



CITY OF MENIFEE

SUBJECT: Appeals of the Planning Commission Decision for the CADO Menifee Industrial Warehouse Project

MEETING DATE: November 6, 2024

TO: Mayor and City Council

PREPARED BY: Ryan Fowler, Principal Planner

REVIEWED BY: Cheryl Kitzerow, Community Development Director

APPROVED BY: Armando G. Villa, City Manager

APPELLANTS: Golden State Environmental Justice Alliance and City of Perris

RECOMMENDED ACTION

1. Uphold the Planning Commission's certification of an Environmental Impact Report and approval of Tentative Parcel Map No. 38139 (PLN22-0041) and Plot Plan No. PLN21-0370 for CADO Menifee Industrial Warehouse Project, located west of Interstate 215 and south of Ethanac Road; and
2. Adopt a resolution denying Appeal No. PLN24-0169 submitted by The Golden State Environmental Justice Alliance; and
3. Adopt a resolution denying Appeal No. PLN24-0182 submitted by the City of Perris.

DISCUSSION

Background

On August 14, 2024, the Planning Commission held a duly noticed public hearing and voted 3-1-1 (Commissioner Long voting no and Chair LaDue absent) to approve Tentative Parcel Map (TPM) No. 38139 (PLN22-0041) and Plot Plan (PP) No. PLN21-0370 – CADO Menifee Industrial Warehouse Project along with the related environmental analysis. On August 20, 2024, the City received an application from the Golden State Environmental Justice Alliance to appeal the Planning Commission decision. On August 23, 2024, the City received a second application from the City of Perris to appeal the Planning Commission decision. For more information on the project, the August 14, 2024 Planning Commission staff report is attached.

TPM No. 38139 (PLN22-0041) was approved by the Planning Commission for the consolidation of eight parcels into one industrial parcel. The Project site is approximately 40.03 gross acres and 36.81 net acres.

PP No. PLN21-0370 was approved by the Planning Commission for construction and operation 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. There would be three points of access on Byers Road and two 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).

The Project is generally located west of Interstate 215 (I-215) and south of Ethanac Road, 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).

Project Location



Appeal No. PLN24-0182

The City of Perris filed an appeal of the Planning Commission's August 14, 2024 approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370, claiming areas of the Project (as outlined below), including the environmental analysis, were not adequately analyzed/addressed. The appeal letter raises concerns with the following:

1. Incomplete Project Description
2. Insufficient Analysis of Transportation Impacts
3. Insufficient Analysis of Greenhouse Gas (GHG) Emissions
4. Insufficient Analysis of Air Quality Impacts
5. Insufficient Analysis of Noise Impacts
6. Inadequate Project Alternatives Analysis

In response to the City of Perris appeal letter, staff, in conjunction with the City's California Environmental Quality Act (CEQA) Consultant, has prepared detailed responses to each topic as an attachment to this report. A summary of the appellant's concerns are provided below:

1. Incomplete Project Description

The appeal letter asserts there are multiple aspects of the Project, particularly offsite improvements, which were not presented in the Project Description of the Environmental Impact Report (EIR) and therefore the potential impacts of those aspects were not evaluated.

However, the City of Perris does *not* provide sufficient evidence that supports how the Final EIR failed to address their concerns or why the EIR is an inadequate environmental document pursuant to CEQA as it relates to an incomplete Project Description.

A Project Description should not supply extensive detail beyond that needed for evaluation and review of the environmental impact. Because the off-site improvements associated with the proposed Project do not involve significant construction that would impact any of the analyses or conclusions in the EIR, mention of off-site improvements is not required to be included in the Project Description. The off-site 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.

2. Insufficient Analysis of Transportation Impacts.

The appeal letter raises concerns regarding the environmental impact analysis performed for the Project regarding traffic impacts, specifically related to geometric hazards, the preparation of a global traffic study, existing traffic volumes, Project trip generation rates, particular intersection operations, and the improvement requirements for direct impacts.

Regarding geometric hazards and intersection operations, the intersection of Barnett Road/Case Road at Ethanac Road operates as one intersection and it was determined that it should be analyzed as one for analysis purposes. The Project does not take direct access from Barnett Road and would add eastbound and westbound through traffic on Ethanac Road at the intersection of Ethanac Road at Barnett Road/Case Road. Therefore, the Project would not directly impact the turn pockets at the intersection, as is stated, and would not create hazards due to geometric design features. In addition, contrary to

comments in the appeal letter, no improvements are necessary of the Project at this intersection and the Project would not create hazards due to geometric design features.

For the comment related to a global traffic study, Ethanac Road is currently a truck route and the potential for a truck corridor south of Ethanac Road is uncertain. Therefore, the Project Traffic Study analyzed a worst-case scenario based on the potential use and the items known certain at the time of the preparation of the Project Traffic Study.

In regard to the existing traffic volumes, traffic counts in the Project Traffic Study were determined to be reasonable, as well as conservative in some locations as noted and described in more detail in the attached responses.

In addition, the appeal letter argues the trip generation rates that were used are outdated. Staff disagrees with this assessment as the rates used are widely accepted and used by many cities in the Inland Empire. In addition, basing the trip estimates on the South Coast Air Quality Management District (SCAQMD) methodology (inclusive of ITE 11th Edition for the passenger car/truck splits), as is suggested, would not change the significance determinations in the Draft EIR and would not require new or modified mitigation measures.

3. Insufficient Analysis of GHG Emissions.

The appeal letter cites concerns related to what it describes as unassessed and unevaluated improvements, particularly the offsite improvements not contained in the Project Description of the EIR, and outdated modeling of GHG emissions.

Refer to Subpoint 1 above regarding City of Perris' argument that the off-site improvements were absent from the Project Description of the EIR and that the GHG analysis was flawed.

The appeal also notes the GHG Emissions Assessment used CalEEMod version 2020.4 and acknowledges SCAQMD recommended all air quality analyses conducted after December 21, 2022 use the latest version of CalEEMod. Consistent with SCAQMD's recommendations, the air quality and GHG 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 latest available software at the time the analysis was conducted.

The appeal letter also states that the installation, maintenance and regular testing of one or more emergency fire water pumps was not assessed. This comment is incorrect, as these emissions are addressed by the backup generator emissions evaluated in the Draft EIR. Further details are provided in the attached detailed responses.

4. Insufficient Analysis of Air Quality Impacts.

The appeal letter cites concerns related to what it describes as unevaluated improvements and mitigation lacking adequate performance standards. Specifically, the letter references Mitigation Measure (MM) AQ-3.

Again, refer to Subpoint 1 above regarding City of Perris' argument that the off-site improvements were absent from the Project Description of the EIR and that the air quality analysis was flawed.

Regarding the City of Perris' argument that the MM AQ-3 lacks adequate performance standards, MM AQ-3 requires the Project operator to submit a Transportation Demand Management (TDM) program to the City. The TMD program which would provide employees with information regarding the use of public transportation, carpooling/vanpooling, and walking or biking to work, rather than driving to work every day. The development and submission of this TDM is the performance standard for this mitigation measure and will help to reduce vehicle miles traveled (VMT). In addition, although not acknowledged by the commenter, MM AQ-4, which requires all cargo handling equipment to be zero emissions, is the main source of air quality pollutant emission reduction. Implementation of these mitigation measures will reduce the air quality impacts to a less than significant level.

5. Insufficient Analysis of Noise Impacts.

The appeal letter cites concerns related to what it describes as incorrect thresholds and methodology related to noise impacts.

The commenter seems to suggest that a cumulative noise analysis was not prepared for the Project; however, cumulative noise impacts are discussed on pages 4.11-25 through 4.11-27 of the Draft EIR. The comment incorrectly states the Draft EIR does not identify a significant impact. However, as detailed in the attached responses, the Draft EIR identified the cumulative noise impact. However, the Draft EIR determines this impact would not be cumulatively considerable.

6. Inadequate Project Alternatives Analysis.

The appeal letter states the City failed to analyze a reasonable range of potentially feasible alternatives.

As stated in Final EIR Response to Comment, CEQA Guidelines Section 15126.6 requires 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, because those were the alternatives determined which could reduce the Project's significant effects while still meeting most of the basic Project objectives.

Appeal No. PLN24-0169

The Golden State Environmental Justice Alliance (GSEJA) filed an appeal of the Planning Commission's August 14, 2024 approval of TPM No. 38139 (PLN22-0041) and PP No. PLN 21-0370, claiming the Planning Commission erred in its decision to approve the Project by

determining the Project would not result in further impacts on an already pollution-burdened citizenry. GSEJA provided information depicting the severity of the level of pollution and health hazards the City of Menifee and its citizens are experiencing. The appeal letter reaffirms its concerns that were presented in its original letter dated April 26, 2024 (and again on August 11, 2024), which were responded to by staff, in conjunction with our CEQA Consultant, in the Final EIR.

The commenter provides a table of data which gives the false impression that the area surrounding the Project site is disproportionately impacted. However, the proposed Project would not result in significant and unavoidable air quality impacts. Localized air quality impacts would be less than significant and there are no significant air quality impacts to local residents as a result of approval of the proposed Project.

The original April 26, 2024 comment letter on the Draft EIR contained concerns from GSEJA regarding air quality, GHG emissions, land use and planning, transportation and traffic, growth inducing impacts, alternatives, and population and housing. In the appeal letter, GSEJA does not specifically argue with the adequacy of any of those City responses contained in the Final EIR.

As such, the previous responses to these resource topics are still appropriate, and no additional points were raised in the appeal letter which would require further analysis.

Environmental Determination

The Planning Commission adopted Resolution No. PC24-639 certifying an EIR on August 14, 2024 determining the Project will have a significant effect on the environment (related to GHG Emission). However, an EIR was prepared for this Project pursuant to the provisions of the CEQA. Mitigation measures were made a condition of the approval of the Project and a Mitigation Reporting or Monitoring Plan was adopted for this Project. A Statement of Overriding Considerations was adopted for this Project and findings were made pursuant to the provisions of CEQA. Following the Project's approval, a Notice of Determination (NOD) was filed with the Riverside County Clerk's Office on August 16, 2024.

The Final EIR, as well as all its technical appendices, can be accessed for review on the City website: <https://www.cityofmenifee.us/325/Environmental-Notices-Documents>.

Public Notice

Public notices were distributed on October 27, 2024 for the November 6, 2024 City Council hearing. Notices were published in *The Press Enterprise* and notices were sent to owners within 300 feet of the Project site boundaries and to all relevant agencies, interested parties, and all who commented on the environmental document. On-site postings were provided.

STRATEGIC PLAN OBJECTIVE

Thriving Economy

FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

ATTACHMENTS

1. Resolution – City of Perris
2. Appeal Letter (Bracketed) – City of Perris
3. City Response to Appeal Letter – City of Perris
4. Resolution – GSEJA
5. Appeal Letter (Bracketed) – GSEJA
6. City Response to Appeal Letter - GSEJA
7. Amended COAs – Adopted by Planning Commission
8. August 14, 2024 Planning Commission Staff Report
9. Public Hearing Notice