 (in accordance with Executive Order [EO] B-29-15). The MO promotes efficient landscapes in new developments and retrofitted landscapes. The EO calls for revising the MO to increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, and on-site stormwater capture, and by limiting the portion of landscapes that can be covered in turf. New development projects that include landscape areas of 500 square feet or more are subject to the

Ordinance. This applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review.

Assembly Bill 1668 and Senate Bill 606 – May 31, 2018

AB 1668 and SB 606 build on Governor Brown’s ongoing efforts to make water conservation a way of life in California and create a new foundation for long-term improvements in water conservation and drought planning. SB 606 and AB 1668 establish guidelines for efficient water use and a framework for the implementation and oversight of the new standards, which must be in place by 2022.

The two bills strengthen the state’s water resiliency in the face of future droughts with provisions that include:

- Establishing water use objectives and long-term standards for efficient water use that apply to urban retail water suppliers; comprised of indoor residential water use, outdoor residential water use, commercial, industrial and institutional (CII) irrigation with dedicated meters, water loss, and other unique local uses.
- Providing incentives for water suppliers to recycle water.
- Identifying small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and provide recommendations for drought planning.
- Requiring both urban and agricultural water suppliers to set annual water budgets and prepare for drought.

Solid Waste

Assembly Bill 75

AB 75, approved by the Governor in 1999, took effect on January 1, 2000. This Bill added new provisions to the Public Resources Code (PRC), requiring each state agency to develop and adopt an Integrated Waste Management Plan (IWMP). AB 75 also mandated that community service districts providing solid waste services report disposal and diversion information to the City, county, or regional agency in which the community service district is located.

Integrated Waste Management Act – Assembly Bill 939

The Integrated Waste Management Act (AB 939) mandates that communities reduce their solid waste. AB 939 required local jurisdictions to divert 25 percent of their solid waste by 1995 and 50 percent by 2000, compared to a baseline of 1990. AB 939 also established an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance.

Mandatory Commercial Recycling – Assembly Bill 341

In 2011, AB 341 was passed that sets a state policy goal of not less than 75 percent of solid waste that is generated to be source reduced, recycled, or composted by the year 2020. CalRecycle was required to submit a report to the legislature by January 1, 2014 outlining the strategy that will be used to achieve this policy goal.

California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act requires areas in development projects to be set aside for collecting and loading recyclable materials. The Act required CalRecycle (formerly the California Integrated Waste Management Board) to develop a model ordinance for adoption by any local agency relating to adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model, or an ordinance of their own, providing for adequate areas in development projects for the collection and loading of recyclable materials.

Mandatory Commercial Organics Recycling – Assembly Bill 1826

In October of 2014, Governor Brown signed AB 1826 requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Greenhouse gas (GHG) emissions result from the decomposition of organic wastes in landfills. Mandatory recycling of organic waste is aimed at helping achieve California's aggressive recycling and GHG emission goals. The implementation schedule began in January 2016 and as of January 1, 2019, businesses that generate four cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services. In addition, future regulations include the following:

- Fall 2020: After receipt of the 2019 annual reports submitted on August 1, 2020, CalRecycle shall conduct its formal review of all jurisdictions.
- Summer/Fall 2021: If CalRecycle determines that the statewide disposal of organic waste in 2020 has not been reduced by 50 percent of the level of disposal during 2014, the organic recycling requirements on businesses will expand to cover businesses that generate two cubic yards or more of commercial solid waste per week. Additionally, certain exemptions, previously discussed, may no longer be available if this target is not met.

Local

City of Menifee General Plan

Land Use Element

The Land Use Element generally establishes the density, intensity, and location of land uses throughout the city and is complemented by the additional policy guidance provided in other elements that relate to a specific topic.¹⁹

Goals and policies from the Land Use Element applicable to the Project include:

Goal LU-3 A full range of public utilities and related services that provide for the immediate and long-term needs of the community.

¹⁹ City of Menifee. 2013. *Menifee General Plan Land Use Element*. <https://www.cityofmenifee.us/231/Land-Use-Element> (Accessed July 2022).

Policy LU-3.4 Require that approval of new development be contingent upon the project's ability to secure appropriate infrastructure services.

Policy LU-3.5 Facilitate the shared use of right-of-way, transmission corridors, and other appropriate measures to minimize the visual impact of utilities infrastructure throughout Menifee.

City of Menifee Municipal Code

The City's Municipal Code Chapter 6.30: Collection of Solid Waste and Recycling explains in detail the City's regulations regarding waste management. This includes the guidelines for service and requirements for both the collectors of waste and the owners of the waste-generating properties. This section also details the unlawful acts associated with trash collection, such as prohibited containers and refuse burning. The purpose of Chapter 6.40: Waste Reduction and Recycling Plan Requirements for Construction and Demolition Projects to increase the amount of construction and demolition debris that is recycled or reused so as to reduce the amount that is disposed of in landfills in compliance with the California Waste Management Act.

Chapter 15.01: Storm Water/Urban Runoff includes Best Management Practices (BMPs), lists non-storm water discharge requirements, and details prohibited discharges. Per § 15.01.015(B)(2): Any person performing construction work in the city shall be regulated by the State Water Resources Control Board in a manner pursuant to and consistent with applicable requirements contained in the General Permit No. CAS000002, State Water Resources Control Board Order Number 2009-0009-DWQ. The city may notify the State Board of any person performing construction work that has a non-compliant construction site per the General Permit.

4.15.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning utilities and service systems. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects (issues related to storm water drainage facilities are addressed in **Section 4.9, Hydrology and Water Quality**);
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;

- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals;
- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact level of significance concerning utilities and service systems. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on utilities examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on field observations conducted by Kimley-Horn in May 2022; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on utilities and service systems considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.15.5 Impacts and Mitigation Measures

Impact 4.15-1 *Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Level of Significance: Less Than Significant Impact

The Project site is composed of 8 parcels and is located approximately north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road. The Project site is currently composed of vacant land with mixed single residential structures and associated out buildings. Adjacent and nearby uses include vacant, undeveloped land, and residential land which is served by existing utilities, including electricity, natural gas, wet and dry facilities.

Utilities necessary for the Project site to operate and the associated service providers are as follows:

- Electricity – SCE
- Water – EMWD
- Sewer – EMWD
- Cable/Internet/Telephone – Frontier Communications
- Natural Gas – SoCalGas Company

Existing utilities would be extended and upgraded as needed during construction of the Project to serve the anticipated demands and to accommodate operation of the Project. All required improvements and extensions to existing electrical, natural gas, or telecommunications utilities would occur within the existing roadway rights-of-way adjacent to the Project site. All areas adjacent to the existing roadways also are disturbed and are within the overall footprint of Project and any impacts are therefore, discussed and disclosed as part of this Draft EIR within the various sections of this document. As such, upgrades to existing utilities are already evaluated as part of the overall Project. Therefore, impacts associated with extension of services in these areas and within the site, are less than significant. Services provided by each utility is discussed in additional detail below.

Construction and Operations

Water

Potable water to the Project site would be provided by EMWD. According to the WSA, an existing water line currently runs approximately 300 feet north of the subject property at the intersection of Ethanac Road and Byers Road. Currently, the EMWD has no plans to construct water and sewer system improvements in the vicinity of the Project.

Impacts of required water facilities are addressed throughout this EIR in the respective EIR section(s). The majority of Project water facilities would be installed below ground and installed within existing or future road rights-of-way, and as such the only physical impacts would be associated with temporary impacts during construction (refer to **Section 4.11, Noise** for a discussion of significant short-term noise impacts during pipeline construction). Above-ground facilities are addressed in respective EIR section(s), (addressed in **Section 4.1, Aesthetics**). All Project water facilities would be constructed and operated in accordance with applicable guidelines and regulations in the EMWD and City, and would also follow applicable EIR mitigation measures in each topical area addressed in the EIR. In consideration of existing requirements and EIR mitigation measures, no significant impacts are anticipated with respect to Project water facilities.

The WSA analyzed and evaluated the existing and future demands on the water supply needed to be supplied from EMWD. The WSA shows that EMWD's available water supplies would be sufficient to meet all of the water demands of the entire Project through 2045, including during single and multiple dry years. **Table 4.15-1, Total Retail and Wholesale Water Supply (AFY)**, above, shows these values. In all cases through year 2045, even during single and multiple dry year conditions, water supplies available to EMWD would be sufficient to meet all present and future water supply requirements of the Project site.

More specifically, based on land use information provided by the developer and the lead agency, the actual average water demand for the Project is estimated to be 23.75 AFY, which is well within the overall limits of demand considered in the 2020 UWMP. Based on the Project water usage rate, the Project would represent a nominal percentage of EMWD's present and future water supplies for both single- and multiple-dry-year scenarios. Therefore, based on the EMWD's ability to meet the Project's projected water demands and the since the Project proposes to construct portable water lines, the development of the Project would not require additional portable water infrastructure. Impacts would be less than significant.

Storm Water and Drainage

Refer to **Section 4.9, Hydrology and Water Quality**, regarding existing conditions and Project impacts with respect to storm water and drainage facilities. No other off-site improvements are proposed apart from those proposed in **Section 4.9**. All other storms drain connections would be connected to existing storm drain lines. Furthermore, Project storm water and drainage facilities would be constructed and operated in accordance with applicable guidelines and regulations of the EMWD and City. In consideration of existing requirements, no significant impacts are anticipated with respect to Project storm water and drainage facilities.

Wastewater

The Project consists of one warehouse building located on a site with a combined area of approximately 36.8 net acres in size. Construction on the Project site would result in approximately 700,037 square feet of warehousing development, north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road. Prior to construction or operations of the Project, the Project applicant would comply with EMWD's New Development Process (<https://www.emwd.org/new-development-process>). A Sewer Capacity Study would be completed to ensure adequate capacity to treat the anticipated wastewater to be generated by the Project.

The EMWD has previously used wastewater generation rates for industrial uses of approximately 1,700 gallons per day (GPD) per acre.²⁰ Based on this value, wastewater generated by the Project would be approximately 62,560 GPD. This represents approximately 0.08% of the total daily capacity of the EMWD's 78 Million Gallon per Day (MGD) current treatment capacity.²¹ The EMWD's facilities currently treat an average of 43 MGD. The Project would therefore represent approximately 0.15 % of the typical daily flows. Therefore, the increase in the daily wastewater generated by the Project site would be minimal and result in a less than significant impact. Improvements to facilitate service to the Project site would consist of tie-ins to the existing wastewater lines. All areas needed for improvement would occur in previously disturbed or areas already proposed to be disturbed. Impacts would be less than significant.

²⁰ EMWD. Rev. 2006. *Sanitary Sewer System Planning and Design*. https://www.emwd.org/sites/main/files/file-attachments/emwdsewer_system_design.pdf?1542760914 (accessed July 2022).

²¹ EMWD. *Wastewater Service, EMWD's Regional Water Reclamation Facilities Fact Sheets*. <https://www.emwd.org/wastewater-service> (accessed July 2022).

Electric Power

SCE currently operates electric power in the City through electricity distribution lines both aboveground and buried. SCE also operates at least three substations (one of which is approximately four miles west of the Project site) within the City and no power plants.²² The existing residential dwelling units located within the Project site are provided electricity by SCE.²³ The Project would connect to the existing SCE lines which would enable services to the site. Electricity facilities such as powerlines and other similar system components would be required for the Project. However, this new infrastructure would be completely undergrounded, pursuant to the City's Development Code, and would be installed within the proposed development areas. At most, it is anticipated that SCE would provide more electricity to the Project compared to what is currently consumed by the residential structures. Therefore, no additional significant impacts would occur due to electrical facility construction. No off-site electrical facilities are anticipated at this time.

Natural Gas

The SoCalGas Company provides gas services to most of southern California. It is anticipated that the Project site would require some amount of natural gas to support future operations. Similar to electrical services, natural gas lines already exist in the area to enable service to surrounding uses. Existing natural gas distribution lines (High Pressure Distribution Lines) exist within current roadway rights-of-way within the vicinity of the Project (along Ethanac Road).²⁴ This area is anticipated to be heavily disturbed and would not contain any pristine resources. Natural gas services for the Project would be provided through the use of underground pipes to distribute gas within the Project area. Therefore, construction of the Project's natural gas facilities would not create an increased impact on the environment beyond what is addressed for the overall Project, in respective Draft EIR sections. No off-site natural gas facilities are anticipated at this time.

Telecommunication

The Project site would require telecommunication services to be provided by Frontier Communications. As discussed above, existing telecommunication lines would be located within existing adjacent rights-of-way needed to serve the existing surrounding development. Service to the Project site would require tying into these lines but these improvements would occur within existing areas of disturbance such as those adjacent to existing roadways. The new facilities required for the Project would be constructed within the development area, and would be placed underground as per the City's Development Code, Title 9. The construction of substantial new telecommunication infrastructures would not be required. These impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

²² SCE. *SCE Power Site Search Tool*. <https://www.arcgis.com/apps/webappviewer/index.html?id=05a84ec9d19f43ac93b451939c330888> (accessed July 2022).

²³ SCE. *Southern California Edison DRPEP*. <https://ltmdrpep.sce.com/drpep/> (accessed July 2022).

²⁴ SoCalGas. ND. *Gas Transmission Pipeline Interactive Map – Riverside*. <https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=aaebac8286ea4e4b8e425e47771b8138> (accessed July 2022).

Impact 4.15-2 *Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

Level of Significance: Less Than Significant Impact

Construction and Operations

Refer to **Impact 4.15-1**. The Project's water service provider is anticipated to have adequate capacity to serve the projected demands. The Project would result in less than significant impacts on services provided by the water service provider.

Mitigation Measures

No mitigation is necessary.

Impact 4.15-3 *Would the Project result in a determination by the waste water treatment provider, which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Level of Significance: Less Than Significant Impact

Construction and Operations

Refer to **Impact 4.15-1**. The Project's wastewater service provider is anticipated to have adequate capacity to treat the projected demand. The Project is anticipated to cause a less than significant impact on services provided by the wastewater service provider.

Mitigation Measures

No mitigation is necessary.

Impact 4.15-4 *Would the Project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Level of Significance: Less Than Significant Impact

Construction and Operations

Solid waste generated by construction and operation of the Project would be collected and handled in compliance with any applicable regulation including those in Title 6 of the City's MC, through service provided by WMI. The Project is anticipated to generate solid waste during the temporary, short-term construction phase, as well as the operational phase, but it is not anticipated to result in inadequate landfill capacity. According to the City's GP EIR, in 2011, the majority of solid waste in the City went to two landfills: El Sobrante Landfill (10910 Dawson Canyon Road, Corona, CA 91719) and Badlands Sanitary Landfill (31125 Ironwood Avenue, Moreno Valley, CA 92555). According to CalRecycle's Estimated Solid Waste Generation Rates, a warehouse facility is estimated to produce 13.82 pounds of waste per

employee per day.²⁵ The estimated number of employees for the Project site is 860 to operate the warehouse.²⁶ This equates to approximately 11,885 pounds (5.9 tons) of waste per day from the Project site. That is approximately 0.04 percent of the El Sobrante Landfill's maximum daily throughput and 0.12 percent of Badlands Sanitary Landfill's maximum daily throughput. Further details regarding the two landfills are presented below in **Table 4.15-5, Landfill Information**.

Table 4.15-5: Landfill Information

Landfill	Location	Max. Permitted Throughput (tons per day)	Remaining Capacity (cubic yards)	Max. Permit Capacity (cubic yards)	Ceased Operation Date
El Sobrante Landfill	Corona	16,054	143,977,170	209,910,000	1/1/2051
Badlands Sanitary Landfill	Moreno Valley	4,800	7,800,000	34,400,000	1/1/2026
Source: CalRecycle. 2019. SWIS Facility/Site Search. https://www2.calrecycle.ca.gov/SolidWaste/Site/Search (accessed July 2022).					

Project implementation would increase solid waste disposal demands over existing conditions. Badlands Sanitary Landfill, located in Moreno Valley, has a maximum permitted throughput is 4,800 tons per day. The facility's remaining capacity is approximately 7.8 million cubic yards and maximum capacity is approximately 34 million cubic yards. El Sobrante Landfill, located in Corona, has a maximum permitted throughput is 16,054 tons per day. The facility's remaining capacity is approximately 144 million cubic yards and maximum capacity is approximately 210 million cubic yards. The Project would be served by a landfill with sufficient remaining permitted capacity to accommodate the Project's solid waste disposal needs. Therefore, the Project's solid waste disposal needs could be accommodated at one or a combination of the disposal facilities discussed above. Operational activities would be subject to compliance with all applicable federal, state, and local statutes and regulations for solid waste, including those identified under CALGreen and AB 939. The Project would result in less than significant impacts concerning solid waste, and no mitigation is necessary.

Mitigation Measures

No mitigation is necessary.

Impact 4.15-5 Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Level of Significance: Less Than Significant Impact

Section 6.40.010(A) of the Menifee MC states:

Under California law embodied in the California Waste Management Act (Cal. Public Resources Code §§ 40000 et seq.), the city is required to prepare, adopt and implement source reduction and recycling elements to reach reduction goals set forth therein, and is required to make substantial reductions in the amount of waste materials going to the state's landfills by diverting 50% of materials from landfills annually or will face

²⁵ CalRecycle. 2019. *Estimated Solid Waste Generation Rates*. <https://www2.calrecycle.ca.gov/wastecharacterization/general/rates> (accessed July 2022).

²⁶ The Project socio-economic data was based on median factors for Riverside County from the SCAG Employment Density Survey (October 31, 2001). The SCAG Study recommends a factor of 819 square feet per employee for warehousing uses and 598 square feet per employee for office uses.

substantial penalties. Debris from construction and demolition projects represents a significant portion of the volume of solid waste that is being disposed of in landfills, much of which is suitable for recycling. Consequently, the purpose of this chapter is to increase the amount of construction and demolition debris that is recycled or reused so as to reduce the amount that is disposed of in landfills. (Ord. 2020-294, passed 3-18-2020)

Furthermore § 6.40.050: Diversion Requirements states:

Every applicant shall make a good fair effort to divert 50% of construction and demolition debris generated from every applicable construction, remodeling, or demolition project from landfills by using recycling, reuse, and diversion programs. Separate calculations and reports will be required for the construction and demolition portions of projects that involve both activities. (Ord. 2020-294, passed 3-18-2020)

Lastly, § 5.408.1: Construction Waste Management of the California Green Building Standards Code states:

Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.408.1.2 or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent.

As required by CalGreen, the Project would be constructed in compliance with § 5.408.1, the more stringent of the code sections at 65 percent diversion, and a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

4.15.6 Cumulative Impacts

For purposes of public utilities and service systems, cumulative impacts are considered for projects located within the City. As discussed above, all impacts from the Project to utilities and service systems would be less than significant in consideration of compliance with existing laws, ordinances, regulations, and standards. In addition, the Project site would recycle and implement measures on-site to reduce the waste stream to landfill(s). The Project applicant would pay the applicable development impact and service fees. Impacts related to storm water drainage facilities are addressed in **Section 4.9, Hydrology and Water Quality**. Although temporary significant impacts during construction could occur, these impacts would only occur during development of the sites, would be typical of construction, would be localized, would occur at different times, and would be required to implement site-specific erosion control plans. Therefore, impacts are not anticipated to be cumulatively considerable. Other past, present, and reasonably foreseeable projects would be anticipated to implement similar measures or implement mitigation to fully mitigates their contribution to cumulative impacts. Therefore, there are no significant cumulative impacts anticipated relative to public utility and service systems, and the Project's contribution toward potential future utility and service system impacts in the City is not cumulatively considerable.

4.15.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.15.8 References

- City of Menifee. 2013. Menifee General Plan Land Use Element.
<https://www.cityofmenifee.us/231/Land-Use-Element>.
- City of Menifee. 2013. City of Menifee General Plan Draft EIR. Utilities and Service Systems.
<https://www.cityofmenifee.us/DocumentCenter/View/1117/Ch-05-17-USS?bidId=.DWR>. 2019.
Groundwater Basin Boundary Assessment Tool. <https://gis.water.ca.gov/app/bbat/>.
- EMWD. 2021. 2020 UWMP. https://www.emwd.org/sites/main/files/file-attachments/urbanwatermanagementplan_0.pdf?1625160721.
- EMWD. ND. Groundwater. <https://www.emwd.org/post/groundwater>.
- EMWD. ND. Public Map Portal. <https://mapportal.emwd.org/>.
- EMWD. 2018. Recycled Water System. https://www.emwd.org/sites/main/files/file-attachments/recycledwatersystem_englis.pdf?1537295072.
- EMWD. ND. Sustainable Groundwater Management Act. <https://www.emwd.org/post/sustainable-groundwater-management-act>.
- EMWD. (2022). Water Supply Assessment (WSA) Report.
- EMWD. ND. Wastewater Service. <https://www.emwd.org/wastewater-service>.
- RCFCWCD. 2021. District Zone 4. <https://rcflood.org/About-the-District/District-Zones-2021>.
- RCFCWCD. 2021. District Overview. <https://rcflood.org/About-the-District/District-Overview>.
- SCE. 2019. SCE Power Site Search Tool.
<https://www.arcgis.com/apps/webappviewer/index.html?id=05a84ec9d19f43ac93b451939c330888>.
- SCE. 2021. Who We Are. <https://www.sce.com/about-us/who-we-are> (Accessed July 2022).
- SoCalGas. 2021. Company Profile. <https://www.socalgas.com/about-us/company-profile>.
- SoCalGas. ND. Gas Transmission Pipeline Interactive Map-Riverside.
<https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=aaebac8286ea4e4b8e425e47771b8138>.

5.0 ADDITIONAL CEQA CONSIDERATIONS

This section of the Draft Environmental Impact Report (EIR) provides a discussion of additional CEQA impact considerations, including Significant Irreversible Environmental Changes, Growth-inducing Impacts, and any Mandatory Findings of Significance.

5.1 Significant and Unavoidable Impacts

State CEQA Guidelines § 15126.2(c) requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant levels. The Project's environmental effects are addressed in **Sections 4.1** through **4.15** of this EIR. Project implementation would result in potentially significant impacts for greenhouse gas emissions. Implementation of mitigation measures (MMs) and Plans Programs, and Policies (PPPs) outlined in **Section 4.7, Greenhouse Gas Emissions** would reduce these impacts to levels considered less than significant, with the exception of Greenhouse Gas Emissions impacts discussed below.

Greenhouse Gas Emissions

Impacts 4.7-1 and 4.7-2 were found to contain potentially significant and unavoidable impacts. Specifically, significant unavoidable impacts would occur in the following areas despite the implementation of the mitigation measures:

- The Project would generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment (Impact 4.7-1).
- The Project would conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions (Impact 4.7-2).

To further reduce emissions, mitigation measures (**MM**) in the Project's Air Quality Assessment (**Appendix B1**) would also reduce emissions. **MMs AQ-2** and **AQ-3** would reduce operational emissions with the implementation of a transportation demand management (TDM) program and by requiring all forklifts to be zero emissions. The Project also includes **MMs GHG-1** through **GHG-5** to further reduce emissions. **MM GHG-1** requires the installation of solar photovoltaic (PV) panels to offset the Project's energy consumption or to acquire energy from renewable sources and **MM GHG-2** requires the Project to meet or exceed CALGreen Tier 2 standards to further improve energy efficiency. Additionally, **MM GHG-3** requires the Project to divert 75 percent of waste from landfills and **MM GHG-4** requires landscape equipment to be 100 percent electric. **MM GHG-5** also requires the use of cool pavements to reduce heat island effects.

In addition, the Project would be required to comply with SCAQMD Rule 2305 (warehouse indirect source rule) which would directly reduce emissions or to otherwise facilitate emissions reductions. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby. Although Rule 2305 focuses on air quality pollutant emissions, the rule would facilitate cleaner vehicles and supporting infrastructure that would also result in GHG benefits.

Project-related GHG emissions would exceed the 3,000 MTCO₂e per year threshold. Implementation of **MMs GHG-1** through **GHG-5** would reduce Project emissions. However, despite implementation of mitigation, total mitigated emissions would continue to exceed the threshold. Additional mitigation to reduce the Project's mobile emissions is not feasible due to the limited ability of the City of Menifee to address emissions resulting from trucks, cars, and/or emissions generated by these trucks outside of the City's limits. The City of Menifee has no regulatory control over emissions control technology and therefore limited ability to control or mitigate emissions associated with truck emissions associated with this Project. The TDM program required by **MM AQ-2** could reduce GHG emissions from employees commuting to work; however, the number of delivery trips and retail customer trips would not be reduced by a TDM program.

The City has no enforcement authority over offset credits that fund carbon reduction projects outside of the City. Many offset credits "sell" reductions in emissions generated outside California, which may not be genuine or verifiable. International offsets are even more difficult to enforce. CARB does not have enforcement authority over these carbon reductions either, and therefore, the purchase of offset credits is not a feasible mitigation measure to reduce Project generated emissions.

Since mitigated future mobile source emissions would continue to exceed the 3,000 MTCO₂e threshold and no additional feasible mitigation beyond **MMs AQ-2** and **AQ-3** and **MMs GHG-1** through **GHG-5** are available to further reduce emissions, this impact would remain significant and unavoidable.

5.2 Significant and Irreversible Environmental Changes

Section 15126.2(d) of the State CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed Project. Generally, the section states that a Project would result in significant irreversible environmental changes if the following occurs:

- The project would involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely;
- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; and
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

The project would involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely.

The Project would not involve the utilization of nonrenewable resources in a manner that would make their nonuse or removal unlikely. Nonrenewable resources associated with the development of the proposed Project would include fossil fuels. Fossil fuels would serve as energy sources during both proposed Project construction and operations. Fossil fuels would act as transportation energy sources for construction vehicles and heavy equipment during the construction period and by vehicles and equipment used during proposed Project operations. The Project would be in compliance with Title 24 building Energy Efficiency Standards (refer to Section 4.5 Energy) which would ensure that Project buildout includes

energy efficient buildings that require less electricity and reduce fossil fuel consumption corresponding to GHG emissions. Furthermore, the Project and new development projects located within the cumulative study area would also be required to comply with all the same applicable federal, state, and local measures aimed at reducing fossil fuel consumption and the conservation of energy. Though the proposed Project would endeavor to utilize fossil fuels efficiently, their use would be vital for construction and operations activities, making their nonuse unlikely. However, the proposed Project would not require the continued use of fossil fuels at the end of its operational life. Standard vehicles and equipment used by the Project in both construction and operational phases would likely utilize fossil fuels. Some construction and operational equipment may be electrified and therefore not rely on fossil fuels. Energy-efficient equipment would be utilized according to their availability and in order to comply with energy regulations and policies for the Project as a whole as it pertains to industrial usage.

In addition, the Project does not propose any fueling stations that would necessitate the storage of fossil fuels on the site. No infrastructure is proposed to store fossil fuels in large amounts or without the ability of removal.

The proposed Project would also require the commitment of land on which the proposed Project would be developed for industrial use. Land is another finite resource in that once developed and in active use it removes the ability for that land to be used for other uses and developments. However, land developments associated with the Project would not remove the possibility of redevelopment in the future. The land development would not, therefore, make the nonuse of the land unlikely.

The primary and secondary impacts would generally commit future generations to similar uses.

The Project's development is anticipated to produce some significant and unavoidable impacts based on analyses conducted in **Section 4.7, Greenhouse Gas Emissions**. These impacts would also affect the surrounding environment and would commit future generations to similar uses throughout the operations of the Project. However, the uses associated with the Project would not modify the land in a way that would prevent the possibly of redevelopment. As previously stated, the proposed warehousing structures would be able to be removed or redeveloped.

The Project would be developed in a portion of the City of Menifee with an existing land use designation of Economic Development Corridor-Northern Gateway (EDC-NG). The Project site's existing zoning is EDC-NG as well and the Project's proposed industrial component is allowed under the EDC-NG zoning designation. Therefore, the Project would not influence future development in that land area as the existing land use and zoning designations would be changed. Furthermore, industrial land uses are unlikely to lead to impacts that would relegate future generations and developments to similar uses, and the usage and storage of any hazardous materials and waste would be completed in the safest and most efficient manner. Additionally, the Project would comply with any federal, state, and local air quality and water quality regulations to further ensure the least amount of environmental impact.

The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.

The Project is intended to develop approximately 700,037 square feet (SF) of industrial warehouse space (including office space) and is not anticipated to release a significant amount of hazardous materials into the environment. Construction and operation of the Project would utilize chemical substances common with typical construction and warehousing activities and do not generally pose a significant hazard to the public or environment. However, in the event that hazardous materials are either used or stored on the Project site, the Project would storage hazardous materials in compliance with any applicable federal, state, and local policy. Furthermore, the Project would implement conditions of approval prior any demolition activities to further minimize the release of hazards during construction activity.

The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

The Project would comply with any applicable federal, state, and local regulation and law regarding the use of resources during both construction and operations. As established in **Section 4.15, Utilities and Service Systems**, development of the Project would not significantly impact water, electricity, solid waste, and telecommunications resources. It was found that the Eastern Municipal Water District, the water supplier for the City and Project site, has adequate supplies to serve the Project's expanded demand. Further, development of the Project would include the use of energy-efficient vehicles and equipment in accordance with the most recent federal, state, and local regulations. Therefore, resources used for the Project, including energy, would be done in an efficient, justifiable manner.

5.3 Growth Inducing Impacts

State CEQA Guidelines § 15126.2(e) requires that EIRs include a discussion of ways in which a project could induce growth. The State CEQA Guidelines identify a project as “growth-inducing” if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. The proposed Project would therefore have a growth-inducing impact if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing;
- Remove obstacles to population growth;
- Require the construction of new or expanded facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

A project's potential to induce growth does not automatically result in growth. Growth can only happen through capital investment in new economic opportunities by the private or public sectors. Under CEQA, the potential for growth inducement is not considered necessarily detrimental nor necessarily beneficial,

and neither is it automatically considered to be of little significance to the environment. This issue is presented to provide additional information on ways in which the proposed Project could contribute to significant changes in the environment, beyond the direct consequences of implementing the proposed Project examined in the preceding sections of this Draft EIR.

Direct Growth-Inducing Impacts in the Surrounding Environment

Potential growth-inducing impacts are examined through analysis of the following questions:

Would the project directly or indirectly foster economic or population growth, or the construction of additional housing? *No*

As discussed in **Section 7.0, Effects Found Not To Be Significant**, the Project would have a beneficial effect on the City's employment base by developing a site that is largely vacant with a new industrial/warehouse facility with ancillary office space. Given that the current unemployment rate for Riverside County is approximately 4.0 percent (as of October 2022),¹ it is reasonably assured that the jobs would be filled by people living in the City, unincorporated County area, and surrounding communities, such as Perris and Murrieta. Furthermore, the Project site is served by existing public roadways, and utility infrastructure would be installed beneath the public rights-of-way that abut the Project site. As a result, the Project would not be anticipated to induce substantial population growth in the Project area. Therefore, impacts associated with substantial, unplanned population growth would be less than significant.

Would the project remove obstacles to population growth? *No*

The Project site is currently composed of vacant land with single residential structures and associated out buildings on a single parcel. The existing structures are proposed to be demolished (refer to **Section 3.0, Project Description** for more information). The demolition of these structures would induce population growth since they would be replaced with the proposed warehouse facilities consistent with the existing and proposed land use and zoning designations. The Project would be an allowed and expected use within these land use zones and would therefore not create or remove an obstacle for growth.

Additionally, the proposed Project's development is localized to the Project site. The construction of the new infrastructure would not amend the land uses or increase density on the parcels adjacent of the Project site. Adjacent and nearby uses include vacant, undeveloped land, and residential land which is served by existing utilities, including electricity, natural gas, wet and dry facilities. Existing utilities would be extended and upgraded as needed during construction of the Project to serve the anticipated demands and to accommodate operation of the Project. All required improvements and extensions to existing electrical, natural gas, or telecommunications utilities would occur within the existing roadway rights-of-way adjacent to the Project site. All areas adjacent to the existing roadways also are disturbed and are within the overall footprint of the Project. Roadway improvements included in the Project are discussed in **Section 4.13, Transportation**, and analyzed in the Traffic Impact Analysis (TIA) (see **Appendix K**).

¹ State of California Employment Development Department. 2022. *Local Area Unemployment Statistics (LAUS) - Riverside County*. <https://data.edd.ca.gov/Labor-Force-and-Unemployment-Rates/Local-Area-Unemployment-Statistics-LAUS-Riverside-/f6zd-dtm5>. (accessed November 2022).

Substantial upgrades to the roadway system outside of the general Project area, which would promote further development are not included as components of the Project.

Would the project require the construction of new or expanded facilities that could cause significant environmental effects? No

The Project site is predominately vacant with legal nonconforming residential uses, which are subject to demolition. These uses required utility and infrastructure improvements in order to function. The Project would include infrastructure improvements and connections to allow for the efficient use of resources such as natural gas, electricity, and water. Improvements to the Project adjacent streets would also include underground dry utility facilities (e.g., cable, electric, telephone, natural gas, television and fiber optics) along the Project's frontage streets. The environmental impacts associated with the facility improvements associated with the proposed Project have been analyzed in **Section 4.1, Aesthetics** through **Section 4.15, Utilities and Service Systems** of this EIR. In cases where Project design feature did not minimize significant impacts, mitigation measures have been implemented that would reduce potential impacts related to Project development to less than significant levels, with the exception of impacts associated with greenhouse gas emissions, which would remain significant and unavoidable. Furthermore, the Project would not require the expansion of utility facilities such as water treatment plants or landfills. **Section 4.15, Utilities and Service Systems** determined that there is adequate capacity of those facilities to serve the Project site.

Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Refer to **Section 4.1, Aesthetics** through **Section 4.15, Utilities and Service Systems** of this EIR. No cumulative impacts were discovered during the analysis of the Project, except regarding GHG emissions. The Project-related GHG emissions would exceed the 3,000 MTCO₂e threshold of significance despite implementation of **MMs AQ-2** and **AQ-3** from **Section 4.2, MMs GHG-1** through **GHG-5**, and standard conditions and requirements, and could impede statewide 2030 and 2050 GHG emission reduction targets. As such, the Project would result in a potentially significant cumulative GHG impact.

5.4 Mandatory Significance of Findings

CEQA requires preparation of an EIR when certain specified impacts may result from construction or implementation of a project. Accordingly, this Draft EIR was prepared for the Project which fully addresses all of the Mandatory Findings of Significance, as described below.

Degradation of the Environment

Section 15065(a)(1)-(4) of the CEQA Guidelines requires a finding of significance if a project "has the potential to substantially degrade the quality of the environment." In practice, this is the same standard as a significant effect on the environment, which is defined in Section 15382 of the CEQA Guidelines as "a substantial or potentially adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

This Draft EIR addresses and discloses all known potential environmental effects associated with the development of the Project both on- and off-site including direct, indirect, and cumulative impacts in the following resource areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

A summary of all potential environmental impacts, level of significance and mitigation measures is provided in **Section 1.0, Executive Summary**.

Impacts on Habitat or Species

Section 15065(a)(1) of the CEQA Guidelines states that “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: (1) substantially degrade the quality of the environment; (2) substantially reduce the habitat of a fish or wildlife species; (3) cause a fish or wildlife population to drop below self-sustaining levels; (4) threaten to eliminate a plant or animal community; (4) substantially reduce the number or restrict the range of an endangered, rare or threatened species; (5) or eliminate important examples of the major periods of California history or prehistory.” The Project would have significant impacts to biological resources. **Section 4.3, Biological Resources**, of this Draft EIR fully addresses any impacts concerning the reduction of fish or wildlife habitat or populations and the reduction of special status species as a result of Project implementation. With implementation of mitigation measures **MM BIO-1** and **MM BIO-2**, the Project’s significant impacts on special status species would be reduced to less than significant levels.

Short-term vs. Long Term Goals

Section 15065(a)(2) of the CEQA Guidelines states that “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: the project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.” **Section 5.2, Significant Irreversible Environmental Changes**, above addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis. In addition, **Section 5.3, Growth-Inducing Impacts** above, identifies any long-term environmental impacts associated with economic and population growth that are associated with the

Project. Lastly, **Section 4.7, Greenhouse Gas Emissions**, identifies all significant and unavoidable impacts that could occur that would result in a long-term impact on the environment.

Cumulatively Considerable Impacts

Section 15065(a)(3) of the CEQA Guidelines states that “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: the project has potential environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” This Draft EIR provides a cumulative impact analysis for those thresholds that result in a less than significant impact, a potentially significant impact unless mitigated, or a significant and unavoidable impact. Cumulative impacts are addressed for each of the environmental topics listed above and are provided in **Sections 4.1** through **4.15** of this EIR.

Substantial Adverse Effects on Human Beings

As required by Section 15065(a)(4) of the CEQA Guidelines, “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.” Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This standard relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could directly or indirectly affect human beings would be possible in all of the CEQA issue areas previously listed, those that could directly affect human beings include aesthetics, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, land use and planning, public services and utilities, transportation/traffic, water resources, wildfire hazards, and climate change, all of which are addressed in the appropriate sections of this EIR; refer to Table of Contents for specific section numbers. The following topic areas were determined to be significant and unavoidable with respect to adverse effects on human beings:

Project-Related GHG Emissions

On December 5, 2008, the SCAQMD Governing Board adopted a 10,000 MTCO₂e industrial threshold for projects where SCAQMD is the lead agency. However, the City has determined that the SCAQMD’s draft threshold of 3,000 MTCO₂e/year is more conservative and appropriate for industrial and warehouse land use development projects. The 3,000 MTCO₂e/year threshold is based on the SCAQMD staff’s proposed GHG screening threshold for stationary source emissions for non-industrial projects, as described in the SCAQMD Interim Thresholds.

The Project would result in generation of 7,305 MTCO₂e per year GHG emissions from direct and indirect sources. The Project implemented **MMs AQ-2, AQ-3, and MM GHG-1** through **GHG-5** to reduce emissions to 6,220 MTCO₂e per year. However, the Project’s emissions would still exceed the 3,000 MTCO₂e per

year threshold. Additional mitigation to further reduce these emissions is not feasible. Since mitigated future mobile source emissions would continue to exceed the 3,000 MTCO₂e threshold and no additional feasible mitigation beyond **MMs AQ-2** and **AQ-3** and **MMs GHG-1** through **GHG-5** are available to further reduce emissions, this impact would remain significant and unavoidable.

GHG Plan Consistency

Despite plan consistency, the Project's long-term operational GHG emissions would exceed the 3,000 MTCO₂e per year threshold despite the implementation of **MMs AQ-2** and **AQ-3** in the Air Quality Assessment and **MMs GHG-1** through **GHG-5**, thus the Project could impede California's statewide GHG reduction goals for 2030 and 2050. A potentially significant impact would therefore occur as a result of the Project.

Cumulative Long-Term Impacts

It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. As discussed above, the Project-related GHG emissions would exceed the 3,000 MTCO₂e threshold of significance despite implementation of **MMs AQ-2** and **AQ-3** from **Section 4.2**, **MMs GHG-1** through **GHG-5**, and standard conditions and requirements, and could impede statewide 2030 and 2050 GHG emission reduction targets. As such, the Project would result in a potentially significant cumulative GHG impact.

6.0 ALTERNATIVES

6.1 Introduction

The California Environmental Quality Act (CEQA) requires that Environmental Impact Reports (EIR) “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” (State CEQA Guidelines Section 15126.6). The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but these effects may be discussed in less detail than the significant effects of the project as proposed (California Code of Regulations [CCR] Section 15126.6[d]). The EIR is not required to consider every conceivable alternative to a project but is guided by a rule of reason. An EIR is not required to consider alternatives which are infeasible. Section 15126.6[d]) states that the EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Key provisions of the State CEQA Guidelines on alternatives (Section 15126.6(a) through (f)) are summarized below to explain the foundation and legal requirements for the alternative’s analysis in the Draft EIR.

- “The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly” (Section 15126.6(b)).
- “The specific alternative of ‘no project’ shall also be evaluated along with its impact” (Section 15126.6(e)(1)). “The no project analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation was published, at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives” (Section 15126.6(e)(2)).
- “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that require an EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project” (Section 15126.6(f)).
- “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)” (Section 15126.6(f)(1)).

- For alternative locations, “only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR” (Section 15126.6(f)(2)(A)).
- “An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative” (Section 15126.6(f)(3)).

Range of Alternatives

The Lead Agency is responsible for selecting this range of Project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. This section describes two alternatives to the Project. These alternatives include the following:

Alternative 1: *No Project Alternative*

This alternative assumes none of the proposed warehouse buildings or off-site infrastructure would be constructed and the Project site would continue to function in its existing condition.

Alternative 2: *Reduced Square Feet on Two Buildings Alternative*

Instead of the proposed single warehouse building of approximately 700,037 square feet (SF), with associated 499 automobile parking space and 245 truck trailer spaces, Alternative 2 assumes the construction of two smaller warehouse buildings totaling approximately 595,031 SF of building space on the same 40.3-acres of land. Each of the two warehouse buildings would be approximately 297,515 SF. Compared to the proposed Project, under Alternative 2, total warehouse building space would be overall approximately 105,000 SF smaller or (15 % smaller) than the proposed Project.

Alternatives were developed based on the following: information provided by the Project applicant, the City of Menifee (City), and input received from comments on the Notice of Preparation (NOP). At first a larger group of alternatives was developed and after an initial review, the alternative was either retained for further analysis or discarded. Among the factors that may be considered when addressing the feasibility of alternatives, as described in Section 15126.6(f)(1) of the CEQA Guidelines, are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the project proponent could reasonably acquire, control, or otherwise have access to an alternative site.

As discussed above, one of the main purposes of the range of alternatives is to discuss different projects that can avoid or substantially lessen significant effects, especially effects that are found to be significant and unavoidable. In the case of the Project, significant and unavoidable impacts were identified with respect to greenhouse gas (GHG) emissions. The 3,000 MTCO₂e GHG emissions thresholds were exceeded in the operational phase of the Project, and it was determined that the Project would generate GHG emissions that could have a significant impact on the environment. Implementation of **MMs GHG-1** through **GHG-7** would reduce Project emissions. However, despite implementation of mitigations, total mitigated emissions would continue to exceed the threshold and even with implementation of the MMs, the Project would conflict with an applicable plan, policy or regulations and would generate cumulative

GHG emissions. For this reason, the alternatives analyzed were selected to evaluate the potential to further reduce impacts from GHG emissions.

Lastly, an EIR need not consider an alternative whose effects could not be reasonably identified, whose implementation is remote or speculative, and that would not achieve the basic Project objectives. The alternatives that were selected for additional consideration were chosen in accordance with the above listed CEQA Guidelines, represent a reasonable range of alternatives, are feasible, and will encourage discussion in a manner to foster meaningful public participation and informed decision making.

6.2 Project Objectives

As discussed above, one of the evaluation criteria for the alternative discussion is the ability of a specific alternative to attain most of the basic Project objectives. The basic Project objectives are listed in **Section 3.0, Project Description** and are as follows:

1. Develop the site in accordance with the City General Plan and Zoning in the Economic Development Corridor Northern Gateway(EDC-NG) which envisions more intense development at the industrial boundary of the City adjacent to Ethanac Road.
2. Develop a project that will contribute to the balanced growth in the City in a responsible and strategic manner.
3. Develop a center that takes advantage of the existing infrastructure and support systems including the local workforce.
4. Positively contribute to the economy of the region through new capital investment and the creation of new employment opportunities while being respectful of the environmental issues.
5. Expand the local and regional tax base.
6. Develop a project that is economically feasible.
7. Develop and operate a project that will attract quality tenants and will be competitive with other approved or proposed similar regional facilities.
8. Develop a project that will contribute to the build out of regional road and flood infrastructure that will benefit the project as well as the broader EDC area.
9. Implement the EDC-NG through the development of a land use consistent with the development standards, Environmental Justice standards, and criteria relevant to the site.
10. Facilitate the development of underutilized land currently planned for industrial uses that maximizes the use of the site and responds to regional market demand.

6.3 Criteria for Selecting Alternatives

Per Section 15126.6 (b) of the State CEQA Guidelines, the discussion of alternatives shall focus on alternatives to a project, or its location that are capable of avoiding or substantially lessening significant impacts of a project, even if the alternatives would impede to some degree the attainment of the project objectives or would be more costly. This alternatives analysis therefore focuses on Project alternatives that could avoid or substantially lessen environmental impacts of the Project related to the environmental

categories listed in Appendix G of the State CEQA Guidelines while potentially meeting the Project's objectives.

6.4 Alternatives Removed from Further Consideration

State CEQA Guidelines section 15126.6(c) states that an EIR should identify any alternatives that were considered by the lead agency but rejected because the Alternative would be infeasible, fail to meet most of the basic Project objectives, or unable to avoid significant environmental impacts. Furthermore, an EIR may consider an alternative location for the proposed Project but is only required to do so if significant Project effects would be avoided or substantially lessened by moving the Project to another site and if the Project proponent can reasonably acquire, control, or otherwise have access to the alternative site.

In developing the Project and alternatives, consideration was given to the density of development that could meet Project objectives and reduce significant impacts. The anticipated significant impacts would result from the intensity of the development proposed. In developing a reasonable range of alternatives, an alternative site alternative was considered but removed from consideration for a variety of reasons. These alternatives and the reasons are discussed briefly below:

Alternative Site Alternative

The analysis of alternatives to the proposed Project must also address "whether any of the significant effects of the Project would be avoided or substantially lessened by putting the Project in another location" (CEQA Guidelines, Section 15126.6(f)(2)(A)). Only those locations that would avoid or substantially lessen any of the significant effects of the Project need be considered. If no feasible alternative locations exist, the agency must disclose the reasons for this conclusion (CEQA Section 15126.6(f)(2)(B)). In this case, while it is feasible that an alternative site could be selected for the Project, an alternative site would entail either the same or new significant environmental effects as the Project site. For example, development of the proposed Project on any suitable alternative site in or around the City may not avoid or substantially lessen the proposed Project's impacts. This generally applies to impacts such as air quality impacts, greenhouse gas emissions, or transportation impacts that occur over a wider area than generally site-specific impacts such as those to aesthetic or biological resources. Additionally, impacts like these could be greater if the alternative site is located further away from a major transportation corridor or in areas with existing unacceptable traffic levels. Moreover, an alternative site that is adjacent to undeveloped lands could result in increased impacts on aesthetics and utilities due to increased service capacity and incongruous development, than a site, such as the Project site, that is surrounded by existing development.

Furthermore, viable alternative locations for the Project are limited to those that would feasibly attain most of the Project objectives. There are no other lots appropriately located and sufficient sized and owned by the Project applicant in the City and near a major transportation corridor that would satisfy the Project objectives and eliminate or reduce impacts from the Project. The Project is proposed to be located near a major transportation route with Interstate 215 (I-215) to the east of the Project site.

6.5 Alternatives to the Project

The alternatives listed below present a reasonable range of alternatives to the Project. The analysis in this section focuses on significant and unavoidable impacts attributable to each alternative and the ability of each alternative to meet basic Project objectives.

Alternative No. 1: No Project Alternative – The “No Project” Alternative allows decision-makers the ability to compare the impacts of approving the Project with impacts to not approving the Project by leaving the Project site in its existing condition.

Alternative No. 2: Reduced Square Feet on Two Buildings Alternative – The Reduced Square Feet on Two Buildings Alternative allows the decision-makers the ability to compare the impacts of approving the Project with impacts to not approving the Project but instead proposing the construction of two smaller warehouse buildings totaling approximately 595,031 SF of building space on the same 40.3-acres of land. Each of the two warehouse buildings would be approximately 297,515 SF.

6.6 Comparison of Project Alternatives

Per the State CEQA Guidelines Section 15126.6(d), additional significant effects of the alternatives are discussed in less detail than the significant effects of the Project as proposed. For each alternative, the analysis below describes each alternative, analyzes the impacts of the alternative as compared to the Project, identifies significant impacts of the Project that would be avoided or lessened by the alternative, assesses the alternative’s ability to meet most of the Project objectives, and evaluates the comparative merits of the alternative and the Project. The following sections provide a comparison of the environmental impacts associated with each of the Project alternatives, as well as an evaluation of each Project alternative to meet the Project objectives.

Alternative 1: No Project Alternative (No Warehouse Development or Off-Site Improvements)

State CEQA Guidelines Section 15126.6, requires an evaluation of the “No Project” alternative for decision-makers to compare the impacts of approving a project with the impacts of not approving it. Alternative 1: No Project Alternative (Alternative 1) assumes that the Project site would not be developed, which means there would be no warehousing facilities, landscape improvements, on-site surface lot improvements, or off-site improvements developed on the Project site or off-site as part of the proposed Project.

Although this alternative assumes “No Development” (as required by CEQA), this is considered a speculative assumption as the land is assumed to remain in private ownership (as there are no offers to purchase the land for public open space use). It is more likely that, eventually, the land would be developed with some form of industrial development in keeping with the City’s General Plan land use and zoning designations for this area of the City.

Alternative 1 Impact Comparison to the Project

Alternative 1 would avoid all potential significant impacts that could occur from Project construction and operation as, by definition, it assumes that no development would occur and therefore no grading,

construction or operational traffic and related impacts such as GHG emissions would occur. The lack of significant impacts associated with Alternative 1 would also remove the significant and unavoidable impacts associated with proposed Project implementation. Significant and unavoidable impacts associated with development of the proposed Project were identified in the GHG emissions environmental analyses.

Aesthetics

Under the No Project Alternative, the warehouse site would remain in its current state. However, as previously discussed, the land use designation for the Project site is Economic Development Corridor-Northern Gateway (EDC-NG) and the zoning district is also EDC-NG. As such, similar uses could be developed on the site in the future. Until such time though, this alternative assumes that the Project site would remain in its current state with scattered rural single-family residential units and the majority in its undeveloped state. Therefore, under this Alternative, impacts regarding aesthetics, light, and glare would be less than significant; similar compared to the proposed Project.

The No Project Alternative would be environmentally superior to the Project regarding aesthetic impacts, as no increase in construction activities or the erection of buildings that could block views of the mountains to the north would occur and as such no impacts in aesthetics would occur from Alternative 1.

Air Quality

The proposed Project would have a less than significant impact regarding construction and operational air pollutant emissions for PM₁₀ and NO_x thresholds with the implementation of **MMs AQ-1 through AQ-5** and **HRA-1**.

Alternative 1 would result in no construction or operational emissions from the Project as it would not be developed and would presumably continue to host the existing uses in the Project site. The continued use of the Project site in its current state would lead to no change in anticipated emissions and would therefore remain at the current level of emissions generated.

As such, it is anticipated that Alternative 1 would be environmentally superior to the Project regarding air quality impacts, as no increase in construction and traffic would occur and as such no increase in air quality emissions would occur from Alternative 1.

Biological Resources

The Project would result in a less than significant environmental impacts towards special-status species, riparian habitats, wetlands, important trees and would not conflict with an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan with implementation of **MM BIO-1 through BIO-3**.

Alternative 1 would be the environmentally superior alternative to the Project regarding biological resources, as no habitat, plant or wildlife species would be modified.

Cultural Resources

The Project would result in less than significant impact to a historical, archaeological, and disturbance to human remains are assumed to be less than significant with implementation of Conditions of Approval (COA) COA-CUL-1 through COA-CUL-8.

Under Alternative 1, potential changes to any of these resources would be eliminated as no ground disturbance would occur. Alternative 1 would be environmentally superior to the Project regarding cultural resource impacts.

Energy

The Project would result in less than significant impact to wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with a state or local plan and no mitigations would be required.

Alternative 1 would be environmentally superior to the Project regarding energy impacts, as no increase in energy consumption would occur from the site continuing in its existing condition.

Geology and Soils

The Project would result in a less than significant impact from being located on expansive soil and would not impact paleontological resources or unique geologic features with implementation of **MM GEO-1** and **GEO-2**.

Alternative 1 is anticipated to be environmentally superior to the Project regarding impacts to and from existing geological conditions, including expansive soils, and paleontological resources, because the site underlying conditions would not change under Alternative 1 and ground disturbing activities would not occur. Alternative 1 would omit any changes to potentially unearthed paleontological resources.

Greenhouse Gas Emissions

The Project would have a significant and unavoidable impact on GHG emissions as the Project would exceed the 3,000 MTCO₂e threshold and would conflict with an applicable plan, policy or regulation despite the implementation of **MMs AQ-2** and **AQ-3** in the Air Quality Assessment and **MMs GHG-1** through **GHG-7**.

Alternative 1 would result in no construction or operational GHG emissions. The existing, minimal emissions produced by the existing residential units would continue. As such, Alternative 1 would be environmentally superior to the Project regarding GHG emissions since no increase in GHG emissions would occur.

Hazards and Hazardous Materials

The Project would have a less than significant impact regarding hazards and hazardous materials, as the Project would not conflict or exacerbate the increased safety risk to workers due to the transport, handling, and disposal of hazardous materials and waste. Additionally, the Project would not generate emissions of hazardous emissions to nearby schools and the Project site is not located on a Cortese List of

known hazardous material sites. Finally, the Project is not located near a nearby airport and no foreseeable or accidental release of hazardous materials is anticipated to occur.

Although no impacts regarding hazards and hazardous materials would occur with the proposed Project, Alternative 1 would be environmentally superior to the Project regarding hazards and hazardous materials. Since no ground disturbing activities would occur, and no buildings or structures would be constructed or operated, any potential impact from hazards and hazardous materials would be eliminated.

Hydrology and Water Quality

The proposed Project is anticipated to have a less than significant impact on hydrology and water quality regarding water quality or waste discharge, alteration of the existing drainage pattern of the site or stream or river, run-off, polluted run-off, or from flood hazard, tsunami, or seiche with implementation of **MMs HYD-1** through **HYD-3**.

Alternative 1 would eliminate both short-term and long-term changes to hydrology and water quality, since grading, excavation, construction, or other activities associated with the development of the site would not occur. Alternative 1 would not alter current hydrologic conditions, including changes in surface water runoff and water quality. As such, Alternative 1 would be the environmentally superior alternative.

Land Use and Planning

The Project's existing land use designations and zoning are EDC-NG. The Project's proposed land uses would be consistent with the EDC-NG land use designation. Therefore, the Project would be compliant with the City's Zoning Code. Furthermore, the Project would also be designed consistently with all applicable planning policies and design standards set within the Menifee MC. As such, the Project would have a less than significant impact.

Alternative 1 would eliminate all development on the site and no change to the existing conditions would occur. As such, Alternative 1 would be the superior alternative.

Noise

The proposed Project would not exceed noise thresholds and thus would not create noise related impacts. However, noise would still be greater than under Alternative 1 (existing conditions). As such, it is determined that Alternative 1 would be the superior alternative as noise levels would remain unchanged under the existing conditions.

Public Services

The proposed Project would have a less than significant impact on public services with the payment of the applicable Development Impact Fees (DIF) for the various public services needed. Under Alternative 1, no warehouses or associated on-site or off-site improvements would be developed, and as such, no DIFs would be collected by the City of Menifee. Under existing conditions, six existing residential dwelling units require public services on-site although at a much less intensity than that anticipated under the proposed

Project. As such, it is anticipated that Alternative 1 would be the superior alternative, as fewer public services would be required at the sites.

Transportation

The Project was determined to have a less than significant impact on transportation, specifically as it relates to a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities with implementation of recommendations listed in **Appendix K1** of the Traffic Study. With implementation of recommendations, the Project would be consistent with all applicable traffic thresholds and therefore, the Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Note that the intersection and roadway recommendations provided in **Appendix K1, Traffic Study**, are not mitigation measures, they are conceptual in nature, and are not required to be enforced as additional delay to an intersection or roadway segment is not considered a significant impact under CEQA. However, the City may consider including the recommendations as part of the Project's conditions of approval. Additionally, the Project would not have an impact or conflict with CEQA Guidelines Section 15064.3, would not increase hazards in geometry and not result in inadequate emergency access.

Though the Project will cause less than significant transportation impacts, Alternative 1 would be environmentally superior to the Project regarding transportation impacts because no increase in construction and operational trips would occur at all under this Alternative.

Tribal Cultural Resources

The Project would cause a less than significant impact to tribal cultural resources without mitigation measures. Implementation of COA-CUL-1 through COA-CUL-8 would further reduce the potential of impacts to tribal cultural resources. Nonetheless, Alternative 1 would be environmentally superior to the Project regarding tribal cultural resources as there would be no potential for impacting tribal cultural resources since no ground disturbing activities would occur.

Utilities and Service Systems

The Project's operation would create a demand for water, and increase wastewater and solid waste generation. However, the Project would not create a significant impact on utilities and service systems.

Alternative 1 would not demand any more utilities or services than those currently being expended to service the site for the residential dwelling units. Alternative 1 would greatly reduce the demand for water and wastewater, solid waste services, and gas and electricity services. Alternative 1 would be environmentally superior to the Project regarding impacts to utilities and service systems since no additional utilities would be required to continue to operate the existing on-site uses.

Alternative 1 Summary

While Alternative 1 would reduce nearly all of the Project's potential environmental impacts, it would not meet any of the Project objectives, as identified above, as the Project site would remain in its existing condition. For instance, the Project site would not provide employment opportunities or increase the

City's tax base, would not facilitate the movement of goods, and would not develop an industrial project/warehouse facility that is Class A and that would attract high-end tenants to increase the City's tax base.

Alternative 2: Reduced Square Feet on Two Buildings Alternative

Alternative 2 assumes the construction of two smaller warehouse buildings totaling approximately 595,031 SF of building space on the same 40.3-acres of land. Each of the two warehouse buildings would be approximately 297,515 SF. Compared to the proposed Project, the total warehouse building space in Alternative 2 would be overall approximately 105,000 SF smaller or (15% smaller) than the proposed Project.

Alternative 2 Impact Comparison to the Project

Alternative 2 would minimize impacts related to the scale of the Project. Therefore, environmental impact areas such as aesthetics, energy, utilities and service systems, and wildfire hazards may see a nominal improvement regarding potential impact significance. However, these resource areas are anticipated to have a less than significant impact under the Project. Overall, the Project was able to achieve a less than significant impact with mitigation incorporated in all environmental impact areas except greenhouse gas emissions. This resource was anticipated to generate significant and unavoidable impacts even with implementation of the appropriate mitigations. An evaluation of the impacts associated with the development of Alternative 2 (Reduced Square Feet on Two Buildings Alternative) are described below.

Aesthetics

The same general aesthetics impacts would occur under Alternative 2 when compared to the proposed Project. Although the total building footprint would be reduced with this Alternative by approximately 105,000 SF, the general construction mass and scale of the buildings on-site would be the same because the Project site would have two buildings instead of one. Additionally, the building materials would remain the same as those anticipated to be use under the Project. Moreover, the two buildings would maintain the proposed building height of 45 feet, 6 inches. When compared to the proposed Project, aesthetics impacts associated with Alternative 2 would be like those from the proposed Project and would remain less than significant.

Alternative 2 would be environmentally equivalent to the Project regarding aesthetic impacts, as no increase in construction or traffic would occur and, as such, no additional impacts in aesthetics are anticipated to occur compared to the proposed Project.

Air Quality

The proposed Project would have a less than significant impact regarding construction and operational air pollutant emissions for PM₁₀ and NO_x thresholds with the implementation of **MMs AQ-1** through **AQ-3** and **HRA-1**.

Alternative 2 proposes two warehouse buildings that would total approximately 595,031 SF, which is a total warehousing footprint reduction of approximately 105,000 SF or approximately 15 percent under Alternative 2. It is anticipated that this would reduce potential operational emissions through the reduced

building area. However, most operational emissions stemmed from mobile sources such as vehicles and construction equipment. The vehicular traffic generated from the Project is not anticipated to be significantly reduced under Alternative 2. Operations of Alternative 2 are expected to be similar to the Project. Under Alternative 2, the proposed buildings footprint would be reduced, but the operational intensity of the site could slightly increase as two separate businesses would operate out of the same site; each warehouse building could potentially have very distinct operational business hours and duplicative overhead.

Alternative 2 is anticipated to be environmentally superior to the Project regarding air quality impacts because a slight decrease in construction and operational traffic is anticipated from the total reduction in building SF and available vehicle and truck parking. As such, a less intense air quality impact is anticipated to occur from Alternative 2. Additionally, in order to maintain a less than significant impact on air quality, Alternative 2 would also be subject to the implementation of **MMs AQ-1** through **AQ-3** and **HRA-1**.

Biological Resources

The Project would result in less than significant environmental impacts towards special-status species, riparian habitats, wetlands, important trees and would not conflict with an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan with implementation of **MM BIO-1** through **BIO-3**.

Alternative 2 would be an environmentally equivalent alternative compared to the Project regarding biological resources because, though the Alternative 2 building footprint would be slightly reduced, the overall disturbance to the Project site would be the same as with the Project. Additionally, to maintain a less than significant impact on biological resources, Alternative 2 would also be subject to the implementation of **MMs AQ-1** through **AQ-3** and **HRA-1**.

Cultural Resources

The Project would result in less than significant impacts to historical and archaeological resources, and disturbance to human remains, with implementation of Conditions of Approval (COA) COA-CUL-1 through COA-CUL-8. No Project specific MMs were necessary.

Under Alternative 2, though the total building square footage would be reduced, development of the site of the two warehouse buildings would not omit or preserve any of the 40.3 acres in their current state. Even with the reduction in overall building square footage, the Project site would include parking, landscaping, and other features that would require the complete site to be developed. No islands or undisturbed areas would remain. Therefore, Alternative 2 would be an environmentally equivalent alternative compared to the Project regarding cultural resources, as the same 40.3-acres Project site would be modified or impacted.

Energy

The Project would result in less than significant impact to wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with a state or local plan and no mitigations would be required.

Development under Alternative 2 and the proposed Project would continue to require energy (fuel, electric, gas) during both the construction and operational phases of the Project. Alternative 2 would require less energy to build and operate due to the reduction in building square footage of two warehouse buildings. Alternative 2 would thus consume less energy for construction/operational related activities compared to the proposed Project. As such, the Alternative 2 would be environmentally superior to the Project regarding energy impacts, as a decrease in energy consumption would occur compared to the proposed Project.

Geology and Soils

The Project would result in a less than significant impact from being located on expansive soil and would not impact paleontological resources or unique geologic features with implementation of **MM GEO-1** and **GEO-2**.

Alternative 2 would be environmentally equivalent to the Project regarding geological, soils, and paleontological resources. The exposure of people to seismic, geologic, and soil hazards under this Alternative would be equivalent to the Project with implementation of **MM GEO-1** and **GEO-2**. With regard to paleontological resources, under Alternative 2, though the total building square footage would be reduced, development of the two warehouse buildings would not omit or preserve any of the 40.3 acres in their current state. Therefore, Alternative 2 and the Project equally disturb the site.

Greenhouse Gas Emissions

The Project would have a significant and unavoidable impact on GHG emissions as the Project would continue to exceed the 3,000 MTCO₂e threshold and would conflict with an applicable plan, policy or regulation despite the implementation of **MMs AQ-2** and **AQ-3** in the Air Quality Assessment and **MMs GHG-1** through **GHG-5**.

Alternative 2 would likely reduce emission impacts through a reduction in energy use and less vehicle trips from two smaller warehouse buildings compared to the proposed larger single warehouse building. However, the usage rate of the Project site as a whole would remain similar and the reduction in energy use and vehicle trips would not be substantial. Even with a reduction in energy use emissions, the mobile source emissions associated with vehicular travel would not be greatly reduced. The difference in vehicle traffic would be approximately 75 vehicle and 37 truck parking spaces less than assumed under the proposed Project. The proposed Project's GHG emissions were more than double the significance threshold. Since Alternative 2 is only 15% smaller than the proposed Project, Alternative 2 would likely remain in excess of the City's GHG emissions thresholds. The impact would be expected to remain a significant and unavoidable impact even with implementation of **MMs AQ-2** and **AQ-3** in the Air Quality Assessment and **MMs GHG-1** through **GHG-5** because the proposed Project, even with implementation of these measures, was more than double the emissions threshold. Regardless of the Alternative 2 being anticipated to remain significant and unavoidable, it would be determined to be environmentally superior compared to the Project regarding GHG emissions only because it will reduce the energy needed, but this reduction does not eliminate the significant and unavoidable impact generated by Alternative 2.

Hazards and Hazardous Materials

The Project would have a less than significant impact regarding hazards and hazardous materials, as the Project would not conflict or exacerbate the increased safety risk to workers due to the transport, handling, and disposal of hazardous materials and waste. Additionally, the Project would not generate emissions of hazardous emissions to nearby schools and the Project site is not located on a Cortese List of known hazardous material sites. Finally, the Project is not located near a nearby airport and no foreseeable or accidental release of hazardous materials is anticipated to occur.

Alternative 2 would be environmentally equivalent to the Project regarding hazards and hazardous materials, since the same ground disturbing activities would occur, and buildings/structures would be constructed and operated on the same footprint.

Hydrology and Water Quality

The proposed Project is anticipated to have a less than significant impact on hydrology and water quality, waste discharge, alteration of the existing drainage pattern of the site or stream or river, run-off, polluted run-off, or from flood hazard, tsunami, or seiche with implementation of **MMs HYD-1** through **HYD-3**.

Alternative 2 and the proposed Project would disturb the same footprint for construction and operational activities, and as such, Alternative 2 would result in similar hydrology and water quality impacts as those identified under the proposed Project. As with the proposed Project, **MMs HYD-1** through **HYD-3** would be required to reduce impacts on hydrology and water quality and waste discharge, and minimize the alteration of the existing drainage pattern of the site. Because the same 40.3-acres site would be disturbed with the implementation of the two smaller warehouse buildings, with implementation of the applicable MMs, Alternative 2 would remain less than significant and equivalent to the proposed Project.

Land Use and Planning

The Project's existing land use designations and zoning are EDC-NG. The Project's proposed land uses would be consistent with the EDC-NG land use designation. Therefore, the Project would be compliant with the City's Zoning Code. Furthermore, the Project would also be designed consistently with all applicable planning policies and design standards set within the Menifee MC. As such, the Project would have a less than significant planning and land use impact.

Alternative 2 would remain consistent with existing land use and designation and zoning for the site (EDC-NG). No need for land use and zoning changes would be necessary. As such, Alternative 2 would be environmentally equivalent to the Project regarding land use and planning, since no new entitlements, not already considered under the proposed Project, would be necessary.

Noise

The proposed Project was determined to not generate construction, operation, and traffic related noise or vibration in excess of normally acceptable standards. As such, the proposed Project was anticipated to have less than significant impacts from noise and vibration and the implementation of MMs would not be necessary.

Although the proposed Project was determined to have a less than significant impact from Project-related noise and vibration generation, it is anticipated that Alternative 2 would generate less noise and vibration than the proposed Project due to the approximately 15% smaller building footprint and traffic reduction assumed under Alternative 2. As such, Alternative 2 is the environmentally superior alternative.

Public Services

The proposed Project was determined to have a less than significant impact on all public services with the payment of the applicable Development Impact Fees (DIF) for the various public services necessary.

When compared to the proposed Project, Alternative 2 would result in fewer public service-related impacts than the proposed Project and associated DIF would also be paid; however, it is anticipated these reductions would be nominal. Therefore, Alternative 2 would be environmentally equivalent when compared to the proposed Project.

Transportation

The Project was determined to have a less than significant impact on transportation, specifically as it relates to a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project would be consistent with all applicable traffic thresholds and therefore, the Project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Therefore, the Project's traffic impacts, in terms of being consistent with all applicable traffic thresholds, would be less than significant. Note that the intersection and roadway recommendations provided in **Appendix K1, Traffic Study**, are not mitigation measures, they are conceptual in nature, and are not required to be enforced as additional delay to an intersection or roadway segment is not considered a significant impact under CEQA. However, the City may consider including the recommendations as part of the Project's conditions of approval. Additionally, the Project would not have an impact or conflict with CEQA Guidelines Section 15064.3, would not increase hazards in geometry and not result in inadequate emergency access.

Although the proposed Project was determined to have a less than significant impact on transportation facilities, because Alternative 2 would further reduce the overall building footprint and traffic to and from the Project site by approximately 15%, it is assumed that Alternative 2 would have a lesser impact than the proposed Project. Therefore, Alternative 2 would be environmentally superior compared to the proposed Project.

Tribal Cultural Resources

The Project is anticipated to cause a less than significant impact to tribal cultural resources without mitigation measures. Implementation of COA-CUL-1 through COA-CUL-8 would further reduce the potential of impacts to tribal cultural resources.

Alternative 2 would be environmentally equivalent to the Project regarding tribal cultural resources because both projects involve the same amount of ground disturbance. There would be no potential for impacting tribal cultural resources with implementation of COA-CUL-1 through COA-CUL-8.

Utilities and Service Systems

The Project's operations would create a demand for water, and increase wastewater and solid waste generation. However, the Project would not create a significant impact on utilities and service systems.

Alternative 2 would result in fewer utility and service system related impacts compared to the proposed Project. Alternative 2 would be environmentally superior compared to the proposed Project regarding impacts to utilities and service systems. Temporary increases in utility demand and construction of utilities would still occur during construction, and there would be an increase in services and utilities demand resulting from operation of the two warehouses under Alternative 2, but these increases would be lower than with the proposed Project due to the square footage reduction of approximately 105,000 SF under Alternative 2.

Alternative 2

Alternative 2 is anticipated to have a slight reduction in impacts pertaining to air quality, energy, GHG, noise, transportation, and utilities and service systems compared to the proposed Project. Additionally, Alternative 2 would not meet all the Project Objectives. The Project would not meet Objective No. 5, which seeks to "Expand the local and regional tax base," Nor Objective No. 4, which seeks "the creation of new employment opportunities while being respectful of the environmental issues." Reducing the overall Project footprint will not increase the tax base to the same extent or provide as many job opportunities as the proposed Project. Alternative 2 also does not meet Objective No. 6, which seeks to "Develop a project that is economically feasible." The reduction in total building SF footprint (approximately 105,000 SF between the two smaller scale warehouse buildings) would offset the financial benefits the Project could bring because less building SF translates into a reduced price per SF that can be sold or leased. Alternative 2 also does not meet Objective No. 7 which seeks to "Develop and operate a project that will attract quality tenants and will be competitive with other approved or proposed similar regional facilities." Alternative 2 would fail to achieve higher efficiency and reduced real estate costs, through the conversion of one building to two smaller buildings. This would ultimately raise rent, labor, and transportation costs, as well as the ability to significantly improve the number of items processed per hour with operations under one roof. This would ultimately deter new tenants from potentially leasing the buildings under Alternative 2, which is opposite of what Objective 2 seeks. Additionally, Alternative 3 would not meet Objective No. 10 which seeks to "facilitate the development of underutilized land currently planned for industrial uses that maximizes the use of the site and responds to regional market demand," As tenants migrate from smaller to larger buildings, creating operational efficiencies and cost savings, buildings primarily in 100,000 sf – 300,000 sf segment are becoming vacant. As rents decrease and construction costs remain high compared to historical norms, coupled with high interest rates, financial feasibility for smaller buildings are more challenging. Additionally, the development of two smaller buildings under Alternative 2 would reduce the maximum efficiency of uses on site by reducing the overall sq. ft. by 15 percent. Since Alternative 2 would go against market trends and would not maximum the site's usage, Objective 10 would not be met.

Additionally, while the reduced footprint proposed by Alternative 2 moderately reduces some of the Project impacts, Alternative 2 and the proposed Project are environmentally equivalent for many impacts, and Alternative 2 only would likely modestly reduce GHG emissions (the only significant and unavoidable

impact caused by the proposed Project). It is anticipated that GHG emissions for Alternative 2 would still likely be significantly above the significance threshold. Overall, Alternative 2 can be rejected as it does not meet all Project Objectives and does not have significant environmental advantages.

6.7 Environmentally Superior Alternative

An EIR is required to identify the environmentally superior Alternative from among the range of reasonable alternatives that are evaluated. Section 15126.6 (e)(2) of the State CEQA Guidelines requires that an environmentally superior alternative be designated and states that if the environmentally superior Alternative is the No Project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Based on the summary of information presented in **Table 6.0-1, Project Objective Consistency Analysis**, the environmentally superior Alternative is Alternative 1: No Project Alternative. Because Alternative 1 would leave the Project site essentially unchanged and would not have the operational impacts that would be associated with Alternative 2, Alternative 1 is determined to have fewer environmental impacts than the proposed Project, or Alternative 2.

Section 15126.6(e)(2) of the State CEQA Guidelines states that if the “No Project” alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 2 would include the same project features and MMs and would ultimately have a similar environmental impact as the proposed Project.

The context of an environmentally superior alternative is based on the consideration of several factors including the reduction of environmental impacts to a less than significant level, the Project objectives, and an alternative’s ability to fulfill the objectives with minimal impacts to the existing site and surrounding environment. As such, the No Project alternative (Alternative 1) would be the environmentally superior alternative because it would eliminate all of the potentially significant impacts of the proposed Project. However, while Alternative 1 is the environmentally superior alternative, it is not capable of meeting any of the basic objectives for the Project or the General Plan.

Aside from Alternative 1, the environmentally superior alternative to the proposed Project is the one that would result in the fewest or least significant environmental impacts. Based on the evaluation undertaken, it is assumed that Alternative 2: “Reduced Square Feet on Two Buildings Alternative” is the environmentally superior Alternative. This is an environmentally superior project alternative because overall impacts would be reduced on average by approximately 15 percent, including traffic generated by the project which would translate to a potential 15 percent reduction in air quality and GHG emissions. Although Alternative 2 would be the environmentally superior alternative, Alternative 2 would not significantly mitigate GHG emissions into a less than significant level as emissions would be well in excess of the significance threshold. Also Alternative 2 does not meet Project Objectives 4,5,6,7 and 10.

Table 6.0-1: Comparison of Project Alternatives Environmental Impacts with the Project

EIR Resource Section	Alternatives		
	Project - Level of Impact After Mitigation	Alternative 1 No Project	Alternative 2 Reduced Square Feet on Two Buildings Alternative (15%)
Aesthetics	Less Than Significant	-	=
Air Quality	Less Than Significant	-	-
Biological Resources	Less Than Significant	-	=
Cultural Resources	Less Than Significant	-	=
Energy	Less Than Significant	-	-
Geology and Soils	Less Than Significant	-	=
Greenhouse Gas Emissions	Significant and Unavoidable	-	-
Hazards and Hazardous Materials	Less Than Significant	-	=
Hydrology and Water Quality	Less Than Significant	-	=
Land Use and Planning	Less Than Significant	-	=
Noise	Less Than Significant	-	-
Public Services	Less Than Significant	-	-
Transportation	Less Than Significant	-	-
Tribal Cultural Resources	Less Than Significant	-	=
Utilities and Service Systems	Less Than Significant	-	-
Wildfire	Less Than Significant	-	=
Attainment of Project Objectives	Meets all of the Project Objectives	Meets none of the Project Objectives	Meets all but two the Project Objectives
<p>A plus (+) sign means the Project Alternative has more impacts compared to the proposed Project. A minus (-) sign means the Project Alternative has less impact compared to the proposed Project. An equal sign (=) means the Project Alternative has similar impact compared to the proposed Project.</p>			

7.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

7.1 Introduction

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines states that “an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” This section briefly describes effects found to have no impact or a less than significant impact based on the analysis conducted during the Draft Environmental Impact Report (EIR) preparation process.

7.2 Agriculture and Forestry Services

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Impact 7.2-1 *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Level of Significance: No Impact

Construction and Operations

Prime farmland is land that has the best combination of physical and chemical attributes that is conducive to sustained agricultural uses and production of the nation’s short and long term needs for food and fiber. Prime farmland is limited and therefore requires conservation when able. Unique farmland is classified as any farmland other than prime farmland that is used to generate high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. Like prime farmland, unique farmland contains an adequate combination of physical and chemical attributes that is conducive to the growth of those high-value crops. Farmland of statewide importance is delineated by individual states and includes land that may not meet the standards of prime or unique farmland but is still able to be an area of significant production for a state.

According to the California Department of Conservation’s California Important Farmland Finder¹ and Exhibit OSC-5: Agricultural Resources² from the City of Menifee’s (City) General Plan (GP), the Project site

¹ California Department of Conservation. 2016. *California Important Farmland Finder*. <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed October 2022).

² City of Menifee. 2013. *Exhibit OSC-5: Agricultural Resources*. https://www.cityofmenifee.us/DocumentCenter/View/1086/ExhibitOSC-5_AgriculturalResources_HD0913?bidId= (accessed October 2022).

does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project site is classified as Farmland of Local Importance and Other Land by the Farmland Finder and Exhibit OSC-5. The Project would be in compliance with City GP Goal OSC-6 and Policy OSC-6.1, which aim to protect high value agricultural lands in the City.³ Implementation of the Project would not involve the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and therefore no impact would occur.

Impact 7.2-2 Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Level of Significance: No Impact

Construction and Operations

The City's land Use Map shows that there are no areas which allow agricultural uses within or nearby the Project site. The Project would occupy a portion of the City which has been designated for EDC land use⁴ and zoning.⁵ The EDC designation allows for the development of industrial and warehousing related uses which the Project is consistent with. Additionally, there are no lands within the City that are currently under a Williamson Act contract.⁶ Therefore, the Project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur.

Impact 7.2-3 Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Level of Significance: No Impact

Construction and Operations

The Project would occupy a portion of the City which has been designated and zoned as an Economic Development Corridor (EDC). The EDC designation allows for the development of industrial and warehousing related uses which the proposed Project is consistent with. According to the City's GP EIR, forest land in the City includes Southern Coast Live Oak Riparian Forest, Southern Cottonwood/Willow Riparian Forest, and Southern Sycamore/Alder Riparian Woodland. These vegetation types are limited and scattered throughout the City, and there is no forest zoning in the City.⁷ The Project site has been heavily disturbed from on-site disturbances and existing development, and none of these vegetation types are present on-site. There is no forest or timberland present on the Project site; only fencerow trees

³ City of Menifee. 2013. *Open Space & Conservation Element OSC-6: Agriculture*. <https://www.cityofmenifee.us/877/OSC-6-Agriculture> (accessed October 2023).

⁴ City of Menifee. 2021. *General Plan - Land Use Map*. <https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---December-2021> (accessed October 2022).

⁵ City of Menifee. 2022. *Zoning Map*. <https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map---February-2022> (accessed October 2022).

⁶ City of Menifee. *City of Menifee General Plan Draft EIR, Section 5.2: Agriculture and Forestry Resources. Page 5.2-5*. <https://www.cityofmenifee.us/DocumentCenter/View/1102/Ch-05-02-AG?bidId=> (accessed November 2022).

⁷ City of Menifee. 2013. *City of Menifee General Plan Draft EIR, Section 5.2: Agriculture and Forestry Resources*. <https://www.cityofmenifee.us/DocumentCenter/View/1102/Ch-05-02-AG?bidId=> (accessed October 2022).

surrounding the residential property located in the northeast portion of the Project site. No impact would occur.

Impact 7.2-4 *Would the Project result in the loss of forest land or conversion of forest land to non-forest use?*

Level of Significance: No Impact

Construction and Operations

Due to the lack of existing active farmland, forest lands, timberlands, or areas zoned for agriculture on the Project site or immediately surrounding areas, development of the Project site would not involve changes in the existing environment which, due to its location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. While a portion of the Project site was designated Farmland of Local Importance, agricultural use of the Project site ceased in the late 1970s.⁸ Further, operations for the Project would not involve logging, forestry, or agricultural uses. Therefore, no impact would occur.

Impact 7.2-5 *Would the Project Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

Level of Significance: No Impact

Construction and Operations

See Impact 7.2-4 above. Due to the lack of existing active farmland or areas zoned for agricultural use on the Project site or immediately surrounding areas, development of the Project site would not involve changes in the existing environment which, due to its location or nature, could result in conversion of farmland to non-agricultural use. While a portion of the Project site was designated Farmland of Local Importance, agricultural use of the Project site has ceased. Furthermore, operations for the Project would not involve agricultural uses. Therefore, no impact would occur.

7.3 Mineral Resources

Impact 7.3-1 *Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

Level of Significance: No Impact

Construction and Operations

The Project area and approximately one-third of the City is categorized as Urban Area. A small portion of the City, along Murrieta Road between McCall Boulevard and McLaughlin Road, is symbolized as Mineral Resource Zone (MRZ)-1 (area where available geologic information indicates that little likelihood exists for the presence of significant mineral resources), this area is not within the Project site and is

⁸ Partner Engineering and Science, Inc. 2021. *Phase I Environmental Site Assessment Report*. Page 7.

approximately 0.3 miles to the south.⁹ The remainder of the City symbolized as MRZ-3 (areas containing known or inferred mineral occurrences of undetermined mineral resource significance).¹⁰

As previously stated, the Project site would be within an area of the City which is currently disturbed and partially developed. None of the past existing uses included uses that focused on mineral refinement or mining. No mineral resources have been identified in or around the Project site. Therefore, no impact to mineral resources would occur.

Impact 7.3-2 *Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Level of Significance: No Impact

Construction and Operations

See response to Impact 7.3-1 above. The Project would be located in a previously disturbed and partially developed portion of the City. The previous uses at the Project site did not include mining activities or mineral processing. Further, no active mining sites exist within the City, according to the California Department of Conservation's Mines Online mapper.¹¹ Therefore, the Project would not interfere with any existing or potential mining activities. No impact would occur.

7.4 Population and Housing

Impact 7.4-1 *Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Level of Significance: Less than Significant

Construction and Operations

The Project would have a beneficial effect on the City's employment base by developing a site that is largely vacant with a new industrial/warehouse facility with ancillary office space. Given that the current unemployment rate for Riverside County is approximately 4.0 percent (as of October 2022),¹² it is reasonably assured that the jobs would be filled by people living in the City, unincorporated County area, and surrounding communities, such as Perris and Murrieta. Additionally, the Project is consistent with the Southern California Association of Government's (SCAG) regional growth assumptions.¹³ As a result, the

⁹ City of Menifee. 2013. *Exhibit OSC-3: Mineral Resource Zones*. https://www.cityofmenifee.us/DocumentCenter/View/1084/ExhibitOSC-3_Mineral_Resource_Zones_HD0913?bidId= (accessed October 2022).

¹⁰ City of Menifee. 2013. *Exhibit OSC-3: Mineral Resource Zones*. https://www.cityofmenifee.us/DocumentCenter/View/1084/ExhibitOSC-3_Mineral_Resource_Zones_HD0913?bidId= (accessed October 2022).

¹¹ California Department of Conservation. 2016. *Mines Online*. <https://maps.conservation.ca.gov/mol/index.html> (accessed October 2022).

¹² State of California Employment Development Department. 2022. *Local Area Unemployment Statistics (LAUS) - Riverside County*. <https://data.edd.ca.gov/Labor-Force-and-Unemployment-Rates/Local-Area-Unemployment-Statistics-LAUS-Riverside-/f6zd-dtm5>. (accessed November 2022).

¹³ SCAG. 2020. *Connect SoCal Demographics and Growth Forecast*. https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579 (accessed October 2023).

Project would not be anticipated to induce substantial population growth in the Project area. Therefore, impacts associated with substantial, unplanned population growth would be less than significant.

Impact 7.4-2 *Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Level of Significance: No Impact

Construction and Operations

There are two single-family residences with associated out structures located on the Project site. All residences appear to be manufactured homes, which can be relocated elsewhere. As such, the Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere; therefore, no impact would occur.

7.5 Recreation

Impact 7.5-1 *Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Level of Significance: No Impact

Construction and Operations

Available for public use in the City of Menifee are 13 City-owned parks and 20 Valley-wide owned parks. The closest parks to the Project site are Nova Park (located 25444 Nova Lane, approximately one mile southeast of the Project site) and Talavera Park located at 27931 Calle Talavera, approximately 2.5 miles southeast of the Project site.¹⁴ However, the Project is a warehouse building with office space and does not propose any residential development or other land use that may generate a population that would increase the use of these parks or any existing neighborhood or regional parks or other recreational facility. Implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. Therefore, no impact would occur.

Impact 7.5-2 *Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Level of Significance: No Impact

Construction and Operations

The Project applicant proposes the construction of a warehouse facility with office space and associated infrastructure improvements. The Project applicant does not propose, nor require, the construction or expansion of recreational facilities. The Project does not include the subdivision of land for residential use and therefore is not required to dedicate land or pay fees in lieu thereof, or combination of both, for park

¹⁴ City of Menifee. ND. Parks. <https://www.cityofmenifee.us/285/Parks> (accessed October 2022).

and recreational purposes. See Chapter 7.75: Parkland Dedication and Fees of the Menifee Municipal Code for detailed information. Implementation of the Project would not have an adverse physical effect on the environment as it pertains to construction/expansion of recreational facilities. Therefore, no impact would occur.

7.6 Wildfire

Impact 7.6-1 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

Substantially impair an adopted emergency response plan or emergency evacuation plan?

Level of Significance: No Impact

According to CAL FIRE's Fire Hazard Severity Zones in State Responsibility Areas (last updated in September 2023), the Project site is not located in a State Responsibility Area or within or adjacent to a Very High Fire Hazard Severity Zone.¹⁵ The closest SRA and VHFHSZ is approximately 1.9 miles west of the Project site. The Project is located in a Local Responsibility Area (LRA). Therefore, no impacts associated with the substantial impairment of an adopted emergency response plan would occur.

Impact 7.6-2 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Level of Significance: No Impact

Refer to Impact 7.6-1 above. The Project is not located in or near an SRA and the Project does not contain lands classified as VHFHSZ. Therefore, the Project would not exacerbate wildfire risks or expose Project occupants to pollutant concentrations from a wildfire, or the uncontrolled spread of a wildfire. No impact would occur.

Impact 7.6-3 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Level of Significance: No Impact

¹⁵ CAL FIRE. (2023). *Fire Hazard Severity Zones in State Responsibility Area*. Available at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008> (accessed November 2023).

Refer to Impact 7.6-1 above. The Project is not located in or near an SRA and the Project does not contain lands classified as VHFHSZ. Therefore, the Project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. No impact would occur.

Impact 7.6-4 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Level of Significance: No Impact

Refer to Impact 7.6-1 above. The Project is not located in or near an SRA and the Project does not contain lands classified as VHFHSZ. Therefore, the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes associated with wildfires. No impact would occur.

7.7 References

California Department of Conservation. 2016. *California Important Farmland Finder*.

<https://maps.conservation.ca.gov/DLRP/CIFF/>.

California Department of Conservation. 2016. *Mines Online*.

<https://maps.conservation.ca.gov/mol/index.html>.

City of Menifee. ND. *Parks*. <https://www.cityofmenifee.us/285/Parks>.

City of Menifee. 2013. *City of Menifee General Plan Draft EIR, Section 5.2: Agriculture and Forestry Resources*. <https://www.cityofmenifee.us/DocumentCenter/View/1102/Ch-05-02-AG?bidId=>.

City of Menifee. 2013. *Exhibit OSC-3: Mineral Resource Zones*.

https://www.cityofmenifee.us/DocumentCenter/View/1084/ExhibitOSC-3_Mineral_Resource_Zones_HD0913?bidId=.

City of Menifee. 2013. *Exhibit OSC-5: Agricultural Resources*.

https://www.cityofmenifee.us/DocumentCenter/View/1086/ExhibitOSC-5_AgriculturalResources_HD0913?bidId=.

City of Menifee. 2021. *General Plan - Land Use Map*.

<https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map---December-2021>.

City of Menifee. 2013. *Open Space & Conservation Element OSC-6: Agriculture*.

<https://www.cityofmenifee.us/877/OSC-6-Agriculture> (accessed October 2023).

City of Menifee. 2022. *Zoning Map*.

<https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map---February-2022>.

Partner Engineering and Science, Inc. 2021. *Phase I Environmental Site Assessment Report*. Page 7.

SCAG. 2020. *Connect SoCal Demographics and Growth Forecast*.

https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579 (accessed October 2023).

State of California Employment Development Department. 2022. *Local Area Unemployment Statistics (LAUS) - Riverside County (Preliminary for March 2022)*. <https://data.edd.ca.gov/Labor-Force-and-Unemployment-Rates/Local-Area-Unemployment-Statistics-LAUS-Riverside-/f6zd-dtm5>.

8.0 EIR CONSULTATION AND PREPARATION

8.1 Lead Agency

City of Menifee

- Ryan Fowler, Principal Planner, Planning Division
- Orlando Hernandez, Deputy Community Development Director, Planning Division
- Cheryl Kitzerow, AICP, Community Development Director, Community Development Department
- Haile Ford, PE, Senior Engineer, Engineering Department
- Sonya Bu, Fire Marshal, Office of the Fire Marshal
- Gloria Alvarez, Plans Examiner, Building and Safety Division

8.2 Environmental Document Preparers

Kimley-Horn & Associates, Inc.

- Kari Cano, Project Manager
- Meghan Karadimos, Environmental Analyst,
- Aldo Perez, Environmental Analyst
- Sabrina Wallace, Environmental Analyst
- Hannah Thurlow, Environmental Analyst
- Amanda McCallum, Document Production
- Ace Malisos, AQ, HRA, Energy, GHG, and Noise Specialist
- Alex Pohlman, AQ, HRA, Energy, GHG, and Noise Specialist
- Trevor Briggs, Transportation Specialist

8.3 Technical Study Preparation

Biological Resources

- ELMT Consulting, Inc.

Cultural Resources and Tribal Cultural Resources

- BCR Consulting, LLC

Geology and Soils

- GeoTek, Inc.

Hazards and Hazardous Materials

- Partner Engineering and Science, Inc.

Hydrology and Water Quality

- Albert A. Webb Associates

Utilities and Service Systems

- Eastern Municipal Water District

Technical appendices for the CADO Meniffee Industrial Warehouse Project Draft EIR can be found at the following web address:

<https://cityofmeniffee.us/325/Environmental-Notices-Documents>