

**Home2 Suites, City of Menifee  
Final Negative Declaration  
Response to Comment Letter  
June 12, 2024**

Comments to the Draft Negative Declaration (ND) were received from the following organization during the 20-day public review from May 15, 2024, to June 3, 2024. This memo provides response to comments to a letter dated June 3, 2024, prepared by Adams, Broadwell Joseph & Cardozo (referenced herein as “Adams Broadwell”) on behalf of Californians Allied for a responsible Economy (CARE), including comments in the Exhibit A letter prepared by Dr. James Clark of Clark & Associates on May 1, 2024 (referenced as “Dr. Clark”). The Air Quality/Health Risk comments and responses pertain to the “Air Quality, Greenhouse Gas & Energy Technical Study, Home2suites Development Project, 30141 Antelope Menifee (November 17, 2023),” Plot Plan No. PLN23-0069 and Conditional Use Permit NO. PLN23-0070) by BlueScape Environmental (BlueScape).

While the City is not required by law to provide responses to comments for the Draft ND (see Section 15074 of the CEQA Guidelines), responses to comments that relate to environmental issues in the Draft ND are provided. In some cases, additional information is provided for clarification purposes. Comments that (1) do not address the adequacy or completeness of the ND; (2) do not raise environmental issues; or (3) do request the incorporation of additional information not relevant to environmental issues are not addressed..

Information provided in the response to comments (RTC) clarifies, amplifies, or makes minor modifications to the ND. No significant changes have been made to the information contained in the Draft ND because of the RTC, and no significant new information has been added that would require recirculation of the document, per CEQA Guidelines Section 15073.5.

Italics are added to indicate Adams Broadwell staff comments. City staff responses to said comments are categorized into four areas: Air Quality/Health Risk Assessment, Noise, Public Utilities and Aesthetics and are further discussed below.

## **A. Air Quality / Health Risk Assessment**

### ***Synopsis of Specific Comment 1:***

*(Adams Broadwell p. 21; Dr. Clark pp. 4-8): The comment suggests that exposure to coccidioides immitis (C. immitis or Valley Fever) should be analyzed in the IS/ND.*

### ***Response to Specific Comment 1:***

Analyzing impacts from exposure to coccidioides immitis (C. immitis) is not typical in CEQA documents in the City of Menifee, nor Riverside County. The Project area is developed with an existing parking lot and landscaping. The Project site is adjacent to existing commercial and residential development. Exposure to C. immitis could occur during soil-disturbing activities in those areas with deposits present, however because most of the Project area and immediately surrounding vicinity consists of urbanized development, the Project site would have a very low probability of C. immitis growth sites or exposure from disturbed soil. No further analysis is necessary.

**Synopsis of Specific Comment 2:**

*(Adams Broadwell p. 22; Dr. Clark pp. 8-11): The comment suggests that mitigation measures for control of fugitive dust from construction of the Project are required to suppress the spread of Valley Fever.*

**Response to Specific Comment 2:**

The Project will comply with South Coast Air Quality Management District (SCAQMD) requirements to control fugitive dust per Rule 403. Project design measures to control fugitive dust include minimization of soil disturbance; soil treatment with watering twice per day; soil stabilization; no grading during high winds; and street sweeping. No further mitigation is necessary.

**Synopsis of Specific Comments 3 (a portion thereof) and 5:**

*(Adams Broadwell pp. 6-10; Dr. Clark pp. 11-12): Comment 3 suggests that significant health impacts from emissions of toxic air contaminants (TACs) from Project construction and operation should be analyzed and characterized in the IS/ND in a quantitative manner. Comment 5 suggests that air dispersion modeling is required to quantify the concentrations of TACs being emitted from the Project site.*

**Response to Specific Comment 3 (a portion thereof) and 5:**

Construction and operational emissions of TACs are limited, regulated to the required CARB and SCAQMD emission standards and unlikely to result in significant health risk. A quantitative assessment of health risk from Project construction and operations is not necessary; therefore, air dispersion modeling is also not necessary.

**Synopsis of Comment 3 (a portion thereof):**

*(Adams Broadwell pp. 6,8; Dr. Clark pp. 11-12) Comment 3 further suggests that impacts from a backup diesel engine should be analyzed for health risk in the CEQA document because the engine could potentially cause a significant health risk impact.*

**Response to Specific Comment 3 (a portion thereof):**

Stationary diesel engines are required to be permitted within SCAQMD jurisdiction; must meet all SCAQMD rules and regulations. Operation will be limited to no more than 50 hours per year for testing

and maintenance activities unless there is an emergency which would then be a limit of 200 hours/year. The emergency engine would only be used in the event of a power failure and would not be part of the Project's normal daily operations. The emergency engine will comply with SCAQMD Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines). Due to the engine's limited operation and minimized emissions and the fact that SCAQMD requires certified clean diesel engines to be installed, there is low potential for diesel PM emissions from the emergency engine to negatively impact sensitive receptors. Therefore, additional analysis is unnecessary.

**Synopsis of Comment 4:**

*(Adams Broadwell pp. 11-14; Dr. Clark p. 13): The comment suggests health impacts to hotel guests from the nearby freeway should be analyzed and mitigated in the CEQA document.*

**Response to Specific Comment 4:**

CEQA generally does not require that public agencies analyze the impact that existing environmental conditions might have on a project's future users or residents, according to the California Supreme Court's decision in *California Building Industry Association v Bay Area Air Quality Management District* (S213478, December 17, 2015). The adjacent Interstate 215 freeway is an existing environmental condition and hotel guests are the Project's future users. That said, current California Title 22 regulations already require installation of MERV-13 filters in new buildings, and exposures to occasional longer-term hotel guests are expected to be very low. No further analysis is required.

**Synopsis of Specific Comment 6:**

*(Adams Broadwell pp. 10-11; Dr. Clark pp. 13-18). The comment suggests Project construction will generate significant health risk impacts from TACs.*

**Response to Specific Comment 6:**

Clark & Associate's findings of significant health risk impacts from construction of the Project are a result of overly conservative assumptions and inputs used in CalEEMod emission calculations and his health risk assessment. Dr. Clark equates PM<sub>10</sub> exhaust emissions modeled in CalEEMod to diesel particulate matter (DPM), whereas PM<sub>2.5</sub> exhaust emissions are the more appropriate surrogate. CalEEMod results incorporate very conservative assumptions when default parameters are selected. These default assumptions are not realistic for the Project and are employed in the CEQA document as the most conservative representation of Project emissions to compare to agency quantification thresholds. Such conservative default assumptions result in CalEEMod emissions estimations that should not be used for the purposes of developing health risk. CalEEMod assumes that all construction equipment uses diesel fuel; has an average engine tier; and is operating 8 hours per day in its respective construction phase. In reality, statewide regulations such as the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation limits unnecessary idling to 5 minutes; bans Tier 0 equipment; and phases out Tier 1 and 2 equipment thereby replacing fleets with cleaner equipment. It is likely that cleaner vehicles such as electric or alternatively fueled construction equipment will be used. Additionally, use of the equipment will be intermittent and unnecessary idling

is limited by the CARB off-road regulation, so the default assumption that all equipment operates for 8 hours per day is not appropriate for use in a health risk evaluation.

Additionally, Clark & Associates used overly conservative assumptions for the in-source parameters employed in the air modeling and health risk assessment. The total PM<sub>10</sub> exhaust emissions from construction are averaged over the construction duration and area of the site and modeled as a polygon area source over the entire site at a release height of 4.15 meters (13.62 feet). It is highly unlikely that emissions will occur across the entire site area, and certainly not at the single stack height assumed. In his health risk calculations, Dr. Clark uses an exposure frequency of 350 out of 365 days (0.958904). Residents would only be exposed to DPM for approximately 260 days out of the year, as work will only occur on weekdays. Thus, there are no significant health risk impacts from Project construction.

## B. Noise

### Synopsis of Specific Comment 1:

*The IS/ND Fails to Adequately Analyze and Mitigate Potentially Significant Noise Impacts*

### Response to Specific Comment:

The *Keep our Mountains Quiet v. County of Santa Clara* (H039707, May 7, 2015) case referenced by the comment is for a project located in a generally quiet, rural area of Santa Clara County where the owner of a property began to hold weddings and other events without County approval. In this case, the Court held that “the lead agency should consider both the increase in noise level and the absolute noise level associated with a project.”

This referenced case is only loosely related to the proposed project in that they both relate to project generated noise impacts on surrounding sensitive receivers; however, the proposed project is located in a largely noisy, built urban environment and the cited case was in a fairly quiet, rural environment. Similarly, the *King and Gardiner Farms, LLC v. County of Kern* (F077656, February 25, 2020) case referenced by the comment is for a project located in a fairly quiet, rural area of Kern County where the applicant was attempting to streamline the environmental analyses required for the drilling and operation of oil wells. This case challenged the fact that the preparer of the acoustical study was applying a set limit of 65 CNEL to any proposed sites to determine whether an impact would occur, regardless of the existing noise environment on site.

This referenced case is only loosely related to the proposed project in that they both relate to construction noise; however, similarly to the comparison to the *Keep our Mountains Quiet* case, the proposed project is in a fairly noisy, built urban environment and the cited case was in a fairly quiet, rural environment.

Furthermore, as detailed in Section 3.1 of the Acoustical Analysis Report for this project (originally dated October 11, 2023, and revised on June 7, 2024), Eilar Associates performed on-site noise measurements to determine the existing noise environment on site and at the nearest residential

receivers. A sound level meter (NML 2) was placed at approximately 55 feet east of the Antelope Road centerline and approximately 345 feet north of the southern boundary of the project site; noise levels measured at NML 2 are expected to be representative of ambient noise impacts at the nearest residential receivers to the east of the project site. As detailed in Table 1 of the Acoustical Analysis Report, the lowest ambient noise level during the allowable construction hours of operation (6:30 a.m. to 7:00 p.m., Monday through Saturday) was measured to be 74.3 dBA LEQ.

Since the existing noise levels on site (74.3 dBA LEQ) are higher than the highest calculated construction equipment noise level of 73.2 dBA LEQ at the nearest sensitive receiver, the construction noise impacts are not expected to be significant. Although the City of Menifee does not have applicable construction noise limits and only limits hours of operation for construction activity, an evaluation of the increase over ambient noise level is included in the revised report on Page 15. It should also be noted that the results of the construction noise analysis should be considered conservative, as they did not account for the additional noise shielding that would be provided by intervening structures between the construction site and sensitive receiver. Therefore, construction noise impacts were adequately analyzed and there are no significant construction noise impacts.

#### **Synopsis of Specific Comment 2:**

*Substantial Evidence Supports a Fair Argument that Construction Noise Impacts are Potentially Significant*

#### **Response to Specific Comment 2:**

Based on professional experience, at a construction site such as the proposed project, the construction equipment will move throughout the entire project site, with a significant concentration of activity located at the building footprint due to increased activity levels at this location due to building construction. Additionally, when equipment moves around the project site, the sound produced by that equipment is averaged throughout the hour (when comparing to hourly LEQ noise impact criteria). For these reasons, the average construction equipment noise impacts were calculated considering the equipment located at the center of the building footprint. However, in order to confirm that construction noise impacts are expected to meet applicable noise limits in worst-case conditions, the construction noise analysis was revised to consider construction equipment located at the edge of the project property line which is located approximately 96 feet from the nearest residential receiver. Calculations are shown in Table 6 on Page 15 of the revised report. As a result of the additional analysis and more conservative approach, the temporary construction noise is not anticipated to be significant.

Additionally, the noise levels of construction equipment shown in Table 3 of the Acoustical Analysis Report reference noise levels of construction equipment that exceed 75 dBA when the equipment is located at a distance of 50 feet from the receiver. However, as the nearest residential receiver is located approximately 96 feet from the edge of the project site, noise levels produced by equipment would be further reduced to below 75 dBA at the nearest residential receivers. Calculations shown in Table 6 of the revised report confirm that noise levels at the nearest residential receivers (with equipment located at the edge of the project site) are expected to be below 75 dBA LEQ.

Equipment noise levels were obtained from the DEFRA document in lieu of the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual (FTA) because, based on professional experience, the equipment noise levels referenced in the DEFRA document are much more in line with noise levels produced by construction equipment used on this type of project, rather than the equipment used in the referenced FTA document. The equipment noise levels in the FTA documents are overly conservative for this type of project, and are typically based on older, larger equipment used on large transportation projects. For instance, Table 7-1 of the FTA document lists sources for construction equipment noise levels as an EPA Report, measured data from railroad construction equipment taken during the 1976 Northeast Corridor Improvement Project, the FHWA Roadway Construction Noise Model, and other measured data.

For reference, the FHWA document is derived from equipment used on the Central Artery/Tunnel project in Boston, Massachusetts. The use of much (if not all) of the equipment referenced in the FTA and FHWA documents would not be allowed on construction projects in the State of California because it would not comply with the current emissions standards. Therefore, it was deemed appropriate to use equipment noise levels from the DEFRA document, as they are expected to be more representative of modern construction equipment anticipated to be used on site. Thus, no additional study is necessary as the ND appropriately analyzed construction equipment anticipated to be used during construction activities.

## C. Public Utilities Impact

### Synopsis of Specific Comment 1:

*Substantial Evidence Supports a Fair Argument that the Project May Result in Potentially Significant Public Utilities Impacts.*

### Response to Specific Comment 1:

Minimum fire flow for the construction of all commercial buildings is required per California Fire Code (CFC) Appendix B and Table B105.1. The project has been conditioned to meet the current minimum requirements which are 3,500 gpm at 20 psi for a duration of 3 hrs. According to Eastern Municipal Water District (EMWD), the existing water infrastructure is likely sufficient and capable of meeting the minimum water flow requirement established by the CFC.

## D. Aesthetics

### Synopsis of Specific Comment 1:

*The Project's Potentially Significant Aesthetic Impacts Must Be Analyzed in an EIR*

### Response to Specific Comment 1:

Visual impacts were determined to be less than significant based on a review of existing conditions at the Home2Suites project site. As stated in the IS/ND, for purposes of CEQA, a scenic vista is generally considered an expansive view of a unique or remarkable landscape, which is observable from a

location accessible to the public. The project site is within an urbanized area consisting of major commercial development along the I-215 corridor and surrounding multi-family uses further east. The ongoing planned development in the surrounding area have reduced the overall visual quality of the project area. Therefore, the visual landscape is not considered to have the attributes of a unique or remarkable landscape.

The site is located adjacent to I-215 which is designated as an eligible scenic corridor by the City of Menifee General Plan. Views of the site from the I-215 consist of a developed parcel of land with existing commercial uses. The site is a flat, graded pad and generally at the same elevation as the surrounding commercial and residential uses as well as the adjacent I-215 freeway. The proposed four-story hotel will be approximately 53 feet in height. Motorist traveling along I-215 at this intersection have views of a built environment associated with commercial and retail uses and residential development. Distant views of the mountainous ranges are partially obstructed by the intervening development. Views of the vacant parking lot will be replaced by a hotel structure. The proposed height increase will be allowed following approval of the project's Conditional Use Permit. The proposed hotel development would be visible from the surrounding public views including from motorists traveling along the I-215. However, consistent with the City's community design element goals and policies (CD-3.22) the project includes visual buffers including tree screening, landscaping, equipment and storage area screening, and roof treatments to enhance views of the developed site. The aesthetic treatment of the building, use of landscaping and trees minimize the project's character changes. Although highly visible, the project is not expected to substantially interrupt or obstruct available views from any scenic vistas. Thus, impacts to scenic vistas would be less than significant.

As stated in the comment letter, the project site is located within a local scenic highway corridor. However, as indicated in the visual analysis conducted for the project, it does not contain scenic resources, such as trees of scenic value, rock outcroppings, or historic buildings. The I-215 is eligible as a County-designated scenic highway. There are no state designated scenic highways within the City of Menifee. The project site is not located within a state scenic highway corridor and implementation of the proposed project would not have a substantial effect on scenic resources, including, but not limited to, trees rock outcroppings, and historic buildings within a state scenic highway corridor. No impact to scenic resources would occur.