



# CITY OF PERRIS

## DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

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November 6, 2024

Honorable Mayor and City Council  
City of Menifee City Council  
29844 Haun Road  
Menifee, CA 92585

**SUBJECT: City Council November 6, 2024 Meeting  
Agenda Item 11.1 – Appeals of the Planning Commission Decision for  
the CADO Menifee Industrial Warehouse Project**

Honorable Mayor Zimmerman and Councilmembers:

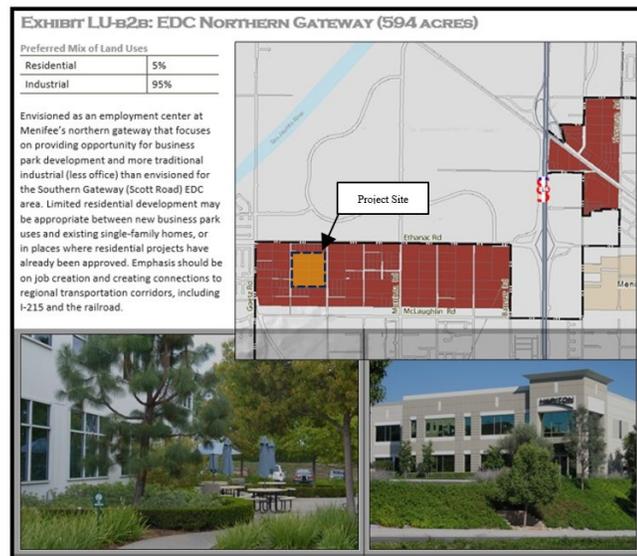
The City of Perris ("Perris") submits this letter to further support its appeal of the above project. The City has reviewed Menifee's responses to Perris' appeal points. There is no question the project description is incomplete and therefore inadequate, thus understating potential significant environmental impacts. Furthermore, Perris stands by its previous comments regarding the inadequacy of the air quality and Greenhouse Gas analysis set forth in the staff report for this item and has determined those responses to be inadequate.

With regard to the Project's impacts related to traffic safety, Perris requested that RK Engineering review Menifee's responses to Perris' appeal points on this topic. Attached is correspondence from RK Engineering dated November 5, 2024 expressing continued concerns regarding how the project will deteriorate the operations of various intersections and street segments resulting in reasonably foreseeable impacts related to traffic safety. Most importantly, the letter details the serious flaws in the methodologies used to prepare the traffic impact study for this Project such that the study is not credible and cannot be considered substantial evidence supporting any of the traffic impact conclusions in the EIR.

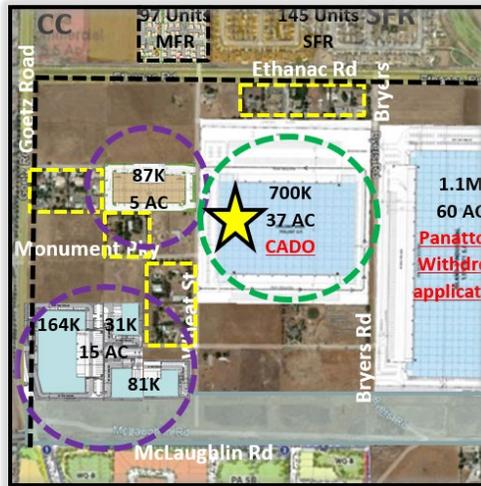
At the Planning Commission on August 14, 2024, the developer and Menifee staff made comments that the Project warranted a Statement of Overriding Consideration as the development would generate high-paying jobs, potentially drawn from future manufacturing business. However, the building is designed with a cross-dock layout intended for a typical warehouse fulfillment center. In addition, the developer further commented at the meeting that the Project is a speculative

industrial building with no intended user in mind. Therefore, the Statement of Overriding Considerations needs to be updated to reflect accurately the reasoning for the Statement of Overriding Considerations in light of the impacts to greenhouse gas emissions that cannot be mitigated to less than significant levels with mitigations.

Pursuant to SB 330, local jurisdictions are prohibited from downzoning unless they upzone an equivalent amount elsewhere. Although technically no downzoning is proposed, the Project site is located in the Economic Development Corridor (EDC) Northern Gateway, where 5% of the land is intended to be preserved for residential development, while the remaining land is designated for industrial development ( Refer to Menifee’s General Plan Land Use Element Exhibit LU-B2B: Northern Gateway below). As the zoning designation has no implementation program to monitor and ensure the loss of residential capacity does not drop below 5%, the EIR, would need to analyze and discuss how the City intends to preserve or monitor that 5% of the land use will be retained for future residential uses, particularly in light of the fact that the proposed Project will require the demolition of an existing single-family house and voidance of an approved residential subdivision approved on the project site. There are multi-projects in the pipeline within the EDC Northern Gateway area that will remove existing approved residential tract maps and single-family homes. Without an implementation plan /monitoring program in place, the Project, in combination with other projects in the pipeline, would have the potential net effect of eliminating housing without providing for a provision in place to ensure that 5 percent of the land is preserved for future residential development as envisioned EDC Northern Gateway identified in Menifee’s General Plan. Therefore, the Project would effectively downzone the property.



Furthermore, the project would be in direct conflict with Menifee’s Good Neighbor Guidelines, as the site is immediately across existing residential properties to the north and west, as depicted on the graphic in yellow below. The homes, in principle, are not considered legal non-conforming residential, as the zoning is Economic Development Corridor (EDC) Northern Gateway, where 5 percent of the land is intended to be preserved for residential development.



On September 29, 2024, Governor Newsom signed Assembly Bill 98 which establishes mandatory minimum development standards and setbacks for certain warehouse and distribution center projects. Perris recognizes that this Project is not required to comply with AB 98 pursuant to its terms. However, Perris strongly encourages Menifee to separately include these new requirements as conditions of approval for the Project to mitigate the public health and safety issues that AB 98 is intended to address.

As you know, the cities of Perris and Menifee have commissioned a global traffic study to identify the traffic impacts associated with development within Perris and Menifee and to identify the necessary traffic infrastructure improvements to mitigate those impacts. Unfortunately, this traffic study will not be completed for another couple of months. Therefore, if you approve this Project tonight this Project will not be required to contribute toward the costs of any of the identified traffic infrastructure improvement despite its clear impacts related to traffic safety.

In conclusion, Perris respectfully requests that this Council either grant Perris' appeal or continue its consideration of the appeals of this project for six (6) months to allow time for the Global Traffic Study to be complete so that this Project may participate in the costs of the identified traffic infrastructure improvements.

Respectfully,

  
Patricia Brenes  
Planning Manager

Attachment: RK Engineering Appeal Responses – November 5, 2024

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





November 5, 2024

Ms. Patricia Brenes  
City of Perris  
135 North "D" Street  
Perris, CA 92570

**SUBJECT: CADO INDUSTRIAL WAREHOUSE PROJECT – REVIEW OF THE NOVEMBER 6, 2024 CITY COUNCIL AGENDA & APPEAL RESPONSES (TRAFFIC-RELATED ITEMS)**

Dear Ms. Brenes:

**INTRODUCTION**

Pursuant to your request, RK Engineering Group Inc. (RK) is pleased to provide this additional review of the CADO Industrial Warehouse Project, located within the City of Menifee.

The project is on the southwest corner of the intersection of Kuffel Road at Byers Road, just south of Ethanac Road in the City of Menifee. The project consists of the construction of a warehouse building totaling approximately 700,037 square feet (SF). This project is located within the Menifee Economic Development Corridor (MEDC).

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.

City of Menifee staff is recommending to uphold the Planning Commission’s certification of an Environmental Impact Report and approval of the project as part of the City’s City Council hearing to be held on November 6, 2024. An agenda for this City Council hearing has been provided to the City of Perris which contains responses to the most recent City of Perris Appeal Letter (dated August 23, 2024).

RK has completed an additional review of this November 6, 2024 City Council Agenda & Appeal Responses and have the following comments:

## COMMENTS

1. A-17, A-18, A-27, A-36 & A-38 Responses Regarding Offset Intersections of Barnett Road & Case Road at Ethanac Road. The City of Menifee response states that “It should also be noted that the Project would add only eastbound and westbound through traffic at the intersection of Ethanac Road at Barnett Road/Case Road; therefore, the project would not impact or worsen the potential issue of the northbound/southbound offset between Barnett Road and Case Road.” The conclusion that because the project only adds through traffic to these intersections means that the project will not impact or worsen traffic operations is not correct. The addition of any traffic (regardless of the movements) will likely worsen traffic conditions, especially from the volume that the project is forecast to generate.

In regards to the previous comments that have been made about this project needing to consider the forthcoming MEDC Global Study, several circulation alternatives are being considered as part of that study. Several of these alternatives involve trucks utilizing Barnett Road, as opposed to solely Ethanac Road. This would result in truck turning movements at these offset intersections as opposed to just eastbound/westbound through traffic. Without considering these circulation alternatives, the traffic study may be underestimating traffic operations at these offset intersections.

The City’s response also states “queuing progression and congestion does not automatically mean there is a safety hazard. As such, for the reasons noted above in this response, there is no evidence that those occurrences will create safety hazards in this case and the City of Perris has not provided any evidence to the contrary.” It is the responsibility of the traffic study to assess whether these congestion issues along Ethanac Road present any traffic safety concerns and if the project will worsen these conditions. The traffic study does not provide any analysis to verify these claims. The June 2023 supplemental analysis confirms there are existing safety issues at these offset intersections.

Lastly, the City of Menifee states “A separate signalized intersection typically has its own traffic signal cabinet, which is located on a corner of the intersection to which the signal cabinet is connected to. The traffic signal cabinet assigns phasing, signal timing, and cycle length that direct the operation of the individual traffic signal. In the case of the intersection of Ethanac Road at Barnett Road/Case Road, there is only one traffic signal cabinet located south of Ethanac Road between the two offset legs of the intersection. As such, while the northbound and southbound approaches are offset, the intersection operates as one signalized intersection that has connected phasing, signal timing, and cycle length. As a result, the intersection of Barnett Road/Case Road at Ethanac Road operates as one intersection and should be analyzed as one for analysis purposes. The comment suggests that the offset nature of Barnett Road and Case Road (the north/south roads at this intersection) causes a safety hazard and that the Project will exacerbate those issues. It should be noted that the Project does not take direct access from Barnett Road and would add only 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 and would not create or exacerbate turning hazards due to geometric design features.” This comment suggests that there would be no operational difference between how these offset intersections operate now compared to how they would operate as a truly aligned singular intersection. As detailed in the June 2023 supplemental analysis of these intersections, there are currently existing safety concerns (i.e., trucks spilling out of turn pockets and into the through lanes/intersections), causing potential turning conflicts and increasing the chances for vehicular collisions. These safety concerns would improve drastically if these offset intersections were to be aligned. As such, the project needs to analyze its affect on both intersections individually and conclude that the alignment of both intersections would help mitigate certain safety concerns. The project shall be required to contribute towards this future alignment.

2. A-28 Response Regarding Existing Traffic Volumes. The City of Menifee response states that the “variance in existing volumes between the October 2021 and February 2023 at the three noted locations are within 10%. As such, the traffic counts in the Project Traffic Study are considered reasonable, as well as conservative in some locations as noted above.” A 10% “variance” could result in an underestimation of hundreds of vehicles depending on the intersection. The City of Perris remains firm in their position that the traffic study should be updated utilizing new traffic volumes to ensure the analysis is not understated.
3. A-32 Response Regarding the Intersection of Green Valley Parkway and Ethanac Road. The City of Menifee response states that the “study intersections in the Project’s Traffic Study are based on the Traffic Scoping Agreement approved by the City of Menifee. The intersection of Green Valley Parkway and Ethanac Road was not part of the approved list of study intersections as it is a future intersection that does not provide direct access to the Project. It should also be noted that the Project would add only eastbound and westbound through traffic on Ethanac Road at the future intersection of Green Valley Parkway and Ethanac Road and would therefore not directly impact the Green Valley Parkway approach at the future intersection.” As previously mentioned, the City of Perris did not have the opportunity to review and provide comments on the scoping agreement. This intersection would have certainly been included if this scope was provided to the City of Perris. This intersection is a major intersection (i.e. intersection of two classified roadways per the City of Perris Circulation Element). Also, the statement that because the project will only add eastbound and westbound through traffic on Ethanac Road confirms the project will not directly impact this intersection is simply not correct. Per Figure 8A of the Traffic Study, the project is forecast to add 481 AM & 664 PM peak hour through volumes at this intersection, which will degrade traffic operations. Appropriate analysis is needed to verify this claim.
4. A-34 & A-35 Responses Regarding Pedestrian Timings. The City of Menifee response states that the “walk and pedestrian clearance time is accounted for in the Vistro traffic modeling software based on standard HCM defaults for walk time (4-7 seconds) and pedestrian crossing

speed (3.5 feet per second).” As previously mentioned, the walk times need to be based on actual crosswalk lengths, not the lengths defaulted in Vistro. In many cases, the actual lengths far exceed the lengths Vistro assumes due to large medians, extra departure lanes, extra wide lanes, bus stops, etc., resulting in increased pedestrian timings. As such, the LOS results could be significantly underestimated by using these lower pedestrians timings.

- 5. General (Roadway Segment Analysis). The sourced roadway capacities (as part of the traffic study’s roadway segment LOS analysis) are entirely based on City of Menifee’s standards. However, many of the study area roadway segments are located partially or fully within the City of Perris. All City of Perris roadway facilities need to use the capacities sourced within the City of Perris Circulation Element. The project may need to be conditioned to widen Ethanac Road to ultimate width per the City’s General Plan.

CONCLUSIONS

RK Engineering Group Inc. has completed a review of the November 6, 2024 City Council Agenda & Appeal Responses. RK offers several comments in response to the City of Menifee’s responses from the City of Perris’s August 23, 2024 Appeal Letter.

RK appreciates this opportunity to work with the City of Perris on this project and if you have any questions, please contact us at 949-293-9639.

Sincerely,

RK ENGINEERING GROUP, INC.

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Associate Principal

Registered Civil Engineer 92866  
Registered Traffic Engineer 3055

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John Pourkazemi, City of Perris  
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