

City Council Chambers
29844 Haun Road
Menifee, CA 92586



Menifee City Council
Regular Meeting Agenda

Wednesday, November 6, 2024
4:30 PM Closed Session
6:00 PM Regular Meeting

Bill Zimmerman, Mayor
Bob Karwin, District 1
Ricky Estrada, District 2
Lesa Sobek, District 3
Dean Deines, District 4

AGENDA

Armando G. Villa, City Manager
Jeffrey T. Melching, City Attorney
Stephanie Roseen, Acting City Clerk

-
- 11.1 Appeals of the Planning Commission Decision for the CADO Menifee Industrial Warehouse Project

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.



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

RESOLUTION NO. 24-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA DENYING APPEAL NO. PLN24-0182 OF THE CADO
MENIFEE INDUSTRIAL WAREHOUSE PROJECT (TENTATIVE
PARCEL MAP NO. PLN22-0041 AND PLOT PLAN NO. PLN21-0370)**

WHEREAS, on November 15, 2021, the applicant, CADO Menifee, LLC (“Applicant”), filed a formal application with the City of Menifee for the approval of Tentative Parcel Map (TPM) No. 38139 (PLN22-0041) to consolidate eight parcels into one industrial parcel for a total of approximately 40.03 gross acres and 36.81 net acres, and Plot Plan (PP) No. PLN21-0370 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 the same 40.03 gross acre site (the “Project”). The Project site is generally located north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road within the City of Menifee (City), County of Riverside, State of California (APNs: 330-190-002 through -005 and 330-190-010 through -013); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared to analyze and mitigate the Project’s potentially significant environmental impacts; and

WHEREAS, on August 14, 2024, at a legally noticed public hearing, the Planning Commission voted 3-1-1 to certify the EIR and approve TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 for the Project; and

WHEREAS, on August 23, 2024, an application to appeal Planning Commission certification of the EIR for the Project and approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 was submitted by the City of Perris; and

WHEREAS, on November 6, 2024, the City Council of the City of Menifee held a public hearing on the appeal of the Planning Commission’s certification of the EIR and approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 and Resolution Nos. PC24-0639 and PC24-0640, considered all public testimony as well as all materials in the staff report and accompanying documents for the appeal, which hearing was publicly noticed by a publication in *The Press Enterprise*, a newspaper of general circulation, an agenda posting, notice to property owners within 300 feet of the Project boundaries, on-site posting at the Project site, and to persons requesting public notice.

NOW THEREFORE, the City Council of the City of Menifee hereby approves the following:

1. That the City Council finds the facts presented within the public record and within the Resolution provides the basis to deny Appeal No. PLN24-0182 and uphold the Planning Commission certification of the EIR and approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 and Resolution Nos. PC24-0639 and PC24-0640.

2. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code section 21081.6.

PASSED, APPROVED AND ADOPTED this 6th day of November 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney



**CITY OF MENIFEE
APPEAL APPLICATION**

PLN 22-0041 and PLN 21-0370

Decision to be appealed: _____

APPELLANT/REPRESENTATIVE City of Perris; Rafael Garcia, Principal Planner

PHONE NO. 951-943-5003 LAST FAX NO. _____ FIRST E-MAIL rgarcia@cityofperris.org MI.

ADDRESS Development Services, 135 North "D" Street, City of Perris, CA 92570-1998
STREET CITY STATE ZIP

PROPERTY OWNER City of Perris
(if different) LAST FIRST MI.

PHONE NO. 951-943-5003 FAX NO. _____ E-MAIL rgarcia@cityofperris.org

ADDRESS 135 North "D" Street, City of Perris, CA 92570-1998
STREET CITY STATE ZIP

Name of Project, APN/Address: CADO Menifee Industrial Warehouse Project, APNs: 330-190-002 to-05 and 330-190-010 to -13.

Appealing the decision of (Specify Community Development Director, Building and Safety Director City Manager, Planning Commission): Planning Commission

Action and Date: Wednesday August 14, 2024

Explain specify what action or decision is being appealed: Adoption of Resolutions adopting

Final Environmental Impact Review, Tentative Parcel Map No. PLN 22-0041, and Plot Plan No PLN 21-0370.

Do you have additional evidence not already presented? Yes No. If Yes, please attach.

What result to you want? Denial of the Project

Applicant's Signature [Signature] Date: 8/23/24

Owner Certification: I certify under the penalty of the laws of the State of California that I am the property owner of the property that is the subject matter of this appeal application. I am authorizing and hereby do consent to the filing of this application and acknowledge that the final approval by the City of Menifee, if any, may result in restrictions, limitations and construction obligations being imposed on this real property.

Owner's Signature: _____ Date: _____

Print Name: _____

Written authorization from the legal property owner is required. An authorized agent for the owner must attach a notarized letter of authorization from the legal property owner.

No application will be accepted until is complete and the fee paid.

Once complete, you will receive confirmation and a hearing date as well as additional appeal information. For questions, please contact the City Clerk at (951) 672-6777.

August 23, 2024

VIA HAND DELIVERY

Honorable Mayor and City Council
City of Menifee
29844 Haun Road
Menifee, CA 92584

Re: APPEAL OF MENIFEE TENTATIVE PARCEL MAP NO. PLN22-0041 AND PLOT PLAN NO. PLN21-0370 - CADO MENIFEE INDUSTRIAL WAREHOUSE PROJECT - LOCATED NORTH OF CORSICA LANE, SOUTH OF KUFFEL ROAD, WEST OF BYERS ROAD AND EAST OF WHEAT STREET (APNs. 330-190-002, 330-190-003, 330-190-004, 330-190-005, 330-190-010, 330-190-011, 330-190-012, 330-190-013)

Dear Honorable Mayor and City Councilmembers:

On behalf of the City of Perris, this letter is submitted in objection to and constitutes an appeal of the City of Menifee Planning Commission's August 14, 2024 decision (1) approving Tentative Parcel Map No. PLN22-0041 and Plot Plan No. PLN21-0370 to permit the construction and operation of the CADO Menifee Industrial Warehouse, a proposed concrete tilt-up warehouse in the City of Menifee ("Menifee") totaling approximately 700,037 square feet on approximately 40.03 acres of land located north of Corsica Lane, south of Kuffel Road, west of Byers Road and east of Wheat Street ("Project") and (2) certification of a Final Environmental Impact Report ("EIR") for the Project.

INTRODUCTORY STATEMENT

The City of Perris ("Perris") submits this appeal following the Menifee Planning Commission's improper approval of the Project due to non-compliance with the California Environmental Quality Act ("CEQA") regarding the environmental impacts of the Project. The Project square footage will include approximately 10,000 square feet of office space and 690,037 square feet of warehouse space. The proposed warehouse 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 is south of the Green Valley Specific Plan ("GVSP") within the City of Perris, where a multi-family development has been approved for construction north of Ethanac Road,

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Honorable Mayor and City Council

August 23, 2024

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which is a proposed trucking route for the Project. 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.

There are six residential tracts comprised of 1,241 residential units within the GVSP, which were in construction in phases this year. As of the date of this letter, approximately 150 homes have been constructed and are currently occupied within the portion of the GVSP located directly across from the Project, north of Ethanac Road. 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 these two roadways. Additionally, the Project is surrounded with single-family residences within the City of Menifee, located 90 feet to the north, 100 feet to the west, 100 feet to the east, and 180 feet to the south of the Project.

Perris has provided comments to Menifee regarding the Project throughout the comment and review period on the Project. On December 22, 2021, Perris submitted an initial comment letter to Menifee commenting on the Project, which was previously named the "Capstone Industrial Project." Notably, Perris identified many of the same concerns at issue in this appeal, including concerns with land use consistency, traffic and trucking, and noise. On May 16, 2022, Perris submitted a comment letter on the Notice of Preparation ("NOP") for the Project, further detailing its concerns stated in the December 22, 2021 letter. On April 27, 2024, Perris submitted a comment letter to Menifee commenting on the Draft EIR for the Project, identifying many of the same concerns at issue in this appeal. On August 14, 2024, Perris submitted a comment letter to Menifee commenting on the Final EIR ("FEIR") for the Project, again identifying many of the same concerns at issue in this appeal that were not addressed after Perris' April 27 letter. Menifee provided a response to Perris' December 21, May 16, and April 27 comment letters as part of the FEIR ("Menifee Response"); however, the concerns raised by Perris in its comment letters were not adequately addressed by the Menifee Response. Additionally, the Perris City Attorney's Office submitted public comment on Perris' behalf in support of its April 27 and August 14 comment letters at the August 14, 2024 Menifee Planning Commission meeting. The December 22, 2021 letter, May 16, 2022 letter, April 27, 2024 letter, and August 14, 2024 letter along with Menifee's Response are attached hereto as Exhibit A and are incorporated herein by this reference.

Therefore, City of Perris submits this appeal due to the inadequacy of the Final EIR, the Project's unaddressed impacts on the City of Perris' and City of Menifee's residential neighborhoods, and increased truck traffic on Ethanac Road. Specifically, the City of Perris appeals as set forth below.

STATEMENT OF ISSUES APPEALED

I. Deficiencies in the Final EIR

A. Incomplete Project Description

In both its April 26 and August 14 comment letters, Perris identified multiple aspects of the Project which were not identified in the Project Description and associated potential impacts that were not evaluated. Failing to adequately identify and assess potential environmental impacts does not meet Menifee's burden to evaluate the whole of the Project and its impacts under CEQA.

Perris' April 26 letter commented that the Draft EIR's Transportation and Traffic section 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. As such, the required signals should be provided by the Project and identified in the Project Description. In addition, Table 4.13 of the Transportation and Traffic 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, Perris' comments mentioned that these improvements were not included in the Project Description nor properly assessed in the FEIR. Menifee Response G6¹ and Response G7, instead of addressing Perris' concerns, mischaracterized Perris' comments as related to automobile delay or "Level of Service" (discussed further below) and dismissed such comments as raising concerns not within the scope of CEQA. However, Perris' comments address infrastructure improvements that will be provided by the Project, which do raise concerns within the scope of CEQA. These unassessed improvements have been included as part of the Project via Engineering/Grading/Transportation Condition of Approval 208, which has been approved by the City of Menifee. Because these intersections are shared with the City of Perris and the existing median is located completely within the City of Perris, the City of Perris will be a Responsible Agency under CEQA for the approval of the intersection and turn lane construction and implementation.

Implementation of these off-site infrastructure improvements would result in potential impacts associated with air pollutant emissions, energy demand/use, greenhouse gas emissions, and construction noise levels. The EIR is required under CEQA to evaluate the whole of the action. As discussed in the following comments, the implementation of these parts of the Project were not identified and the associated impacts were not evaluated in the Draft or Final EIRs. As such,

¹ All references to numbered Responses refer to the Menifee Response to Perris' December 21, May 16, and April 26 letters, which are included in the FEIR.

the City of Menifee has complied with the CEQA requirements to evaluate all potential impacts associated with the Project.

Additionally, South Coast Air Quality Management District commented in its April 17, 2024 comment letter to Menifee that the warehouse building would require the installation, maintenance, and regular testing of one or more emergency fire water pumps pursuant to the California Fire Code (California Code of Regulations, Title 24, Part 9). Perris re-iterated these concerns in its August 14 comment letter. Menifee Response E16 and E17 to South Coast Air Quality Management District's April 17 comment letter states that the Project has no plans at this time to install emergency generators or other permitted stationary equipment since the warehouse is speculative, but do not address the installation, maintenance, and regular testing of emergency fire water pumps.

Where provided, fire water pumps for fire protection systems shall be installed in accordance with Section 913 of the California Fire Code and the National Fire Protection Association ("NFPA") 20, Standard for the Installation of Stationary Pumps for Fire Protection. Fire water pumps are generally powered by diesel engines and, as such, would generate regional and localized emissions including health risks associated with diesel particulate emissions. According to the National Fire Protection Association, diesel fire pumps must be tested on a weekly basis for a minimum of 30 minutes. This requirement is not speculative. The emissions from this equipment would increase the regional and localized emissions and potential health risks identified in the Draft EIR. The fact that the diesel fire pumps are subject to permit approval from the South Coast Air Quality Management District does not excuse the evaluation of impacts associated with this equipment from the EIR. Additionally, the Final EIR did not evaluate the additional energy demand associated with this equipment. As such, the City of Menifee has not complied with the CEQA requirement to evaluate all potential impacts of the Project.

B. Insufficient Analysis of Transportation Impacts

CEQA requires that the environmental analysis performed for the Project analyze potentially significant traffic safety impacts associated with transportation, including whether a Project substantially increases hazards due to a geometric design feature such as intersection queuing. Perris raised multiple concerns in its April 26 and August 14 letters regarding the insufficiency of the EIR's Traffic Study, as the Project insufficiently analyzes multiple intersections within the City of Perris, and as such inadequately assesses potentially significant impacts related to traffic safety. Further, Perris has raised that the preparation of the site-specific traffic study for the CADO 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 encompasses the CADO 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. Nonetheless, a Traffic Impact Analysis prepared by RK Engineering in June 2023 demonstrates adverse environmental impacts caused by increased truck traffic along Ethanac Road that are not properly reflected in the Project Traffic Study (discussed further below).

Finally, as commented in Perris' April 26 and August 14 letters, the traffic study fails to consider the City of Perris's impact criteria despite analyzing multiple intersections and roadway segments located partially or fully within the City of Perris. The study should be fully updated to adhere to both the City of Menifee and the City of Perris LOS analysis methodologies/impact criteria and City of Perris Circulation Element to fully assess potentially significant traffic safety impacts related to the Project.

Safety Concerns and Measure of Significance

Perris understands that pursuant to Public Resources Code ("PRC"), section 21099(b)(2), automotive delay as measured by various factors including level of service, is no longer considered an environmental impact for purposes of CEQA. However, PRC, section 21099(c) states this fact does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety or any other impact associated with transportation. Level of Service ("LOS") remains a useful tool in determining whether automobile and truck trips generated by a project results in reasonably foreseeable direct or cumulatively significant traffic safety impacts. Additionally, under CEQA, a significant impact can occur if a project substantially increases hazards due to a geometric design feature (e.g., intersection queuing). The Menifee Response letter repeatedly incorrectly asserts that queuing analysis is outside the scope of the EIR. As such, the City of Menifee has not complied with the CEQA requirement to evaluate the Project's potentially significant transportation impacts related to traffic safety.

Specifically, Perris has previously noted concerns about the Project's traffic safety 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. Menifee Response G31 incorrectly states that queuing analysis is outside the scope of the EIR. The FEIR fails to analyze the queuing/progression along Ethanac Road at the I-215 interchange. Due to these closely-spaced intersections, queuing issues exist and the FEIR needs to address how the Project contributes to these traffic safety issues. Perris has also previously noted concerns about the Project's impacts to queuing/progression at the Case/Ethanac and Barnett/Ethanac intersections, expanded upon further below. Further, Menifee Planning Commissioner Long commented at the public hearing on the Project, held during the August 14

Honorable Mayor and City Council

August 23, 2024

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Menifee Planning Commission meeting, regarding the increased trucking along Ethanac Road and potential traffic safety concerns related to the increased trucking. Commissioner Long specifically raised Project traffic impacts effected by the residential developments along Ethanac Road, queuing at the Barnett Road/Ethanac Road and Case Road/Ethanac Road intersections, and the unimproved portions of Ethanac Road as potential traffic safety concerns. Additionally, Commissioner Long expressed strong concerns regarding the current traffic levels on Ethanac Road, the traffic safety hazards it is creating now, and the fear that this Project along with other warehouse projects within and around the MEDC will seriously exacerbate these traffic safety hazards. For this reason, Commissioner Long, to his credit, voted against the approval of this Project. The EIR concludes the Project will result in less than significant transportation impacts, without mitigation. For the reasons below, Perris does not believe those conclusions are supported with an adequate Traffic Impact Study, are not supported by an adequate assessment of potentially significant traffic safety impacts, and therefore are not supported with substantial evidence.

Premature Site-Specific Traffic Study

Perris' April 26 letter commented that a site-specific traffic study for the CADO Warehouse is premature due to the preparation of a global Traffic Study for the MEDC. Menifee Response G16 acknowledged that a global Traffic Study is being prepared, and goes on to explain that the traffic study analyzes a "worst-case" scenario assuming 100% of truck traffic entering/exiting the site from Ethanac Road. Assuming this is a worst-case scenario is not necessarily correct and additional analysis would be needed to verify this. While the addition of a truck corridor may improve the overall traffic flow in the area, individual movements at certain intersections will be more heavily impacted, possibly causing new traffic safety issues. Since the traffic study only analyzes truck traffic entering/exiting from Ethanac Road, certain traffic safety considerations have been underestimated, or not analyzed entirely. The transportation analysis needs to be consistent with the analysis in the forthcoming MEDC global study, otherwise the Project may contribute towards traffic safety issues that are not currently analyzed.

Existing Traffic Volumes

Perris' April 26 letter commented that the traffic counts utilized in the Project's traffic study were collected in October 2021 and January 2022. These counts are both well over two years old and may be negatively influenced by the coronavirus pandemic and stay-at-home orders. Therefore, newer traffic counts should be provided at those locations in order to accurately analyze the project under current conditions. Menifee Response G27 states that the traffic counts 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), and

Honorable Mayor and City Council

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that they are “comparable.” However, the traffic study does not provide a comparison between the traffic counts to validate this claim. Instead, the traffic study utilizes outdated traffic counts which may be negatively influenced by the coronavirus pandemic and stay-at-home orders, thereby under-estimating the Project’s traffic safety impact in the traffic study, and fails to adequately assess potentially significant traffic safety impacts caused by the Project’s traffic safety impacts.

Project Trip Generation

A combination of trip rates from ITE Trip Generation Manual (11th Edition), ITE Trip Generation Manual (10th Edition), and the City of Fontana Truck Trip Generation Study were all used to calculate the project’s trip generation forecast. The Fontana study is now over 20 years old and is widely discouraged from being used in general. The truck axle splits from SCAQMD are now generally favored in lieu of the splits from the Fontana study. Also, it is unclear why a mix of 10th and 11th edition ITE trip rates are being used, all rates should come from the 11th edition. Because Menifee has not provided any analysis or explanation as to why the combination of these trip rates were used in the traffic study, and has failed to utilize the most current information available, again, the traffic analysis is flawed, not credible and therefore does not constitute substantial evidence. Again, utilizing outdated trip rates to calculate the Project’s trip generation forecast, thereby inaccurately estimating traffic safety impact in the Project’s traffic study, fails to adequately assess the Project’s potentially significant traffic safety impacts.

Intersection Operations and Traffic Control

Insufficient Analysis of Intersection Operations

The Project’s traffic study provides insufficient analysis of both future and existing intersections that will be impacted by the Project. The traffic study does not analyze the future intersection of Green Valley Parkway and Ethanac Road. This intersection is anticipated to have deficiencies in the future due to the large amount of traffic it is anticipated to serve. As such, the traffic study needs to analyze the potentially significant traffic safety impacts on this intersection, and determine what fair share contribution will be needed. Additionally, the southbound approach to Intersection 11 has been analyzed assuming three approach lanes. However, based on recent field observations, it appears the southbound approach only has been reduced to two existing approach lanes. Additionally, pedestrian walk and clearance intervals analyzed throughout the traffic study are generally underestimated or just incorrect. The LOS results could be significantly underestimated by using lower pedestrian timings than what is needed. Ped timings need to be calculated based on the HCM methodology: $[(\text{Length of Crosswalk} / 3.5 \text{ ft/sec}) + 7 \text{ seconds}]$. Also, pedestrian timings should be zeroed out for any leg that does not have a corresponding crosswalk. Again, while LOS is no longer considered an environmental impact for

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purposes of CEQA, LOS remains a useful tool in determining whether automobile and truck trips generated by a project results in reasonably foreseeable direct or cumulatively significant traffic safety impacts.

As Perris addressed in its April 26 and August 14 letters, Study Intersection #13 actually consists of two separate (offset) intersections (Barnett Road & Case Road) and is incorrectly analyzed as a single, integrated intersection. Both of these intersections should be analyzed separately from an LOS and queuing standpoint to adequately assess the Project's potentially significant traffic safety impacts on the two intersections. Menifee Response G25 incorrectly states that queuing analysis is outside the scope of the EIR and that the intersection of Barnett Road/Case Road at Ethanac Road operates as one intersection and should be analyzed as one for analysis purposes. These are two separate intersections and need to be analyzed as such. As currently analyzed, the results for these two intersections are significantly underestimated. The offset nature of these two intersections presents several geometric design issues of concern leading to potentially significant traffic safety impacts, especially given the high amount of truck traffic planning to pass through these intersections. Furthermore, a "no right-turn on red" sign is present for the southbound approach along Case Road and the analysis should account for this accordingly.

As detailed in the *City of Perris Complete Streets Safety Assessment (CSSA)*, dated August 2018, prepared by the ITS Technology Transfer Program, 13 collisions occurred at these two offset intersections between the years of 2015-2017. Accident data was obtained through SWITRS. Additionally, based on a recent review of the Transportation Injury Mapping System (TIMS), an additional 5 accidents resulting in possible injury occurred between the years 2020-2023. Based on this accident history, it is imperative that the traffic study analyze these two intersections accurately (i.e., as two offset intersections) to ensure the addition of project traffic will not increase serious collisions, thereby creating potentially significant traffic safety impacts.

A letter was previously prepared in June 2023 providing supplemental comments in support of the City of Perris' appeal of Plot Plan No. PLN 21-0290 (Ethanac and Barnett Speculative Warehouses), located south of Ethanac Road and west of Barnett Road. This letter raised several traffic safety concerns relating to the current design of the intersections of Case Road/Ethanac Road & Barnett Road/Ethanac Road and the fundamental flaws of the accompanying traffic analysis (which also analyzed these offset intersections as one aligned intersection). The comments made in this letter also apply directly to the CADO Project as well. In fact, the CADO Project will generate significantly more trips than the Plot Plan No. PLN 21-0290 project (Ethanac and Barnett Speculative Warehouses), causing more of a direct impact to these offset intersections comparatively. As such, Perris re-iterates its existing traffic safety concerns

relating to the current design of the intersections of Case Road/Ethanac Road & Barnett Road/Ethanac Road and Menifee's flawed analysis of these intersections.

Additionally, there appears to be decreases in delay between Existing & Existing + Project traffic conditions at several study intersections. The Project is forecast to generate a large amount of traffic, and the traffic study does not provide any analysis or explanation as to the decrease in delay. It is unclear why there would be a decrease in delay at any intersection with the inclusion of Project traffic, which further undermines Menifee's assertion that the Project's traffic impacts will be less than significant and supports Perris' concerns that traffic safety impacts have not been adequately assessed and supported with substantial evidence.

The traffic study needs to be updated to appropriately analyze these offset intersections from an overall traffic safety perspective. Recommended improvements should be made involving realigning Barnett Road with Case Road (and other associated intersection improvements if necessary), and should include any improvements attributed to the decrease in delay at Project intersections. The Project shall pay a fair share contribution towards this realignment, or 100% of the cost if the Project directly impacts these intersection(s).

Direct Project Impacts

Perris' April 26 comment letter noted that the Project shall be 100% responsible for all necessary improvements installed to mitigate direct project impacts upon City of Perris transportation facilities (or mitigated via some other defined improvement program) prior to Project occupancy. Based on Table 4 of the traffic study, Intersections #9, #10, and #15 are considered to be directly impacted by the Project. However, traffic study still does not identify which impacts are "directly" caused by the Project. It is 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.

Menifee Response G32 states that implementation of improvements will be 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. If an improvement is deemed to be caused directly by the project, a fair-share contribution by itself will not be adequate under CEQA.

C. Insufficient Analysis of Greenhouse Gas Emissions Impacts

Perris re-iterates its concerns regarding the unassessed and unevaluated improvements to the intersections of Wheat Street/Ethanac Road and Byers Road/Ethanac Road, and the installation, maintenance, and regular testing of one or more emergency fire water pumps pursuant to the California Fire Code (California Code of Regulations, Title 24, Part 9) as they relate to the Project's Greenhouse Gas Analysis.

Further, the City of Menifee used an outdated model to estimate the greenhouse gas emissions associated with the project. The Greenhouse Gas Emissions Assessment was prepared in March 2024 and the quantification of greenhouse gas emissions was modeled on August 30, 2022 using CalEEMod version 2020.4.0. The South Coast Air Quality Management District recommended that all air quality analyses conducted after December 21, 2022 use the latest version of CalEEMod. Due to the different emission factor model and different calculation methodologies, CalEEMod version 2022.1 estimates some emissions higher than version 2020.4.0. Therefore, the City of Menifee should have used the current version of CalEEMod to quantify the greenhouse gas emissions associated with the project and the EIR likely underestimates the emissions and potential greenhouse gas emissions impacts associated with the Project.

D. Insufficient Analysis of Air Quality Impacts

As noted previously, the Conditions of Approval for the Project require improvements to the intersections of Wheat Street and Ethanac Road and Byers Road and Ethanac Road. These improvements were not identified in the Draft and Final EIRs, even though they were identified by the City of Perris in its April 26 and August 14 comment letters. Construction of these improvements would generate regional and localized air pollutant emissions that were not evaluated in the Draft and Final EIRs. Therefore, the City of Menifee has not complied with the CEQA requirements for the approval of these aspects of the Project.

Further, the unmitigated operational project emissions identified in the Draft EIR exceed the daily threshold of significance for nitrogen oxides (NOx). The EIR reduces this impact to a less than significant level through the implementation of two mitigation measures. Mitigation measure MM AQ-3 requires the project operator to 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. However, the mitigation measure does not provide any performance standards that identify the necessary reduction in vehicle trips required to reduce the emissions to a less than significant levels. Further, it does not require that the project operator ensure that

employees participate in the Transportation Demand Management program. As such, this significant and unavoidable impact has not been adequately mitigated by the City of Menifee.

E. Insufficient Analysis of Noise Impacts

Perris re-iterates its concerns regarding the unassessed and unevaluated improvements to the intersections of Wheat Street/Ethanac road and Byers Road/Ethanac Road as they relate to the Project's Noise Analysis.

Further, Menifee's evaluation of cumulative off-site traffic noise impacts is based on an incorrect threshold and methodology. Under CEQA, an EIR is required to determine whether a significant cumulative impact would occur. If the cumulative impact is significant, the EIR is required to determine if the contribution of the project is considerable. In the case of this project and EIR, the 3.0 dB increase over "Existing" conditions and the resulting noise level exceeds the applicable exterior standard at a sensitive use is the appropriate threshold to determine if a significant cumulative impact would occur. As shown, in Table 4.11-13 on page 4.11-26 of the Draft EIR, cumulative noise levels increases of more than 3 dB would occur along Ethanac Road between Wheat Street and Evans Road. The Draft EIR then concludes that the cumulative impact is not significant because the Project's contribution is less than 1 dB, even though the increase between Wheat Street and Murrieta Road is 0.99 dB. This is incorrect and inconsistent with CEQA. The EIR should have concluded that a significant cumulative impact would occur along Ethanac Road between Wheat Street and Evans Road. This cumulative impact would affect residents in both Menifee and Perris, and Menifee has not required any mitigation measures to reduce such impact. While the contribution of the Project might not be considerable, the City of Menifee has not acknowledged the significant cumulative impact and has not informed the public about the significant cumulative noise impact. This in violation of CEQA.

F. Inadequate Project Alternatives Analysis

An EIR is required to describe a range of reasonable alternatives to 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. (CEQA Guidelines, section 15126.6(a).) In addition to the required "No Project" alternative, the EIR contains only one other alternative, Alternative 2 – Reduced Square Feet on Two Buildings Alternative (15 Percent Reduction). Analyzing only one additional alternative in the Draft EIR fails consider a reasonable range of potentially feasible alternatives as required under CEQA.

Honorable Mayor and City Council

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The EIR is required to contain alternatives that “avoid or substantially lessen” a project’s significant impacts. The EIR fails in this regard and also fails to explain why it is unable to provide such alternatives. The alternatives analysis is also defective as it fails to consider alternatives that would avoid or substantially lessen the other significant impacts of the project, without mitigation, as required by CEQA. As such, the alternatives analysis fails to comply with CEQA.

CONCLUSION

The City of Perris asks that the Menifee City Council reverse the Planning Commission decision and deny Tentative Parcel Map No. PLN22-0041 and Plot Plan No. PLN21-0370 in light of the significant deficiencies in the Project and Final EIR described above. The City of Perris looks forward to working with the Menifee to facilitate the preparation and consideration of a Project and proper Final EIR that meets the requirements described above.

Sincerely,

ALESHIRE & WYNDER, LLP



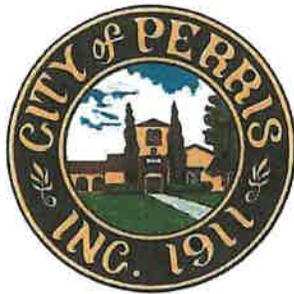
John Fox

JWF

Attachment: Exhibit A

EXHIBIT "A"

**CITY OF PERRIS COMMENT LETTER
DATED 12-22-2021**



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.

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.

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.

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.

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.

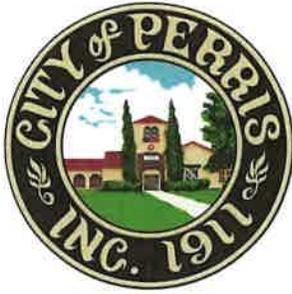
Sincerely,



Kenneth Phung
Director of Development Services

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

CITY OF PERRIS COMMENTS ON THE NOTICE
OF PREPARATION FOR THE CADDO INDUSTRIAL
PROJECT - DATED 5-16-2022



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.

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

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 utilized Ethanac Road as a truck route due to the sensitivity of residential land uses along this roadway.

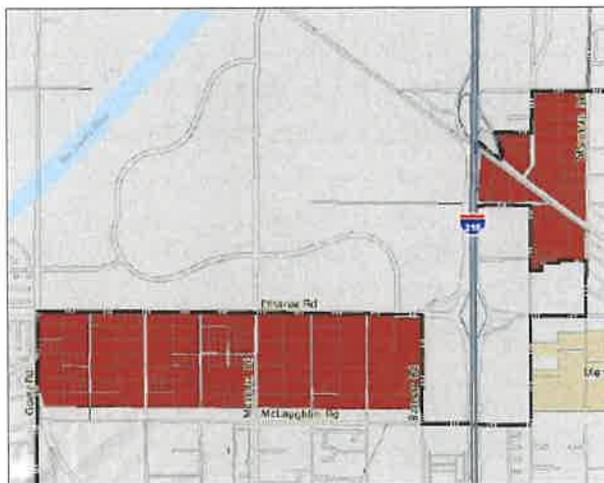
There are two single-family residential tracts in the GVSP totaling 314 single-family dwelling units nearing construction completion along Ethanac Road. In addition, there are six residential tracts comprised of 1,241 residential units, which are anticipated to start next year in phases.

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.

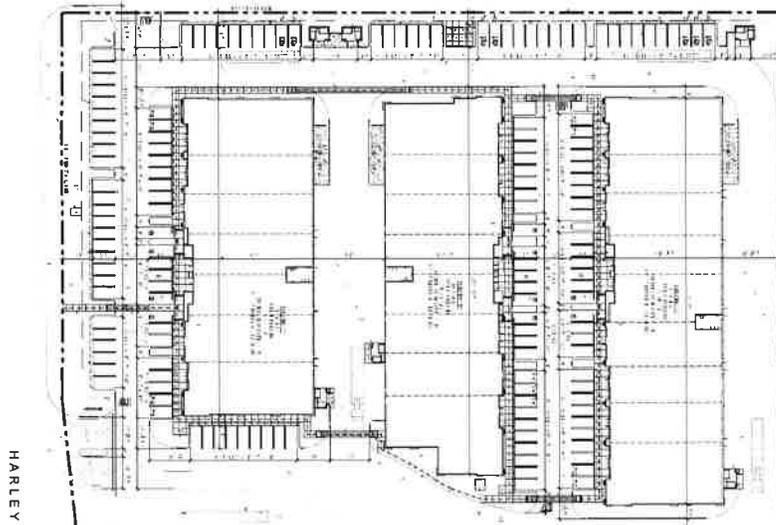
EXHIBIT LU-B2B: EDC NORTHERN GATEWAY (594 ACRES)

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.



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



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:

- 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

Attachment: City of Perris Comment Letter dated December 22, 2021

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

**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 - DATED 04-26-2024**



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.

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.

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

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.

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.

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.

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.
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.

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.
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.

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.

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.

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).
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.

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.

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.

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.
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

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.

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.
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.
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.
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.

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.
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.
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.

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).
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.
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.
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.
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.
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.
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.
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.

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.
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.

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.

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.

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.

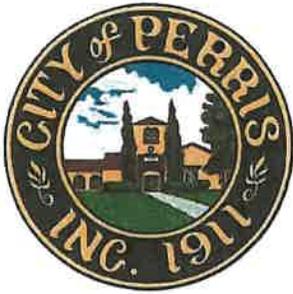
Sincerely,



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.

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.

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.

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.

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.

Sincerely,



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.

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

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 utilized 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.

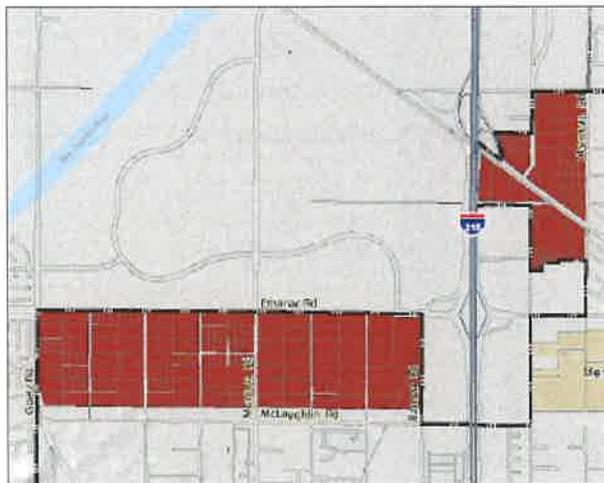
- 3. Menifee Economic Developer Corridor Zoning.** The appropriate land use would be Business Park Development which is identified in the Menifee North EDC Plan (see YELLOW highlight below from the North EDU zoning map), which would be more compatible with the residential land uses nearby.

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

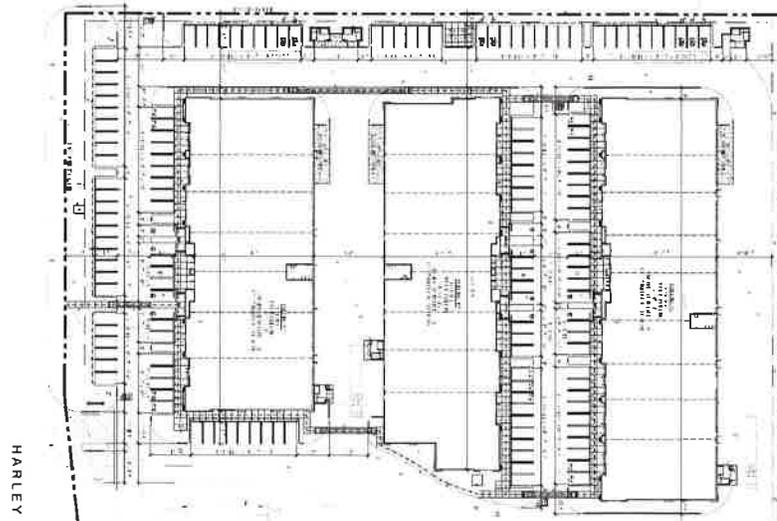
Preferred Mix of Land Uses

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.



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



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:

- 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

Attachment: City of Perris Comment Letter dated December 22, 2021

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

**CITY OF PERRIS COMMENTS ON THE FINAL
ENVIRONMENTAL IMPACT REPORT (EIR) PREPARED FOR
THE CADDO MENIFEE INDUSTRIAL WAREHOUSE PROJECT -
PLOT PLAN NO. PLN21-0370 AND TENTATIVE PARCEL MAP
NO. PLN22-0041 (TPM 38139) - DATED 8-14-24**



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

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

August 14, 2024

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

SUBJECT: CITY OF PERRIS COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) PREPARED FOR THE CADO MENIFEE INDUSTRIAL WAREHOUSE PROJECT - PLOT PLAN NO. PLN21-0370 AND TENTATIVE PARCEL MAP NO. PLN22-0041 (TPM 38139)

Dear Mr. Fowler:

Perris staff appreciates the opportunity to comment on the Notice of Hearing for the City of Menifee Planning Commission to consider the Final 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 Project is just south of the Green Valley Specific Plan (GVSP) in the City of Perris, which is a master-planned community totaling 1,269 acres of land envisioned to be developed with 3,460 single-family detached residences, 750 multi-family residential 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.

Although the notice of the Public Hearing was sent by certified mail on August 2, 2024, Perris staff also requested notifications to be provided electronically on June 11, 2024 (see Attachment 1 – Email dated 6.11.24 requesting electronic notification) as the City Hall Campus has multiple buildings with different addresses. In addition, the Notice of Hearing was sent via FedEx to a City-owned building at 11 S. D Street (see Attachment 2 - Copy of Certified mail sent to 11 S. D Street), across the street from the City Hall campus instead of the Development Services Department located at 135 N. D Street. As such, City staff was not provided adequate time to prepare comprehensive comments on the Final EIR for this project.

The City of Perris has expressed concerns with the proposed Project on the agency transmittal and during the Notice of Preparation and Notice of Availability public comment periods. After reviewing the Final EIR, technical reports, and recommended Conditions of Approval, the City believes the Project has not adequately addressed the potential environmental impacts related to air quality, 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. **Furthermore, it is worrisome that many of the Planning Conditions of Approval (COA) for this project provided on the City's website were cut off and therefore are not legible (COA 7-21, 30-31, 38-40, 57-68, and 75-77). As such, this project should be continued to allow additional time to review the required Conditions of Approval.**

Draft EIR

Project Description

1. As stated in our previous comments on the Draft EIR, page 4.13-25 of the Transportation and Traffic section shows that the project would cause traffic signal warrants to be met at the Wheat Street/ Ethanac Road intersection and Byers Road/ Ethanac Road intersection. As such, the required signals should be provided by the project and identified in the Project Description. In the Response to Comment G6, the Final EIR states that our previous comment does not raise concerns within the scope of CEQA because automobile delays are no longer an environmental impact under CEQA. The City of Perris agrees that automobile delay or Level of Service (LOS) is no longer considered to be an environmental impact under CEQA. Our comment did not address automobile delay or LOS. It addresses infrastructure improvements that should be provided by the project. As a Condition of Approval (Engineering/Grading/Transportation Condition of Approval 208), these improvements are part of the project that would be approved by the City of Menifee. They are not mitigation measures for an impact under CEQA. 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.
2. As stated in our previous comments on the Draft EIR, Table 4.13 of the Transportation and Traffic 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. In the Response to Comment G7, the Final EIR states that our previous comment does not raise concerns within the scope of CEQA because automobile delays are no longer an environmental impact under CEQA. The City of Perris agrees that automobile delay or LOS is no longer considered to be an environmental impact under CEQA. Our comment did not address automobile delay or LOS. It addresses an infrastructure improvement that should be identified as part of the off-site project improvements in the Project Description. As a Condition of Approval (Engineering/Grading/Transportation Condition of Approval 208), this improvement is part of the project that would be approved by the City of Menifee. It is not a mitigation measure for an impact under CEQA. Because the existing median is located completely 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.

Air Quality, Energy, Greenhouse Gas Emissions, and Noise

3. In its Responses to Comments E16 and E17, the Final EIR state that the project has no plans at this time to install emergency generators or other permitted stationary equipment since the warehouse is speculative. The City of Perris agrees that the proposed warehouse may not need emergency backup generators or other stationary equipment for general operation. However, the warehouse building would require the installation, maintenance, and regular testing of one or more emergency fire water pumps pursuant to the California Fire Code (California Code of Regulations, Title 24, Part 9). Where provided, fire water pumps for fire protection systems shall be installed in accordance with Section 913 of the California Fire Code and the National Fire Protection Association (NFPA) 20, Standard for the Installation of Stationary Pumps for Fire Protection. Fire water pumps are generally powered by diesel engines. **According to the National Fire Protection Association, diesel fire pumps must be tested on a weekly basis for a minimum of 30 minutes.** This requirement is not speculative and the analyses of air pollutant emissions, diesel health risks, energy demand, and greenhouse gas emissions should be revised accordingly. The fact that the diesel fire pumps are subject to permit approval from the South Coast Air Quality Management District does not excuse the evaluation of impacts associated with this equipment from the EIR. The EIR is required under CEQA to evaluate the whole of the action.

4. As stated in our previous comments on the Draft EIR and discussed above, Table 4.13 of the Transportation and Traffic 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. This is not identified as part of the off-site project improvements in the Project Description. In the Response to Comment G21, the Final EIR states that our previous comment does not raise concerns within the scope of CEQA because automobile delay is no longer an environmental impact under CEQA. The City of Perris agrees that automobile delay or LOS is no longer considered to be an environmental impact under CEQA. Our comment did not address automobile delay or LOS. It addresses an infrastructure improvement that should be identified as part of the off-site project improvements in the Project Description and evaluated in the EIR. As a Condition of Approval (Engineering/Grading/Transportation Condition of Approval 208), this improvement is part of the project that would be approved by the City of Menifee. It is not a mitigation measure for an impact under CEQA.

The Response to Comment G21 also states that mention of this off-site improvement is not required to be included in the Project Description since it addresses a topic outside of CEQA and does not involve significant construction that would impact any of the analyses or conclusions in the EIR. This is not correct. Implementation of this part of the project as a Condition of Approval would result in additional construction-related air quality, energy, greenhouse gas emissions, and noise impacts that were not evaluated in the Draft EIR. Because the existing median is located completely 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 potential noise impacts associated with the

implementation of this component of the project need to be evaluated based on the City of Perris Municipal Code noise standards.

Land Use Inconsistency with Surrounding Areas

5. 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 the truck traffic along Ethanac Road west of Case Road would be associated with industrial development within the City of Menifee.

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.

Transportation and Traffic

7. Response G16 – The responses acknowledges that a global Traffic Study for the Menifee Economic Development Corridor (MEDC) area is being prepared. The response goes on to explain that the traffic study analyzes a “worst-case” scenario assuming 100% of truck traffic entering/exiting the site from Ethanac Road. Assuming this is a worst-case scenario is not necessarily correct and additional analysis would be needed to verify this. While the addition of a truck corridor may improve the overall traffic flow in the area, individual movements at certain intersections will be more heavily impacted, resulting in reasonably foreseeable new traffic safety issues. The transportation analysis should be consistent with the analysis in the forthcoming MEDC global study, otherwise the project may contribute towards safety issues that are not currently analyzed.
8. Response G17 – The response states that 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. However, the traffic study still does not identify which impacts are “directly” caused by the project. For all direct project impacts, the project shall be 100% responsible for the construction/cost

of the improvements necessary to offset the project's impact, and detail how these improvements will be implemented.

9. Response G25 – The response states that queuing analysis is outside the scope of the EIR. This is not correct as under CEQA, a significant impact can occur if a project substantially increases hazards due to a geometric design feature (e.g., intersection queuing). The response also states that the intersection of Barnett Road/Case Road at Ethanac Road operates as one intersection and should be analyzed as one for analysis purposes. This is also not correct. These are two separate intersections and need to be analyzed as two separate intersections. The offset nature of these two intersections presents several geometric design issues of concern, especially given the high amount of truck traffic planning to pass through these intersections.
10. Response G27 – The response states that the traffic counts 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), and that they are “comparable.” The City of Perris requests that this existing volume comparison be included in the FEIR so this statement can be verified.
11. Response G31 - The response states that queuing analysis is outside the scope of the EIR. This is not correct as under CEQA, a significant impact can occur if a project substantially increases hazards due to a geometric design feature (e.g., intersection queuing). The FEIR fails to analyze the queuing/progression along Ethanac Road at the I-215 interchange. Due to these closely spaced intersections, queuing issues exist and the FEIR needs to address how the project contributes to these traffic safety issues.
12. Response G32 – The response states that implementation of improvements will be 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. If an improvement is deemed to be caused directly by the project, a fair-share contribution by itself will not be adequate.
13. Additional Comments - The widths of the rights-of-way and alignments of Ethanac Road, Evans Road, Hull Street, Murrieta Road, Byers Road, Wheel Street and Goetz Road shall be coordinated with the roadway designation as classified per City of Perris' General Plan. The correlation shall be incorporated and analyzed in order to determine the extent of roadways and intersections improvements.

The traffic study assumes 100% of trucks entering/exiting the site from Ethanac Road, which will likely contradict the conclusions from the forthcoming MEDC Master Circulation Plan study. While the addition of a truck corridor may improve the overall traffic flow in the area, individual movements at certain intersections will be more heavily impacted, possibly causing new safety issues. The transportation analysis should be consistent with the analysis in the forthcoming MEDC global study, otherwise the project may contribute towards safety issues that are not currently analyzed.

The FEIR still fails to recognize Barnett Road/Case Road at Ethanac Road as currently two separate intersections. The analysis assumes this as one intersection, significantly underestimating the traffic conditions. If analyzed correctly as two separate intersections, the analysis would likely confirm the need for improvements (i.e., aligning these two intersections), forcing a fair-share contribution to be paid.

Page 2.0-70 of the FEIR denotes which study intersections are located entirely or a majority within the City of Perris. Based on Tables 4 & 9 of the traffic study, Intersection #15 (I-215 NB Ramps at Ethanac Road) is considered to be directly impacted by the project. As such, the project should be responsible for 100% of whichever improvements are identified to offset the project's direct impact, as opposed to the 15.9% identified in the COA's. The project should then make a fair-share contribution to all additional improvements identified (those that are not necessarily needed to offset the project's direct impact, but those needed in addition to bring the intersection's cumulative LOS to an acceptable level).

As noted in the introduction to this letter, the City of Perris has requested notifications be provided electronically and via regular mail. In this instance, a Notice of Hearing regarding this project was sent via FedEx to a City-owned building at 11 S. D Street instead of to the Development Services Department located at 135 N. D Street. As such, City staff was not provided adequate time to prepare comprehensive comments on the Final EIR for this project.

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.

Sincerely,



Patricia Brenes
Planning Manager

Attachments: 1. Email dated 6.11.24 requesting electronic notification
2. A copy of certified mail envelop sent to 11 S. D Street instead of 135 D Street
3. City of Perris Response to Agency Transmittal - Dated December 22, 2021
4. City of Perris Response to NOP without Exhibits – Dated May 16, 2022
5. City of Perris Response to NOA without Exhibits – Dated April 26, 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

ATTACHMENT 1

**Email Dated 6.11.24 Requesting
Electronic Notification**

From: Kenneth Phung

Sent: Tuesday, June 11, 2024 12:35 PM

To: Cheryl Kitzerow <ckitzerow@cityofmenifee.us>; Orlando Hernandez

<ohernandez@cityofmenifee.us>

Cc: smanwaring@cityofmenifee.us; sroseen@cityofmenifee.us; Patricia Brenes

<pbrenes@CityofPerris.org>

Subject: Lovett Industrial - Major Plot Plan 23-0040 - 398K Industrial

Hi Cheryl and Orlando,

We appreciate receiving the hard copy notice of upcoming projects in Menifee, such as the Lovett Industrial project (<https://cityofmenifee.us/DocumentCenter/View/20609/Final-NOA-Northern-Gateway-Logistics-Center-EIR>) that I received yesterday.

However, we request that we also receive email notices of upcoming projects sent to Patricia Brenes, pbrenes@CityofPerris.org, our Planning Manager, and I can be cc'd on the email. We primarily want to know about large-scale projects or projects that potentially impact Perris.

This ensures we have project information early to begin our review, as sometimes the mail notice is delayed due to staff flex schedules and our city hall campus being in multiple buildings.

Thank you.

Kenneth Phung

Director of Development Services

City of Perris

135 North "D" Street

Perris, CA 92570

(951) 943-5003, ext. 257

kphung@cityofperris.org

ATTACHMENT 2

**Copy of Certified Mail Envelope Sent to
11 S. D Street Instead of 135 D Street**

05/19/24 12:18



This envelope is only for FedEx Express® shipments.
You can help us get your package safely to its destination by packing your items securely. Need help? Go to [fedex.com/packaging](https://www.fedex.com/packaging) for packing tips.
Check your FedEx Express shipping document; the current FedEx Service

ORIGIN ID: MERA (951) 543-9868

REYNA NAVARRO
KIMLEY-HORN
3801 UNIVERSITY AVENUE
SUITE 300
RIVERSIDE, CA 92501
UNITED STATES US

SHIP DATE: 01AUG24
ACTWGT: 0.25 LB
CAD: 254401967/WSX13500

BILL SENDER

TO **ATTN: KENNETH PHUNG**
CITY OF PERRIS PLANNING DIV
11 S D ST

PERRIS CA 92570

(951) 943-5003
INV: JOB CHARGEABLE
PO:

REF: 094991014.3.700

DEPT:

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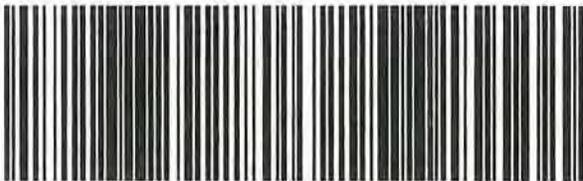
FRI - 02 AUG 12:00P
PRIORITY OVERNIGHT

TRK# 2777 9012 4747
0201

WM ONTA

92570

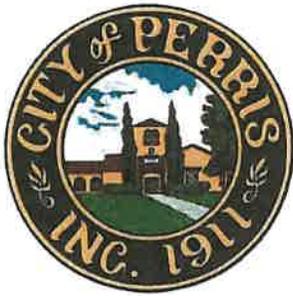
CA-US ONT



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ATTACHMENT 3

**City of Perris Response to Agency
Transmittal –
Dated December 22, 2021**



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.

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.

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.

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.

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.

Sincerely,

A blue ink signature consisting of several overlapping, horizontal, wavy lines.

Kenneth Phung
Director of Development Services

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

ATTACHMENT 4

**City of Perris Response to NOP without
Exhibits – Dated May 16, 2022**



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.

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

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.

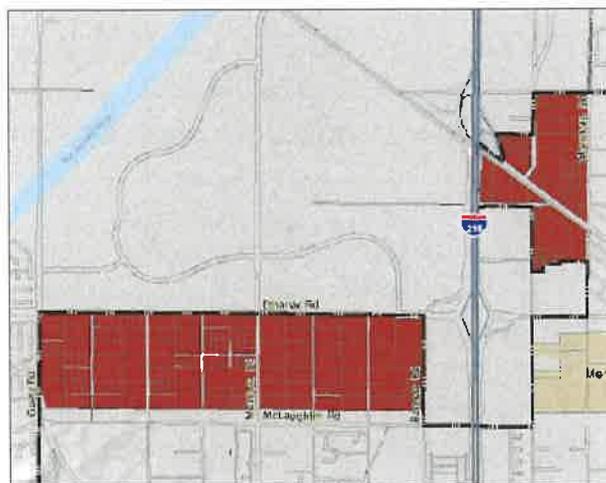
There are two single-family residential tracts in the GVSP totaling 314 single-family dwelling units nearing construction completion along Ethanac Road. In addition, there are six residential tracts comprised of 1,241 residential units, which are anticipated to start next year in phases.

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.

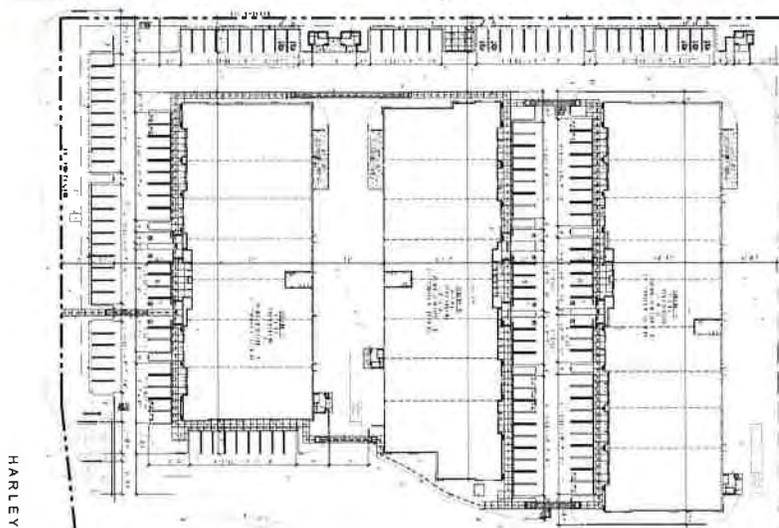
EXHIBIT LU-B2B: EDC NORTHERN GATEWAY (594 ACRES)

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.



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



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:

- 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,



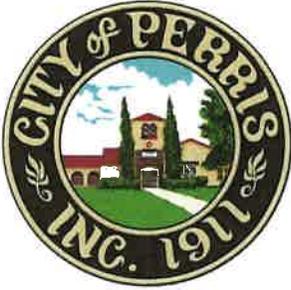
Kenneth Phung
Director of Development Services

Attachment: ~~City of Perris Comment Letter dated December 22, 2021~~

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

ATTACHMENT 5

**City of Perris Response to NOA without
Exhibits – Dated April 26, 2024**



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.

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.

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

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.

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.

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.

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.
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.

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.
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.

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.

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.

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).
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.

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.

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.

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.
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

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.

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.
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.
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.
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.

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.
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.
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.

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).
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.
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.
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.
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.
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.
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.
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.

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.
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.

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.

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.

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.

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

MENIFEE RESPONSE TO PERRIS COMMENT LETTERS

**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

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

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

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

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

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 Khun, 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.

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,



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
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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

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.

G39
 Cont.

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.

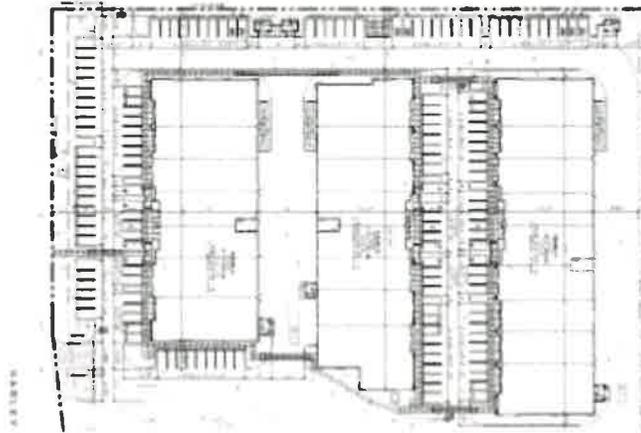
EXHIBIT LU-B2B: EDC NORTHERN GATEWAY (594 ACRES)

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.



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.

G39
Cont.

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

***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.

City of Menifee

CADO Menifee Industrial Warehouse Project

Perris Appeal Comments and Responses

- A-1** This comment explains that this letter is the City of Perris' appeal letter in objection to the City of Menifee Planning Commission's August 14, 2024 decision approving the Tentative Parcel Map and Plot Plan to permit the construction and operation of the CADO Menifee Industrial Warehouse Project (Project) and the Final Environmental Impact Report (EIR) approved for the Project. This comment does not raise any substantive issues with the Final EIR and therefore no further response is needed. The following responses were prepared to address the substantive comments raised in the rest of the City of Perris' appeal letter. Please refer to Responses to Comments A-2 through A-64.
- A-2** This comment summarizes the Project and does not raise any specific comments regarding the Final EIR. No further response is warranted.
- A-3** This comment is a general description of the Green Valley Specific Plan (GVSP), a master-planned community within the City of Perris. No specific comments concerning the deficiency of the Final EIR were made, and, therefore, no further response is warranted.
- A-4** The City of Perris notes the residential units within the GVSP and the vicinity of the Project site but makes no specific claims on how the Final EIR did not adequately address impacts to surrounding residences. As addressed in the Final EIR Response to Comments G14, G16 and G18, Ethanac Road is currently a truck route. 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. 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.
- A-5** The City of Perris states that the City of Menifee did not adequately address the City of Perris' concerns expressed in the Project's Notice of Preparation (NOP) scoping process, Draft EIR public review period, and following the Final EIR, but does not provide further detailed information why their concerns were not adequately addressed. No further response is warranted. Additionally, the City of Menifee believes all previous responses to Perris's Draft EIR comment letter were thorough and adequate.
- A-6** This comment reiterates that the City of Perris' letter constitutes an appeal of the Planning Commission's approval of the Project but does not raise any specific deficiencies. Please refer to the following Responses to Comments A-7 through A-64 prepared in response to the City of Perris' comments.
- A-7** This comment states that the City of Perris provided comments dated April 26 and August 14 on the Draft EIR's Project Description. This comment is acknowledged, and the City of Menifee responded to all comments on the Draft EIR - see Response to Comments G3 through G7 in the Final EIR that were prepared in response to the City of Perris' comment on the Project Description

being inadequate. This comment does not provide any evidence how the Final EIR failed to address their comments or is an inadequate environmental document pursuant to the CEQA.

- A-8** The Project Traffic Study recommended that the intersection of Wheat Street at Ethanac Road (intersection #9) is anticipated to be right-in-right-out (RIRO) access. With this improvement, the intersection operates at an acceptable LOS and a traffic signal is not warranted. Therefore, no other improvements were recommended at intersection #9. Also, the Traffic Study recommended that a traffic signal be installed at the intersection of Ethanac Road at Byers Road (intersection #10). The recommended improvements for intersection #9 and intersection #10 were imposed on the Project as conditions of approval by the Planning Commission (see Condition of Approval 209).

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. 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.

- A-9** Because the improvement of a 350-foot westbound left-turn lane at the intersection of Ethanac Road and Byers Road 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. The comment incorrectly assumes that off-site impacts were not evaluated but does not provide any substantial evidence to support this claim. The impacts of project construction, include roadway improvements (i.e. noise, air quality, etc.), were included in the assumptions underlying the technical studies. The City explained in its Responses to Comments in the FEIR (G18 and G21) that there would be no operational/roadway geometric hazards caused by the 350 foot westbound left-turn lane. As such, the DEIR and FEIR adequately incorporated the 350-foot westbound left-turn lane at the intersection of Ethanac Road at Byers Road and all impacts associated therewith.

- A-10** See Responses to Comments A-8 and A-9.

- A-11** See Response A-9. As noted in Final EIR Response to Comment G7, 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. 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.

- A-12** The comment incorrectly assumes that off-site impacts were not evaluated but does not provide any substantial evidence to support this claim. Page 2-3 of the Draft EIR describes the Project site

as 40.03 gross acres. However, CalEEMod output files in Appendix B1 and Appendix G, show that a total of 43.42 acres of development were analyzed as part of air quality and greenhouse gas assessments. The additional acres were included in the analysis under “other asphalt surfaces” to capture construction emissions associated with offsite roadway and infrastructure improvements. As a result, all potential offsite impacts including air quality impacts, energy use, and greenhouse gas emissions were evaluated in the Draft EIR.

- A-13** The Project includes an early-suppression fast-response (EFSR) fire sprinkler system and will use an electric or diesel-powered fire pump to provide additional water pressure. If an electric fire pump is installed, in the event that the building loses electricity, power for the electric fire pump will be provided by the emergency backup generator. As noted on page 4.2-17 and page 4.7-21 of the Draft EIR, emissions from emergency backup generators are included in the operational air quality and GHG analysis of the Project. The comment therefore incorrectly indicates that emergency fire water pump emissions are not addressed, as these emissions are addressed by the backup generator emissions in the Draft EIR.

However, diesel fuel consumption from the generator was not included in the energy analysis. Conservatively assuming the emergency generator is tested for one hour per week as modeled in the air quality and GHG sections of the EIR instead of the half hour per week as required, the generator would consume 1,970 gallons of diesel per year. This would increase diesel fuel consumption by 0.99 percent, increasing from 199,539 gallons to 201,509 gallons per year. Due to the small increase in diesel consumption associated with the operation of the generator, the percentage increase of diesel fuel in Riverside County, associated with the Project would remain 0.08 percent as identified in **Table 4.5-4: Project Annual Energy Use During Operations** of the Draft EIR and impacts associated with energy would remain the same.

- A-14** The commenter notes that diesel powered fire pumps must be tested on a weekly basis for a minimum of 30 minutes. Conservatively, the analysis for this Project assumed that diesel generators would operate for one hour every week and included those emissions in Table 4.2-9 and 4.2-10 of the Air Quality Section and Table 4.7-3 of the GHG Section of the Draft EIR. Therefore, the Draft EIR analysis conservatively overestimates the contribution from stationary diesel emissions sources by assuming one hour of testing rather than 30 minutes of testing.

- A-15** Refer to Responses A-13 and A-14. No further response is warranted.

- A-16** Refer to Responses A-13, A-14, and A-15 above. All analysis and technical studies for the Draft EIR have been prepared following the appropriate methodologies. All potential impacts have been addressed.

- A-17** The City of Perris prior comment letters raised concerns regarding traffic safety hazards due to queuing on Ethanac Road at Byers Road that will be constructed by the Project (G-18, G-21), the configuration of Barnett Road and Case Road (G-25), and queuing along Ethanac Road at the I-215 interchange (G-31). See Responses to Comments G-18, G-21, G-25, and G-31 in the Final EIR how the Project will not create safety hazards due to geometric design.

In addition, Ethanac is generally a straight and flat road, with good visibility, no visual obstructions, and no sharp curves. 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. Further, based on the Project Traffic Study, the intersection of Ethanac Road at Barnett Road/Case Road does not decline to an unacceptable Level of Service with the addition of Project traffic. Therefore, the City of Perris' reliance on LOS/queuing analysis to prove a safety impact at the intersection of Ethanac Road at Barnett Road/Case Road has no support.

Also, 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 should be noted that the Project will be directly constructing several of the Traffic Study's recommended improvements (imposed as conditions of approval by the Planning Commission), including constructing a traffic light and the 350' turn pocket on Ethanac Road at Byers Road, modifying Wheat Street at Ethanac Road to a right-in, right-out (RIRO) only access, adding a traffic signal at the intersection of Ethanac Road at Evans Road, as well as adding turn lanes and road widening. These improvements will further improve safety conditions in the study area and would not create hazards due to geometric design features.

A-18 Ethanac Road is currently a truck route. A global Traffic Study for the Menifee Economic Development Corridor (MEDC) and surrounding area, including the possible 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. However, the global Traffic Study has not been completed nor has any roadway other than Ethanac Road been designated as a truck route that can serve the Project, and thus this Project cannot speculate on or study alternative trucks routes that may or may not later be identified. Therefore, it is appropriate that the Project Traffic Study analyzes trucks utilizing Ethanac Road to determine recommended improvements along Ethanac Road at full buildout of the MEDC and surrounding area.

Based on discussion with City of Perris staff, it is understood that the Traffic Impact Analysis prepared by RK Engineering in June 2023 is in reference to a supplemental queuing analysis conducted by RK Engineering along Ethanac Road at the intersection of Ethanac Road at Barnett Road/Case Road as part of an Comment Letter in support of Appeal, prepared by the City of Perris, for the Ethanac and Barnett Development Project in the City of Menifee. As noted in Response to Comment A-17, Ethanac is generally a straight and flat road, with good visibility, no visual obstructions, and no sharp curves. 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. Therefore, the City of Perris' reliance on a queuing analysis to prove a safety impact caused by the Project at the intersection of Ethanac Road at Barnett Road/Case Road has no support.

A-19 Refer to Response to Comment G-17 in the Final EIR regarding review of compliance with the City of Perris Level of Service standards and significance criteria for study intersections located entirely or a majority within the City of Perris. As Level of Service is no longer a CEQA threshold for

transportation impacts, the analysis to confirm compliance with the City of Perris Level of Service standards and significance criteria was not included in the DEIR.

The City of Perris General Plan Circulation Element does not provide traffic safety impact criteria relevant to the Project and the City of Perris did not provide enough specifics in their comment to evaluate this comment further.

- A-20** The City of Menifee has responded to all comments raised by City of Perris regarding traffic safety hazards due to a geometric design feature. Refer to Response to Comment A-17. No further response is warranted. For impacts related to air quality and noise, refer to Response to Comment A-12.
- A-21** Refer to Response to Comment A-17. No further response is warranted.
- A-22** Refer to Response to Comment A-17. No further response is warranted.
- A-23** Refer to Response to Comment A-17. No further response is warranted.
- A-24** Refer to Response to Comment A-17. No further response is warranted.
- A-25** Refer to Response to Comment A-17. No further response is warranted.
- A-26** Refer to Response to Comment A-17. No further response is warranted.
- A-27** Ethanac Road is currently a truck route. A global Traffic Study for the Menifee Economic Development Corridor (MEDC) and surrounding area, including the possible 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. However, the global Traffic Study has not been completed nor has any roadway other than Ethanac been designated as a truck route that can serve the Project, and thus this Project cannot speculate on or study alternative trucks routes that may or may not later be identified. Therefore, it is appropriate that the Project Traffic Study analyzes trucks utilizing Ethanac Road to determine recommended improvements along Ethanac Road at full buildout of the MEDC and surrounding area. Additionally, there is no reason to include a failure analysis as part of the global Traffic Study.
- A-28** The February 2023 traffic counts for overlapping intersections in the Project Traffic Study are provided in Attachment B to this Response to Comment matrix. Based on comparison of the February 2023 volumes and the October 2021 volumes used in the Project Traffic Study, it is noted that, compared to February 2023 volumes, the October 2021 volumes are higher at the intersections of Ethanac Road at I-215 SB Ramps (Intersection #14) and Ethanac Road at I-215 NB Ramps (Intersection #15), as well as lower at the intersection of Murrieta Road at Ethanac Road (Intersection #11). 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-29** The City of Fontana Truck Trip Generation Study is not considered outdated in the industry and is widely accepted and used by many cities in the Inland Empire, including as noted in the City of Menifee LOS Traffic Study Guidelines (October 2020), as a method for obtaining truck trips and truck splits. Further, the truck mix in the Fontana Truck Trip Generation Study is comparable to

the SCAQMD truck mix recommendations. Also, as noted in the Project Traffic Study, the passenger car/truck splits are based on the ITE Trip Generation Manual (10th Edition Supplement), which is comparable to the passenger car/truck splits in the ITE Trip Generation Manual (11th Edition). Nevertheless, in order to address this comment, the passenger car/truck split and truck mix for the proposed Project have been reviewed based on the ITE Trip Generation Manual (11th Edition) for the passenger car/truck splits and the SCAQMD Warehouse Truck Trip Study Data Results and Usage (dated July 17, 2014) for the truck mix (i.e. 2-axle, 3-axle, 4+axle trucks) . A copy of the noted resources is provided in Attachment A (Passenger Car/Truck Splits and Truck Mix Information) to this response matrix.

The passenger car equivalent (PCE) factors as noted in the Traffic Study were also applied to these trip generation estimates. Based on the methodology noted above, the Project is estimated to generate approximately 4,719 daily PCE trips, with 632 PCE trips (512 inbound and 120 outbound) in the morning peak hour and 860 PCE trips (335 inbound and 525 outbound) in the evening peak hour.

Compared to the trip estimates in the approved Traffic Study, the trip estimates based on the SCAQMD methodology (inclusive of ITE 11th Edition for the passenger car/truck splits) is estimated to generate 3 additional daily PCE trips, with 7 fewer PCE trips in the morning peak hour and 19 fewer PCE trips in the evening peak hour.

Accordingly, as described above, the use of ITE 11th Edition passenger car/truck splits and SCAQMD truck mix percentages would not change the significance determinations in the Draft EIR and would not require new or modified mitigation measures. Therefore, the Final EIR and approved Traffic Study are not flawed and do not need to be modified.

- A-30** Refer to Response to Comment A-29. No further response is warranted.
- A-31** Refer to Response to Comment A-29. No further response is warranted.
- A-32** 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.
- A-33** Acknowledged. At the time of data collection (October 2021), the southbound approach for Intersection #11 (Murrieta Road at Ethanac Road) reflected one dedicated left-turn lane, one through lane, and one dedicated right-turn lane. As a result, the existing lane geometry was reflected as such in the Project Traffic Study. Based on review of applying the updated lane geometry to Intersection #11 under Opening Year 2024 Cumulative Plus Project conditions, the overall intersection delay for Intersection #11 would nominally increase as noted below:
- AM Peak Hour
 - 2021 SB Approach: 119.3 sec/vehicle
 - Current SB Approach: 120.3 sec/vehicle

- PM Peak Hour
 - 2021 SB Approach: 543.1 sec/vehicle
 - Current SB Approach: 550.4 sec/vehicle

Intersection analysis worksheets for Intersection #11 under Opening Year Cumulative Plus Project conditions is provided as an Attachment to this Response to Comment matrix. As noted above, the lane geometry update to the SB approach of Intersection #11 would not change the recommended improvements at Intersection #11. With the noted recommended improvements in the Project Traffic Study, Intersection #11 would operate at an acceptable LOS.

A-34 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).

A-35 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). The City of Menifee has responded to all comments raised by City of Perris regarding traffic safety hazards due to a geometric design feature. Refer to Response A-17. No further response is warranted.

A-36 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.

A-37 The analysis does account for the “no right-turn on red” sign. In the traffic analysis model used for the Project Traffic Study, there is an input to indicate vehicles making a right turn on red, which typically would lower the overall delay of the intersection. As a conservative analysis in the Project Traffic Study, this input was not selected and no "right turn on red" vehicles were assumed on any of the approaches at the Intersection #13 (Barnett Road/Case Road at Ethanac Road).

A-38 It should be noted that the Project would only add eastbound and westbound through traffic at the intersection of Barnett Road/Case Road at Ethanac Road. Therefore, the Project would not directly impact the turn pockets or turning movement at the intersection and thus would not create or exacerbate turning hazards due to geometric design features at this intersection.

Further, based on review of the SWITRS data noted in the Comment from 2015-2017, there were three rear-end collisions for vehicles traveling eastbound or westbound at the intersection. Generally, improvements are recommended based on accident data for safety purposes if there are at least five accidents that are similar in nature (i.e. rear end) within a consecutive 12-month period where the accident could be mitigated with a geometric improvement (California Manual on Uniform Traffic Control Devices, CA MUTCD). Based on review of the SWITRS data noted above and the TIMS data reference in the Comment from 2020-2023, there is not at least five accidents that are similar in nature within a consecutive 12-month period that would be caused or enhanced by the addition of eastbound and westbound through Project traffic at the intersection of Barnett Road/Case Road at Ethanac Road (Intersection #13). Therefore, no improvements are required of the Project at this intersection and the Project would not create hazards due to geometric design features.

- A-39** Refer to Response to Comment A-36. No further response is warranted.
- A-40** It is noted that the overall intersection delay improves with the addition of Project traffic under Existing Plus Project conditions at Intersection #6 (SR-74 at Sherman Road), Intersection #7 (Goetz Road at Fieldstone Drive), Intersection #13 (Barnett Road/Case Road at Ethanac Road), and at Intersection #23 (Sun City Boulevard at McCall Boulevard). Delay at signalized intersections is calculated based on the overall average of delay on each approach. The decrease in overall average delay for the noted intersections is due to the addition of Project traffic to an approach with a lower delay than the other approaches, which brings the overall average of all delay down for the intersection.
- A-41** See Response to Comment A-36. Based on the Project Traffic Study, the intersection of Barnett Road/Case Road at Ethanac Road (Intersection #13) would operate at an acceptable LOS under Opening Year 2024 Cumulative Plus Project conditions. Therefore, no improvements are recommended at this study intersection in the Project Traffic Study. 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.
- A-42** 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 via the Conditions of Approval process. Condition of Approval 209 for the proposed Project notes that the Project is conditioned to construct all improvements recommended in the Project Traffic Study for the following intersections:
- #9 - Wheat Street at Ethanac Road
 - #10 - Byers Road at Ethanac Road
 - #12 - Evans Road at Ethanac Road

Based on Table 4 of the Project Traffic Study, the intersection of I-215 NB Ramps at Ethanac Road (#15) would have a direct project effect. Due to the regional nature and scope of Intersection #15 as part of the Ethanac Road/I-215 interchange, the Project will be contributing a fair-share

payment per Condition of Approval #212, instead of directly constructing improvements. It should be noted that the Ethanac Road/I-215 interchange has been identified as a Western Riverside Council of Governments (WRCOG) Transportation Uniform Mitigation Fee (TUMF) project. Therefore, the Project's payment of TUMF fees will cover additional costs to TUMF projects, such as the Ethanac Road/I-215 interchange. Nevertheless, the recommended improvements to deficient study locations are to address automobile delay, which are no longer CEQA impacts and therefore, not required improvements to mitigate CEQA-related impacts. **A-43** Refer to Response A-42. No further response is warranted.

A-44 Refer to Response A12 regarding offsite improvements. Refer to Response A14 regarding the testing of diesel-powered fire pumps and/or diesel generators.

A-45 The commenter notes that the Greenhouse Gas Emissions Assessment used CalEEMod version 2020.4 and acknowledges that SCAQMD recommended that all air quality analyses conducted after December 21, 2022 use the latest version of CalEEMod. Consistent with SCAQMD's recommendations, the 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 latest available software at the time the analysis was conducted.

A-46 Refer to Response A-12.

A-47 **MM AQ-3** requires the Project operator to submit a TDM program to the City. This measure provides 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 plan is the performance standard for this mitigation measure, as the Project cannot compel employees not to drive their own vehicles to work. As a result, it is not possible to require an absolute VMT reduction as a mitigation target, however TDM programs are commonly used in the industry and are supported by CAPCOA,¹ CARB,² SCAQMD,³ and SCAG⁴ as a VMT (and thus air quality and GHG) reduction strategy. The commenter implies that this mitigation measure is the main source of NO_x reductions that reduced emission to less than significant levels, however CalEEMod only took credit for 0.3 percent reduction of NO_x emissions associated with **MM AQ-3**. Although not acknowledged by the commenter, **MM AQ-4**, which requires all cargo handling equipment to be zero emissions, is the main source of NO_x emission reduction which resulted in less than significant levels.

A-48 As discussed in Response A-12, the CalEEMod modeling for the Project included an additional 3.39 acres to conservatively include all offsite improvements associated with the Project. CalEEMod provides a list of typical construction equipment based on the size of the Project site and the types of land uses proposed. As a result, all construction equipment necessary for the offsite

¹ California Air Pollution Control Officers Association. page 76.

https://www.airquality.org/ClimateChange/Documents/Handbook%20Public%20Draft_2021-Aug.pdf

² California Air Resources Board. page 100. <https://ww2.arb.ca.gov/sites/default/files/2019-11/Final%20SCS%20Program%20and%20Evaluation%20Guidelines%20Appendices.pdf>

³ South Coast AQMD. page 4-52. <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/final-2022-aqmp/07-ch4.pdf?sfvrsn=6>

⁴ Southern California Association of Governments. <https://scag.ca.gov/TDM>

improvements identified in the Traffic Study, located in Appendix K of the Draft EIR, have been included in the construction noise model. As shown in **Table 4.11-9: Project Construction Noise Levels** of the Draft EIR, construction noise would not exceed noise thresholds and therefore would not result in a significant noise impact.

A-49 The commenter seems to suggest that the cumulative noise threshold used in the analysis was not correct but does not provide details regarding what threshold the commenter believes is appropriate. Cumulative noise impacts are discussed on pages 4.11-25 through 4.11-27 of the Draft EIR. As discussed in response **A-50** below, consistent with CEQA, a two-step process for determining cumulative noise impacts was used in the analysis.

A-50 In accordance with CEQA Guidelines, the Draft EIR addresses the cumulative noise impacts by addressing the following two step process: (1) whether the effects of the Project combined with other projects are cumulatively significant and (2) whether the Project's incremental contribution to the impact is cumulatively considerable. Draft EIR **Table 4.11-13: Cumulative Off-Site Traffic Noise Levels** identifies both the combined and incremental noise increases.

Draft EIR **Table 4.11-13** shows the combined traffic noise levels of the Project and other future projects would increase noise levels over 3 dBA above existing conditions at two roadway segments on Ethanac Road, one between Wheat Street and Murrietta Road and the other between Murrieta Road and Evans Road. These two roadway segments satisfy the first step, in identifying cumulative impacts. Therefore, the Draft EIR identifies the cumulative impact. However, the Project's incremental contribution to these impacts is not cumulatively considerable as the incremental contribution must exceed 1.0 dBA to be considered significant. As shown in **Table 4.11-13**, the incremental increase associated with the Project at these roadway segments are 0.99 dBA and 0.72 dBA. As discussed previously, to be considered a cumulatively significant impact, an impact must satisfy both conditions of the two-step cumulative process. As shown in **Table 4.11-13**, none of the roadway segments satisfy both conditions, therefore the Project's incremental effect would not be cumulatively considerable, and the Project would not result in cumulatively significant impacts.

The comment incorrectly states that the Draft EIR does not identify a significant impact. As noted above, the Draft EIR identified the cumulative impact. However, the Draft EIR determines that this impact would not be cumulatively considerable and therefore not significant.

A-51 As stated in Final EIR Response to Comment G10, 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, for this Project, 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.

A-52 Refer to Response to Comment A-51 above.

- A-53** This comment is a conclusion of the City of Perris' appeal letter and does not raise any substantive issues. No further response is warranted.
- A-54** This comment is an attachment of the City of Perris' letter submitted to the City of Menifee containing initial comments on December 22, 2021. Those initial comments were addressed in the Draft EIR. No further response is warranted.
- A-55** This comment is an attachment of the City of Perris' letter submitted to the City of Menifee on the NOP on May 16, 2022. The comments on the NOP were taken into consideration and incorporated as appropriate into the Draft EIR. No further response is warranted.
- A-56** This comment is an attachment of the City of Perris' letter submitted to the City of Menifee during the public review period of the Draft EIR on April 26, 2024. This letter was fully responded to as part of the Final EIR for the project dated August 2024. No further response is warranted.
- A-57** Refer to Response to Comment A-54 above.
- A-58** Refer to Response to Comment A-55 above.
- A-59** This comment is an attachment of the City of Perris' letter submitted to the City of Menifee in consideration of the Final EIR approval by City of Menifee Planning Commission on August 14, 2024. No further response is warranted.
- A-60** The City of Perris's email correspondence with the City of Menifee from June 11, 2024 has been noted and no further response is warranted.
- A-61** Refer to Response to Comment A-54 above.
- A-62** Refer to Response to Comment A-55 above.
- A-63** Refer to Response to Comment A-56 above.
- A-64** Refer to Response to Comment A-56 above. The comment also includes FEIR Responses to Comments to the City of Perris' letter. No further response is warranted.

RESOLUTION NO. 24-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA DENYING APPEAL NO. PLN24-0169 OF THE CADO
MENIFEE INDUSTRIAL WAREHOUSE PROJECT (TENTATIVE
PARCEL MAP NO. PLN22-0041 AND PLOT PLAN NO. PLN21-0370)**

WHEREAS, on November 15, 2021, the applicant, CADO Menifee, LLC (“Applicant”), filed a formal application with the City of Menifee for the approval of Tentative Parcel Map (TPM) No. 38139 (PLN22-0041) to consolidate eight parcels into one industrial parcel for a total of approximately 40.03 gross acres and 36.81 net acres, and Plot Plan (PP) No. PLN21-0370 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 the same 40.03 gross acre site (the “Project”). The Project site is generally located north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road within the City of Menifee (City), County of Riverside, State of California (APNs: 330-190-002 through -005 and 330-190-010 through -013); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared to analyze and mitigate the Project’s potentially significant environmental impacts; and

WHEREAS, on August 14, 2024, at a legally noticed public hearing, the Planning Commission voted 3-1-1 to certify the EIR and approve TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 for the Project; and

WHEREAS, on August 20, 2024, an application to appeal Planning Commission certification of the EIR for the Project and approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 was submitted by the Golden State Environmental Justice Alliance; and

WHEREAS, on November 6, 2024, the City Council of the City of Menifee held a public hearing on the appeal of the Planning Commission’s certification of the EIR and approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 and Resolution Nos. PC24-0639 and PC24-0640, considered all public testimony as well as all materials in the staff report and accompanying documents for the appeal, which hearing was publicly noticed by a publication in *The Press Enterprise*, a newspaper of general circulation, an agenda posting, notice to property owners within 300 feet of the Project boundaries, on-site posting at the Project site, and to persons requesting public notice.

NOW THEREFORE, the City Council of the City of Menifee hereby approves the following:

1. That the City Council finds the facts presented within the public record and within the Resolution provides the basis to deny Appeal No. PLN24-0169 and uphold the Planning Commission certification of the EIR and approval of TPM No. 38139 (PLN22-0041) and PP No. PLN21-0370 and Resolution Nos. PC24-0639 and PC24-0640.

2. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code section 21081.6.

PASSED, APPROVED AND ADOPTED this 6th day of November 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney



Green Jobs & Clean Communities

August 16, 2024

Menifee City Council
City of Menifee
29844 Haun Rd.
Menifee, CA 92586

Subject: Appeal to the Menifee City Council regarding a decision of the Menifee Planning Commission, during the Planning Commission Meeting of August 14, 2024. Specifically, the Certification of the Environmental Impact Report for Tentative Parcel Map 38139 / PLN 22-0041 / PLN 21-0370

Project Name: CADO Menifee Industrial Warehouse Project - SCH# 2022040622

Appellant: Golden State Environmental Justice Alliance

PURPOSE OF APPEAL

This appeal seeks to reverse the entire decision of the Menifee City Planning Commission issued on August 14, 2024, approving the CADO Menifee Industrial Warehouse Project.

REASONS FOR APPEAL AND DENIAL OF PROJECT

Golden State Environmental Justice Alliance (“Appellant”) presented multiple arguments in our comment letter dated April 26, 2024, addressing the flaws of the EIR (see attached). Additionally, comments sent to the Planning Commission on August 11, 2024, addressed the Commission’s duty to adequately address the environmental, social, and economic justice burden placed on the City of Menifee residents. The Planning Commission should have requested a new EIR be prepared for this project, due to the deficiencies of the EIR and continued health, air quality, ozone and pollution impacts the citizenry of Menifee will suffer based on our comment letters dated April 26, 2024, and August 11, 2024.



Green Jobs & Clean Communities

Grievances

The Planning Commission erred on August 14, 2024, in approving the project by determining the project would not result in further impacts on an already pollution-burdened citizenry. With the Commission’s decision to approve the project, GSEJA believes the Commission did not fulfill its duty to adequately investigate nor mitigate the project. Further, under CEQA, the city must “Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.”

2

Furthermore, this appeal also addresses the inadequacy of the Planning Commissions understanding of the California Environmental Quality Act's purpose in properly applying the law and its intent as defined below by the California Legislature in passing CEQA.

3

The importance of a healthy environment for all of California’s residents is reflected in CEQA’s purpose. In passing CEQA, the Legislature determined:

CEQA’s Purposes

- “The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code, § 21000, subd. (a).)
- We must “identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.” (Id. at subd. (d).)
- “[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” (Id. at subd. (g).)
- We must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” (Pub. Res. Code, § 21001, subd. (b).)

4

Cities, counties, and other local governmental entities have an important role to play in ensuring environmental justice for all of California’s residents. Under state law: “[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

5



Green Jobs & Clean Communities

(Gov. Code, § 65040.12, subd. (e).) Fairness in this context means that the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.

GSEJA provided in our comments dated August 11, 2024, some of the Cal Enviro Screening Information below depicting the severity of the level of pollution and health hazards the City of Menifee and its citizens are already experiencing. The overall percentiles of the pollution exposures below and its subsequent health impacts should have been enough data to reconsider the approval of the project and request a new EIR with enhanced mitigation measures.

Menifee - CADO Industrial Warehouse Project

Census Tract: 6065042731

Population: 8,161

Exposures	%
Ozone	91%
Traffic	74%
Pesticides	70%
Drinking Water	67%
Particulate Matter 2.5	51%
Sensitive Populations	%
Cardiovascular Disease	78%
Low Birth Weight	53%
Asthma	49%
Socioeconomic Factors	%
Education	79%
Unemployment	73%
Poverty	47%
Overall Percentiles	%
Population Characteristics Percentile	56%
CalEnviroScreen 4.0 Percentile	55%
Pollution Burden Percentile	45%
Environmental Effects	%
Hazardous Waste	50%

Cont.
5

6



Green Jobs & Clean Communities

Conclusion

Due to the above-mentioned reasons as well as the reasons listed in the original comment letter to the EIR and subsequent letter to the Planning Commission, GSEJA believes the EIR is flawed and a new EIR must be prepared for the proposed project and circulated for public review. GSEJA requests the City of Menifee City Council reverse the decision of the Planning Commission's approval of the project and require a new EIR.

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Sincerely,

Joe Bourgeois
Executive director
Golden State Environmental Justice Alliance
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Rich Golding
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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.

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.

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

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.

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.

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.

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

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>

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.

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.

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.

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

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>

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.

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.

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

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.

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

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.

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

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

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.

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.

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.

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

¹⁰ 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

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.

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.

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.)

¹¹ Data for all listed projects via City of Menifee Land Development Projects Map <https://cityofmenifee.maps.arcgis.com/apps/instant/minimalist/index.html?appid=55fc56d4eee94e588a28a958ceb908> 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

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.

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.

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

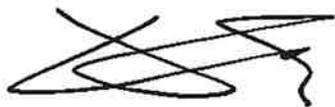
¹³ SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020
https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579

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.

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.

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=55fc56d4eee94e588a28a958ceb908> 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>



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April 18, 2024

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

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

Dear Mr. Ho,

We have reviewed the March 2024 Draft Environmental Impact Report (“DEIR”) for the CADO Meniffee Industrial Warehouse Project (“Project”) located in the City of Meniffee (“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).

Cont.
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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

Cont.
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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

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



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**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);

- 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.

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- 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

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 national 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.

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).

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.

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., **Fukanaga, 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.

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.

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Technical Consultation, Data Analysis and
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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.

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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
Plumas 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 Sauget, 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.

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.

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 Liamuiga 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., Tan, 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.

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.

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.

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 2010) 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.

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

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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

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

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- 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. 0i9-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
 Warnn 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

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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

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City of Menifee
Front Counter

08/20/2024 01:37 PM ASHLV A
004491-0011 29844 Haun Road
Menifee, CA 92586
951-672-6777

ERP - MISC REVENUE

Description: Appeal Fee
(APPEAL)

Reference 2: JOE
BOURGEOIS

Appeal Fee (APPEAL)
2025 Item: APPEAL
1 @ \$3,879.9900

Appeal Fee (APPEAL) \$3,879.99

\$3,879.99

Subtotal \$3,879.99
Total \$3,879.99

CHECK \$3,879.99
Check Number 0000007654

Change due \$0.00

Paid by: GOLDEN STATE ENVIRONMENTAL
JUSTICE ALLIANCE

GOLDEN STATE ENVIRONMENTAL JUSTICE ALLIANCE		7654
P.O. BOX 15222 CORONA, CA 92717		15-24722011 981
DATE 8-20-24		
PAY TO THE ORDER OF	City of Menifee	\$ 3879.99/100
THREE THOUSAND EIGHT HUNDRED SEVENTY NINE AND 99/100 DOLLARS		
FOR	CITY OF MENIFEE COPY	Richard Robbins

Thank you for your payment

City of Menifee COPY
DUPLICATE RECEIPT

City of Menifee

CADO Menifee Industrial Warehouse Project

Golden State Environmental Justice Alliance Appeal Comments and Responses

- B-1** This comment summarizes Golden State Environmental Justice Alliance (GSEJA)'s reasons for their appeal letter, requesting that a new EIR be prepared due to the deficiencies of the EIR and potential health concerns to the City of Menifee's citizens. Refer to Response to Comment B-6 below for further information.
- B-2** GSEJA's opinion that the City of Menifee Planning Commission did not adequately investigate or mitigate the impacts of this Project is noted. 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 environmental impacts and therefore, the City of Menifee Planning Commission's approval considered these factors. Lastly, GSEJA fails to provide any evidence supporting their claim that the Project's EIR did not sufficiently analyze all environmental impacts, per Appendix G Environmental Checklist Form, to the CEQA Guidelines.
- B-3** GSEJA's opinion of the City of Menifee Planning Commission's understanding of the CEQA is noted. No further response is warranted.
- B-4** This comment lists bullet points summarizing GSEJA's understanding of the purpose of CEQA. No further response is warranted.
- B-5** The City agrees that environmental justice is an important topic but GSEJA continues to fail to understand that CEQA does not require consideration of potential implications to environmental justice or socioeconomics as a specific resource. Furthermore, "environmental justice" is not listed within the "Environmental Factors Potentially Affected" in Appendix G, Environmental Checklist Form, to the CEQA Guidelines. Nonetheless, CalEnviroScreen was discussed in Draft EIR Appendix B, Health Risk Assessment (HRA) and the results of the HRA were summarized in Impact 4.2-3 of Draft EIR Section 4.2, Air Quality pertaining to the Project's impacts to sensitive receptors. An example of the Project's commitment to reduce health risk to nearby sensitive receptors is further discussed in Draft EIR Section 4.2 (page 4.2-34). The Project's implementation of Mitigation Measure (MM) HRA-1 would require that the Project use Tier 4 construction equipment or incorporation of CARB Level 3 Verified Diesel Emission Control Strategy (VDECS)

which would reduce cancer risk to 1.8 in one million, which is well below SCAQMD threshold of 10 in one million.

- B-6** The commenter provides a table of data from CalEnviroScreen for Census Tract 6065042731. Although the CalEnviroScreen scores are based on 21 indicators, the table only provides data on the worst 12 indicators which gives the false impression that the area is disproportionately impacted (note that the table does show that the Pollution Burden Percentile is only 45%). As discussed in Appendix B2 (Health Risk Assessment), CalEnviroScreen 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. Furthermore, as discussed within the Draft EIR, the proposed Project would not result in significant and unavoidable air quality impacts. Localized air quality impacts would be less than significant. Therefore, even if the topic of environmental justice was a required topic within the “Environmental Factors Potentially Affected” in Appendix G, Environmental Checklist Form, there would not be impacts to local residents as a result of approval of the proposed Project. Therefore, there are no significant impacts to local residents as a result of approval of the proposed Project. 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.
- B-7** This is a conclusion comment suggesting that the EIR is flawed and new EIR must be prepared and recirculated. This letter did not provide any substantial or factual evidence that supports GSEJA’s claim that the EIR is “flawed” or inadequate document. GSEJA also did not provide any evidence suggesting that the responses provided to the commenter’s April 26, 2024 letter submitted during the Project’s public review period of the Draft EIR were insufficient in addressing their previous concerns. The City urges GSEJA review the City’s responses to GSEJA’s letter in the FEIR.
- B-8** This is a copy of GSEJA’s letter submitted during the Project’s public review period of the Draft EIR. No additional comments were made, and the City suggests that the comment refer back to the City’s responses to their letter for further explanation and clarity.
- B-9** This is a receipt of GSEJA’s appeal fee. No further comment is warranted.

EXHIBIT "A"

CONDITIONS OF APPROVAL

Planning Application No.: **Plot Plan No. PLN 21-0370 and Tentative Parcel Map No. PLN 22-0041 ("CADO Menifee Industrial Warehouse Project")**

Project Description: **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. 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.

Tentative Parcel Map No. PLN 22-0041 (TPM 38139) proposes to consolidate 8 parcels into one (1) industrial parcel. The Project site is approximately 40.03 gross acres and 36.81 net acres.

The project site is located north of Corsica Lane, south of Kuffel Road, east of Wheat Street and west of Byers Road.

State Clearinghouse No.: 2022040622

Assessor's Parcel No.: 330-190-002 through -005 and -010 through -013

MSHCP Category: Non-residential (Industrial)

DIF Category: Industrial

TUMF Category: Determined by Western Riverside Council of Governments (WRCOG)

Quimby Category: N/A

Approval Date: August 14, 2024

Expiration Date: August 14, 2027

Section I: Community Development Department Conditions of Approval

Section II: Engineering/Grading/Transportation Conditions of Approval

Section III: Building and Safety Department Conditions of Approval

Section IV: Riverside County Fire Department Conditions of Approval

Section V: Riverside County Environmental Health Conditions of Approval

Section I:
Community Development Department
Conditions of Approval

GENERAL CONDITIONS

1. **Indemnification.** Within 48 hours of project approval, the Applicant/developer shall submit the necessary agreements to indemnify, defend, and hold harmless the City of Menifee and its elected city council, appointed boards, commissions, committees, officials, employees, volunteers, contractors, consultants, and agents from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either the City's approval of the Project or actions related to the Property or the acts, omissions, or operations of the applicant/developer and its directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the applicant/developer with respect to the ownership, planning, design, construction, and maintenance of the Project and the Property for which the Project is being approved.
2. **Filing Notice of Determination.** Within 48 hours of project approval, the Planning Division will determine the appropriate fees for the Notice of Determination (NOD) filing and request the payment of fees to the City of Menifee in the form of a check or cash. Upon receipt of payment, the Planning Division will file the NOD with the relevant agencies as required under Public Resources Code, California Code of Regulations and California Fish and Game Code.
3. **Exhibits.** The project shall be constructed as approved by the Planning Commission on August 14, 2024, and as shown in Attachment No. 1 in the accompanying staff report. Any subsequent changes shall be processed per Menifee Municipal Code Section 9.30.120 Modifications to Previously Approved Permits.
4. **Mitigation Monitoring.** The applicant shall comply with, prepare and submit a written report to the Community Development Director demonstrating compliance with those conditions of approval and mitigation measures of this Project which must be satisfied prior to the issuance of a grading permit for review and approval. The Community Development Director may require inspection or other monitoring to ensure such compliance.
5. **Ninety (90) Days.** The applicant has ninety (90) days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project.
6. **Subsequent Submittals.** Any subsequent submittals required by these Conditions of Approval, including but not limited to grading plan, building plan or mitigation monitoring review shall include appropriate fees paid as may be in effect at the time of submittal, as required by Resolution No. 24-1423 (Cost of Services Fee Study), or any successor thereto. Each submittal shall be accompanied with a letter clearly indicating which condition or conditions the submittal is intended to comply with.

7. **Expiration Date.** This approval shall become null and void three (3) years from the date of approval, unless the appropriate permits have been obtained and construction, defined as permit obtainment, commencement of construction of the primary building on site, and successful completion of the first Building and Safety Division inspection, or an extension of time application has been submitted to the Planning Division prior to the expiration date. Extensions may be granted per Menifee Municipal Code.
8. **Place of Sale.** The General Contractor/Developer is requiring that all contractors and subcontractors on the site direct local tax to the City of Menifee wherever possible. This direction will not increase the contractor's tax liability; however, it will increase the percentage amount of tax revenue the City will receive. The Developer is requiring the contractors and subcontractors work together with City officials and consultants to achieve an equitable outcome.

The Developer will require the contractors and subcontractors to exercise their option to obtain a California Department of Tax & Fee Administration sub-permit for the job site and allocate all eligible use tax payments to the City of Menifee. This condition applies to only those contractors/sub-contractors with individual contracts over \$5 million. Prior to any construction on-site, the developer will require the contractor and subcontractor to provide the City of Menifee with either a copy of their sub-permit that shows their CDTFA account number or a signed statement that sales and use tax does not apply to their portion of the project. The Developer/Contractor will provide the City/County and their consultant with a list of subcontractors associated with the project.

9. **Modifications or Revisions.** The applicant shall obtain City approval for any modifications or revisions to the approval of this project pursuant to Menifee Municipal Code Section 9.30.120 (Modifications to Previously Approved Permits), and such requests.
10. **Comply with Ordinances.** This project shall comply with the applicable standards of the City of Menifee Development Code, City of Menifee Municipal Code, City of Menifee Design Guidelines and all other applicable ordinances and State and Federal codes and regulations.
11. **Map Act Compliance.** This land division shall comply with the State of California Subdivision Map Act and to all requirements of Title 7 of the City of Menifee Municipal Code, unless modified by the conditions listed herein.
12. **Causes for Revocation.** In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of this permit, b) is found to have been obtained by fraud or perjured testimony, or c) is found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit may be subject to the City's authority to initiate applicable permit revocation procedures.
13. **Reclaimed Water.** The permittee shall connect to a reclaimed water supply for landscape watering purposes if secondary reclaimed water is available to the site at the time of grading permit issuance or as required by Eastern Municipal Water District.

14. **Outside Lighting.** Any outside lighting shall be hooded and directed so as not to shine directly upon adjoining property or public rights-of-way and so as to prevent either the spillage of lumens or reflection into the sky.
15. **Phases.** Construction of this project may be done progressively in phases provided a phasing map is submitted with appropriate fees to the Planning Division and approved prior to issuance of any building permits.
16. **Development Impact Fees.** The applicant shall pay all applicable development impact fees including but not limited to Development Impact (DIF), Multi-Species Habitat Conservation Plan (MSHCP), Quimby, Stephen's Kangaroo Rat (KRAT), School Fees, Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District (RBBB), and Area Drainage Plan (ADP).
17. **Outside Agencies.** The applicant shall comply with all comments and conditions of approval from any responsible agencies as shown in the attached letters from associated agencies.
18. **Anti-Graffiti Coating.** An anti-graffiti coating shall be provided on all block walls constructed as part of any phase of the Project, and written verification from the developer shall be provided to the Community Development Department.
19. **Property Maintenance.** All parkways, entryway medians, on-site and off-site landscaping, walls, fencing, recreational facilities, basins, and on-site lighting shall be maintained by the owner or private entity or the City of Menifee Community Facilities District (CFD).

All landscaping and similar improvements not properly maintained by a property owners association, individual property owners, or the common area maintenance director must be annexed into a Lighting and Landscape District, or other mechanism as determined by the City of Menifee.

The land divider, or any successor-in-interest to the land divider, shall be responsible for maintenance and upkeep of all slopes, landscaped areas and irrigation systems within the land division until such time as those operations are the responsibility of a property owner's association, or any other successor-in-interest.

The owners of each individual lot shall be responsible for maintaining all landscaping between the curb of the street and the proposed sidewalk and side yard landscaping between the curb of the street and proposed fencing, unless the landscaping is included within a separate common lot maintained by an HOA or other entity acceptable to the City of Menifee.

20. **Business Registration.** Every person conducting a business within the City of Menifee, as defined in Menifee Municipal Code, Chapter 5.01, shall obtain a business license. For more information regarding business registration, contact the Finance Department.
21. **Cold Storage Prohibited.** Per the Environmental Impact Report Mitigation, Monitoring and Reporting Plan, 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 the Environmental Impact Report and is therefore prohibited.

22. **Loading Areas.** Loading and/or unloading of goods/supplies shall occur in designated loading areas as shown on the approved exhibits. No loading or unloading is allowed within drive aisles, parking areas, or on adjacent public streets. Loading areas shall be kept free of debris and clean throughout the life of this plot plan.
23. **Outdoor Storage.** No outdoor storage is allowed unless otherwise approved as part of the project.
24. **Screening.** Sliding gates into loading areas visible from the street shall be constructed with wrought iron or tubular steel and perforated metal screening or equivalent durable material. The gate shall be painted to complement adjacent walls.
25. **Sound Dampening.** The design of dock-high loading doors shall minimize noise through installation of devices such as rubber seals and/or other sound-dampening features, and shall be included on the tenant improvement building permit plans.

Landscaping

26. **Interim Landscaping.** Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blow sand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Community Development Department and the South Coast Air Quality Management District (SCAQMD).
27. **Landscape Plans.** All landscaping plans shall be prepared in accordance with the City's Water Efficient Landscape Ordinance. Such plans shall be reviewed and approved by the Community Development Department, and the appropriate maintenance authority.

Archeology

28. **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.
29. **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, 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).

30. **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.
31. **Cultural Resources Disposition.** In the event that Native American cultural resources are discovered during the course of ground disturbing activities (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, items of Native American Cultural Patrimony, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

Paleontology

32. **Inadvertent Paleontological Find.** In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within fifty (50) feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the Community Development Department to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, the Project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the Community Development Department for review and approval and the Project proponent shall implement the approval plan.

PRIOR TO ISSUANCE OF GRADING PERMIT

33. **Processing Fees.** Prior to issuance of building permits, the Planning Division shall determine if any deposit-based fees for the project are in a negative balance. If so, any outstanding fees shall be paid by the applicant.
34. **Development Impact Fees.** The applicant shall pay all applicable development impact fees including but not limited to Development Impact Fee (DIF), Multi-Species Habitat Conservation Plan (MSHCP), Quimby, Stephen's Kangaroo Rat (KRAT), School Fees (Perris Union High School District, and Romoland School District), Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District (RBBD), and Area Drainage Plan (ADP).
35. **Mitigation Monitoring.** The applicant shall prepare and submit a written report to the Community Development Director or review and approval demonstrating compliance with the standard conditions of approval and mitigation measures identified in the Environmental Impact Report (EIR) for this project which must be satisfied prior to issuance of grading permits. The Community Development Director may require inspection or other monitoring to ensure such compliance.
36. **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.
 - a. 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.
 - b. 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.
 - c. 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 AB52 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 AB52 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:
 - d. Project grading and development scheduling;
 - i. 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

- ii. 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.

37. **Native American Monitoring (Pechanga/Soboba).** Tribal monitor(s) shall be required on-site during all ground-disturbing activities which are below the depths of the previous mass grading. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Indians and Soboba band 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.

The Developer shall relinquish ownership of all cultural resources, including all archaeological artifacts that are of Native American origin, found in the project area for proper treatment and disposition to a curational facility that meets or exceeds Federal Curation Standards outlined in 36 CFR 79. The applicant shall be responsible for all curation costs.

38. **Paleontologist Required.** 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
39. **Burrowing Owl Pre-Construction Survey.** The Project Developer shall retain a qualified biologist to conduct a pre-construction survey for Burrowing Owl within 30 days prior to the start of construction. The results of the single one-day survey would 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.
40. **Nesting Bird Pre-Construction Survey.** 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.

41. **Stockpiling/Staging.** During construction, best efforts shall be made to locate stockpiling and/or vehicle staging areas as far as practicable from existing residential dwellings.

PRIOR TO FINAL MAP

42. **Processing Fees.** Prior to approval of Final Map, the Planning Division shall determine if any deposit-based fees for the project are in a negative balance. If so, any outstanding fees shall be paid by the applicant.
43. **Development Impact Fees.** The applicant shall pay all applicable development impact fees including but not limited to Development Impact Fee (DIF), Multi-Species Habitat Conservation Plan (MSHCP), Stephen's Kangaroo Rat (KRAT), School Fees (Perris Union High School District, and Romoland School District), Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District (RBBD), and Area Drainage Plan (ADP). T
44. **Mitigation Monitoring.** The applicant shall prepare and submit a written report to the Community Development Director or review and approval demonstrating compliance with the standard conditions of approval and mitigation measures identified in the Environmental Impact Report (EIR) for this project which must be satisfied prior to issuance of grading permits. The Community Development Director may require inspection or other monitoring to ensure such compliance.
45. **Final Map.** After the approval of the TENTATIVE MAP and prior to the expiration of said map, the developer/owner shall cause the real property included within the TENTATIVE MAP, or any part thereof, to be surveyed and a FINAL MAP thereof prepared in accordance with the current Engineering Department requirements, the conditionally approved TENTATIVE MAP, and in accordance with Menifee Municipal Code Title 7 Subdivisions.
46. **Surveyor.** The FINAL MAP shall be prepared by a licensed land surveyor or registered civil engineer.
47. **ECS.** The developer/owner shall prepare an Environmental Constraints Sheet (ECS) in accordance with Menifee Municipal Code Title 7 Subdivisions, which shall be submitted as part of the plan check review of the FINAL MAP.
48. **Dark Sky Ordinance.** The following Environmental Constraints Note shall be placed on the ECS:

"This property is subject to lighting restrictions as required by the Menifee Municipal Code Chapter 6.01, the "Dark Sky Ordinance", which are intended to

reduce the effects of night lighting on the Mount Palomar Observatory. All proposed outdoor lighting systems shall be in conformance with the Dark Sky Ordinance.”

49. **ECS Note EIR.** The following Environmental Constraints Note shall be placed on the ECS:

“An EIR was prepared for this property by Kimley Horn and is on file at the City of Menifee Planning Division (State Clearinghouse No. 2022040622). The property is subject to environmental restrictions based on the results of the reports. A Mitigation Monitoring and Reporting Program (MMRP) was adopted with the EIR and should be referenced to determine project compliance prior to recordation of the final map.”

PRIOR TO BUILDING PERMIT ISSUANCE

50. **Processing Fees.** Prior to issuance of building permits, the Community Development Department shall determine if the deposit-based fees for the project are in a negative balance. If so, any outstanding fees shall be paid by the applicant.
51. **Development Impact Fees.** The applicant shall pay all applicable development impact fees including but not limited to Development Impact Fee (DIF), Multi-Species Habitat Conservation Plan (MSHCP), Quimby (Parks and Rec), Stephen’s Kangaroo Rat (KRAT), School Fees (Perris Union High School District, Menifee Union School District and Romoland School District), Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District (RBBD), and Area Drainage Plan (ADP).
52. **Mitigation Monitoring.** The applicant shall prepare and submit a written report to the Community Development Director or review and approval demonstrating compliance with the standard conditions of approval and mitigation measures identified in the Environmental Impact Report (EIR) for this project which must be satisfied prior to issuance of grading permits. The Community Development Director may require inspection or other monitoring to ensure such compliance.
53. **No Building Permit Prior to Final Map.** No building permit shall be issued until the Final Map described above has been recorded.
54. **Lighting.** Light fixtures shall be decorative and consistent with the City of Menifee Design Guidelines and included in the Building and Safety plans. Architecturally appropriate themed lighting fixtures shall be located along the project roads, project entrances, walkways, open space areas and other focal points on the project site and shall be subject to Community Development Department review and approval.
55. **Roof-Mounted Equipment Plans.** Prior to issuance of certificate of occupancy, Community Development staff will verify that all roof mounted equipment will be screened in compliance with approved plans.
56. **Electrical Cabinets.** All electrical cabinets shall be located inside a room that is architecturally integrated into the design of the building.

57. **Screening of Accessory Structures.** Screening of accessory structures (including mechanical equipment) shall be compatible in color and materials to primary structures.
58. **Double Detectors.** Double detector check valve assemblies (backflow preventers) for landscape irrigation and domestic water shall not be located at visually prominent locations (such as the end of drive aisles or at site entries) and shall be well-screened with shrubs, berming, or low screen walls.
59. **Crime Prevention through Environmental Design Guidelines.** All plants, landscaping and foliage shall fall within current CPTED (Crime Prevention through Environmental Design) guidelines.
60. **Break Areas.** Outdoor employee break/lunch areas with seating, trash bins, shade and landscaping shall be provided near each office area of each building and located away from loading, storage and trash areas. The exact location and design shall be shown on the landscape and irrigation plans and shall be reviewed and approved by the Community Development Department prior to building permit issuance. An indoor break area can be substituted for an outdoor break area at the discretion of the Community Development Director if the indoor break area is determined to provide superior amenities or if it is determined that there is no acceptable location for an outdoor break area near the office area.
61. **Security Systems.** Prior to the issuance of Building Permits, the applicant shall prepare a security plan for the site and submit to the Menifee Police Department for review and approval. The security plan for this project shall include a comprehensive security camera system that clearly depicts the entire parking field. This security camera system shall be 4k quality with High-Definition Resolution based in the building containing the management office for this development, or inside a security office or other place acceptable to the City of Menifee Police Department, that is accessible to law enforcement at all times of the day and night. The security camera system shall have a recording capacity to minimally save footage for a period of 30 days or as approved by the Police Department. While not required for all developments, the integration of Automated License Plate Reader (ALPR) technology at vehicle entrance and exit points is strongly recommended. This technology serves as a powerful investigative tool for law enforcement agencies when investigating criminal activity. ALPR cameras are cameras specifically designed to read and record vehicle license plates as they enter and exit this complex. It should be noted that high quality day/night vision LPR cameras are relatively inexpensive. The plan shall be approved prior to issuance of Building Permits. The Police Department and/or Community Development Department shall verify that the security system has been installed prior to final occupancy.

In addition, the trash enclosure shall be properly secured and have a lock as well as a covering to keep unauthorized persons from entering the dumpster area.
62. **Utilities Underground.** All utilities, except electrical lines rated 33 kV or greater, shall be installed underground. If the applicant provides to the Building and Safety Division and the Planning Division a definitive statement from the utility provider refusing to allow underground installation of the utilities they provide, this condition shall be null and void with respect to that utility.

Landscaping

63. **Landscaping Submittals.** Final landscape plan submittals are divided into two different processes. All on-site landscaping plans shall be submitted to the Planning Department for review and approval. The on-site landscaping shall include any basins, streetscape, open space and planters on private property that is maintained by the property owner or private entity (HOA or Common Maintenance Entity/Association). All off-site landscaping plans shall be submitted to the Engineering and Public Works Department for review and approval. Off-site plans shall include landscaping in areas maintained by the Community Facilities District (CFD) and are located within the City of Menifee Right-of-Way which can include streetscape, basins or slopes.

64. **Construction Plans.** Prior to building permit issuance, the applicant shall submit the following construction plan applications to the Planning Division (pursuant to Menifee Municipal Code) for review and approval. The fee for each submittal will be determined by Resolution No. 24-1423 Cost of Services Fee Study and Planning Division Fee Schedule at the time of application submittal. Construction Plan Submittals include:

A. On-Site Landscaping – all Property Owner maintained landscaping and irrigation. Performance Securities will be required prior to approval of this Landscape Construction Plan.

Additional submittal requirements can be found in the submittal checklist found on the Community Development Department's website. All Landscape Construction Plans must be approved prior to the issuance of any building permit.

65. **Landscape Inspections.** Prior to issuance of Building Permits, the Applicant shall open a Landscape Deposit Based Fee case and deposit the prevailing deposit amount to cover the pre-installation inspections, installation inspections, Six Month Post Establishment and One Year Post Establishment Landscape Inspections.

66. **Performance Securities (Bonds).** Performance securities, in amounts to be determined by the Director of Community Development to guarantee the installation of plantings and irrigation system in accordance with the approved plan, shall be filed with the Department of Community Development. Securities may require review by City Attorney and City staff. The applicant holder is encouraged to allow adequate time to ensure that securities are in place. The performance security may be released one year after structural final, inspection report, and the One-Year Post Establishment report confirms that the planting and irrigation components have been adequately installed and maintained. A cash security shall be required when the estimated cost is \$2,500.00 or less.

67. **Utility Screening.** All utilities shall be screened from public view. Landscape construction drawings shall show and label all utilities and provide appropriate screening. Provide a three-foot clear zone around fire check detectors as required by the Fire Department before starting the screen. Group utilities together in order to reduce intrusion. Screening of utilities is not to look like an after-thought. Plan planting beds and design around utilities. Locate all light poles on plans and ensure that there are no conflicts with trees.

68. **Interim Landscaping.** Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blown sand nuisance and shall be either planted with

interim landscaping or provided with other wind and water erosion control measures as approved by the Community Development Department.

PRIOR TO FINAL INSPECTION

69. **Processing Fees.** Prior to final inspection, the Planning Division shall determine if any fees for the project are in a negative balance. If so, any outstanding fees shall be paid by the applicant.
70. **Development Impact Fees.** The applicant shall pay all applicable development impact fees including but not limited to Development Impact Fee (DIF), Multi-Species Habitat Conservation Plan (MSHCP), Quimby (Parks and Rec), Stephen's Kangaroo Rat (KRAT), School Fees (Perris Union High School District, Menifee Union School District and Romoland School District), Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District (RBBD), and Area Drainage Plan (ADP).
71. **Mitigation Monitoring.** The applicant shall prepare and submit a written report to the Community Development Director or review and approval demonstrating compliance with the standard conditions of approval and mitigation measures identified in the Environmental Impact Report (EIR) for this project which must be satisfied prior to issuance of grading permits. The Community Development Director may require inspection or other monitoring to ensure such compliance
72. **Archaeology 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 Archaeologist to submit two copies of the Phase III Data Recovery report (if required 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 copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).
73. **Paleontological Monitoring Report.** Prior to issuance of a certificate of occupancy, the applicant shall submit to the Community Development Department, an electronic copy of the Paleontology Monitoring Report in accordance with the procedures outlined in the PRIMP. The report shall be certified by a professional paleontologist listed on Riverside County's Paleontology Consultant List. A deposit for the review of the report will be required.
74. **Final Planning Inspection.** The applicant shall obtain final occupancy sign-off from the Community Development Department for each building permit issued by scheduling a final Planning inspection prior to the final sign-off from the Building Department. Planning staff shall verify that all pertinent conditions of approval have been met, including compliance with the approved elevations, site plan, parking lot layout, decorative paving, public plazas, etc. The applicant shall have all required paving,

parking, walls, site lighting, landscaping and automatic irrigation installed and in good condition.

Landscaping

75. **Soil Management Plan.** The applicant shall submit a Soil Management Plan (Report) to the Community Development Department before the Landscape Installation Inspection. The report can be sent in electronically. Information on the contents of the report can be found in the County of Riverside Guide to California Friendly Landscaping page 16, #7, "What is required in a Soil Management Plan?"
76. **Landscape Inspections.** The applicant shall obtain a final certificate of completion from the Planning Division's Landscape Inspector for each building permit issued by scheduling a final landscape inspection prior to the final occupancy from the Planning Division.
77. **Landscaping.** All landscape planting and irrigation shall be installed and inspected in accordance with approved exhibits and Menifee Municipal Code.

Section II:
Engineering/Grading/Transportation
Conditions of Approval

PLOT PLAN CONDITIONS OF APPROVAL

STANDARD POLICIES & PROCEDURES

78. All required public improvements must be constructed and accepted by the City prior to issuance of the first and any subsequent certificate of occupancy, unless approved by City Engineer/Public Works Director. For “public improvements” related to this project, see Section E.
79. Any Engineering Design exceptions shown on the tentative map and associated engineering documents that are not specifically requested are not approved solely by virtue of inclusion on such documents. Engineering Design exceptions to City design standards and policies must be specifically requested in writing and approved by City Engineer/PW Director.
80. The developer is responsible to furnish & install one 2” and one 3” conduit for traffic signal interconnect and broadband purposes, per City of Menifee Standard Detail 1005, along all circulation element roads and intersections. Applicant may request wifi connection to be approved by the City Engineer / PW Director.
81. **Subdivision Map Act** – The developer / property owner shall comply with the State of California Subdivision Map Act and all other laws, ordinances, and regulations pertaining to the subdivision of land.
82. **Engineering Plans / Mylars** – All improvement plans and grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch Mylar and signed by a licensed civil engineer and/or other registered/licensed professional as authorized by State law.
83. **Guarantee for Required Improvements** – Prior to grading permit issuance, construction permit issuance, financial security or bonds shall be provided to guarantee the construction of all required improvements within the public right-of-way and grading / water quality management facilities associated with each phase of construction, per the City’s municipal code.
84. If warranted as a result of the project improvements, the Public Works Director may require the dedication and construction of necessary utilities, streets, or other improvements outside the area of any particular map phase if the improvements are needed for circulation, drainage, parking, and access or for the welfare and safety of the public.
85. **Bond Replacement, Reduction, and Releases** – All requests for bond replacements (such as in changes of property ownerships), reductions (such as in partial completion of improvements), releases (such as in completion of improvements), shall conform to City policies, standards, and applicable City ordinances. It shall be the responsibility of the developer / property owner to notify the City in time when any of these bond changes are necessary. The City shall review all changes in Bond Agreements and the accompanying bonds or security.
86. **Existing and Proposed Easements** – The final grading plan and improvement plans, as applicable, shall correctly show all existing and proposed easements. Any omission or misrepresentation of these documents may require said plan to be resubmitted for further consideration.

87. **Plan Check Submittals** – Appropriate plan check submittal forms shall be completed and submittal check list provided that includes required plan copies, necessary studies / reports, references, fees, deposits, etc. Prior to final approval of improvement plans by the Public Works / Engineering Department, the developer / property owner shall submit to the Public Works / Engineering Department CAD layers of all improvements to be maintained by the City (pavement, sidewalk, streetlights, etc.). A scanned image of all final approved grading and improvement plans on a Universal Serial Bus (USB) drive, also known as a “flash” drive or “thumb” drive, shall be submitted to the Public Works / Engineering Department, in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) or (c) Geodatabase (made up of ESRI extension .gdb). CAD files created with the latest version shall only be accepted if approved by the Public Works Director / City Engineer. GIS and ACAD files 2004 or later are required for all final maps upon approval.

88. **Final Map Submittal Process** – Appropriate final map plan check submittal forms shall be completed and appropriate fees or deposits paid. Prior to approval of the final map by the City Council, the developer / property owner shall provide along with the final map mylars, electronic files of the final map on Compact Disc (CD), in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) and (c) Geodatabase (made up of ESRI extension .gdb). CAD files created with the latest version shall only be accepted if approved by the Public Works Director / City Engineer.

89. **Plan Approvals** – Improvement plans and grading plans shall be submitted with necessary supporting documentation and technical studies (hydrology, hydraulics, traffic impact analysis, geotechnical studies, etc.) to the Public Works / Engineering Department for review and approval. All submittals shall be signed and date stamped by the Engineer of Record. The plans must receive Public Works / Engineering Department approval prior to issuance of any applicable permit as determined by the Public Works Director / City Engineer. All submittals shall include a completed City Fee or Deposit Based Worksheet and the appropriate plan check. For improvements proposed to be owned and maintained by the Riverside County Flood Control and Water Conservation District, improvement plans must receive district approval prior to Building permit issuance or as determined by the District.

All required improvement plans and grading plans must be approved by the Public Works Engineering Department prior to issuance of any construction and/or grading permit, whichever comes first and as determined by the Public Works Director. Supporting City approved studies including, but not limited to, hydrologic and hydraulic studies and traffic studies must be provided prior to approval of plans. All required Citywide Community Facilities District (CFD) landscape plans must be approved prior to building permit issuance.

90. **As-Built Plans** – Upon completion of all required improvements, the developer/property owner shall cause the civil engineer of record to prepare as-builts of all project plans, and submit project base line of work for all layers on a USB drive to the Public Works / Engineering Department, in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) or (c) Geodatabase (made up of ESRI extension .gdb). The timing for submitting the as-built plans shall be as determined by the Public Works Director / City Engineer, and prior to Acceptance of improvements and Performance security/bond release.

91. **Construction Times of Operation** – The developer / property owner shall monitor, supervise, and control all construction and construction related activities to prevent them from causing a public nuisance including, but not limited to, strict adherence to the following:

- a. Construction activities shall comply with City of Menifee ordinances relating to construction noise. Any construction within the City limits located 1/4 of a mile from an occupied residence shall be permitted Monday through Saturday, except on nationally recognized holidays, 7:00 a.m. to 7:00 p.m. in accordance with Municipal Code Section 8.01.020. There shall be no construction permitted on Sunday or nationally recognized holidays unless prior approval is obtained from the City Building Official or City Engineer.
 - b. Removal of spoils, debris, or other construction materials deposited on any public street no later than the end of each working day.
 - c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant to remedies as set forth in the City Municipal Code. In addition, the Public Works Director / City Engineer or the Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such a time it has been determined that all operations and activities are in conformance with these conditions.
 - d. A Pre-Construction meeting is mandatory with the City's Public Works Inspection team prior to permit issuance and the start of any construction activities for this site.
92. **Dry Utility Installations** – Electrical power, telephone, communication, traffic signal, street lighting, and cable television conduits and lines shall be placed underground in accordance with current City Ordinances 460 and 461, and as approved by the Public Works Director / City Engineer. This applies also to existing overhead lines which are 33.6 kilovolts or below along the project frontage and within the project boundaries. In cases where 33.6kV or below lines are collocated with high voltage lines (for example, 115kV), the low voltage lines shall be placed underground even when the high voltage lines are exempt from relocation or undergrounding in accordance with City standards and ordinances. Exemption from undergrounding low voltage lines shall only be by the Public Works Director / City Engineer or as directed by the City Council.
93. All grading activities shall conform to the latest adopted edition of the California Building Code, City Grading Ordinance, Chapter 8.26, applicable City design standards and specifications, City ordinances, policies, rules and regulations governing grading in the City.
94. **Regulations and Ordinance on Grading Within the City** – In addition to compliance with City Chapter 8.26, grading activities shall also conform to the latest edition of the California Building Code, City General Plan, other City Ordinances, City design standards and specifications and all other relevant laws, rules and regulations governing grading in the City of Menifee. Prior to commencing any grading, clearing, grubbing or any topsoil disturbances, the applicant shall obtain a grading permit from the Public Works / Engineering Department. Grading activities that are exempt from a grading permit as outlined by the City ordinance may still require a grading permit by the Public Works Director / City Engineer when deemed necessary to prevent the potential for adverse impacts upon drainage, sensitive environmental features, or to protect property, health safety, and welfare.

95. **Dust Control** – All necessary measures to control dust shall be implemented by the developer during grading. Fugitive dust shall be controlled in accordance with Rule 403 of the California Air Quality Control Board.
96. **2:1 Maximum Slope** – Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved by the Public Works / Engineering Department.
97. **Slope Setbacks** – Observe slope setbacks from buildings and property lines per the California Building Code and City ordinance on grading.
98. **Slope Landscaping and Irrigation** – All slopes greater than or equal to 3 feet in vertical height shall be irrigated and landscaped with grass or ground cover. All manufactured slopes shall be irrigated and landscaped with grass or approved ground cover, and shall have some type of drainage swale at the toe of the slope to collect runoff. Slopes exceeding 15 feet in vertical height shall be irrigated and planted with shrubs and/or trees per City Grading Ordinance Chapter 8.26. Drip irrigation shall be used for all irrigated slopes.
99. **Slope Erosion Control Plan** - Erosion control and/or landscape plans are required for manufactured slopes greater than 3 feet in vertical height. The plans shall be prepared and signed by a licensed landscape architect and bonded per applicable City ordinances.
100. **Slope Stability Report** – A slope stability report shall be submitted to the Public Works / Engineering Department for all proposed cut and fill slopes steeper than 2:1 (horizontal:vertical) or over 20 feet in vertical height, unless addressed in a previously city approved report.
101. **Erosion Control Plans** – All grading plans shall require erosion control plans prior to approval. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or drainage facilities. Plans showing erosion control measures may be included as part of the grading plans or submitted as a separate set of plans for city review and approval. Graded but undeveloped land shall provide, in addition to erosion control planting, any drainage facilities deemed necessary to control or prevent erosion. Erosion and sediment control Best Management Practices (BMPs) are required year-round in compliance with all applicable City of Menifee Standards and Ordinances and the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit from the California State Water Resources Control Board (SWRCB). Additional Erosion protection may be required during the rainy season.
102. **Water Quality Management Plan (WQMP)** – All grading plans shall require an approved copy of the Water Quality Management Plan sheet per the approved WQMP, executed report. The developer / property owner shall comply with the requirements of the WQMP report, the NPDES municipal permit in force, and City standards and specifications.
103. **Design Grade Criteria** – Onsite parking areas shall be designed in accordance with the current version of City of Menifee Standards and Specifications. Non-compliance may require a redesign of the project. Significant redesigns may require a revised Plot Plan. The following design grade criteria shall be followed:

- a. On-Site Parking – Where onsite parking is designed, such as in common areas, parking stalls and driveways shall not have grade breaks exceeding 4%. A 50' minimum vertical curve shall be provided where grade breaks exceed 4%. Five percent grade is the maximum slope for any parking area. Where Americans with Disabilities Act (ADA) requirements apply, the ADA requirement shall prevail.
 - b. Down Drains - Concrete down drains that outlet onto parking lot areas are not allowed. Drainage that has been collected in concrete ditches or swales should be collected into receiving underground drainage system, or should outlet with acceptable velocity reducers into BMP devices.
 - c. Pavement - Permeable pavement requires the layers of filter material to be installed relatively flat. As such, the permeable pavement areas should have a maximum surface gradient of 2%, or approved by the Public Works Director/City Engineer.
104. **Drainage Grade** – Minimum drainage design grade shall be 1.5% except on Portland cement concrete surfaces, where 0.50% shall be the minimum for concentrated flow conveyance (for example, ribbon gutters). The engineer of record must submit a variance request for design grades less than 1% with a justification for a lesser grade.
105. **Finish Grade** – Shall be sloped to provide proper drainage away from all exterior foundation walls in accordance with City of Menifee Standard Plan 300.
106. **Use of Maximum and Minimum ADA Grade Criteria** – Actual field construction grades shall not exceed the minimum and maximum grades for ADA and approved project grading design, to allow for construction tolerances. Any improvement that is out of the minimum and maximum values will not be accepted by the City Inspector and will need to be removed and replaced at developer's or owner's expense.
107. **Licensed Geotechnical Engineer** – A California licensed Geotechnical Engineer shall perform final determination of the foundation characteristics of soils within on-site development areas, and per the approved geotechnical report reviewed and approved by the City.
108. **Retaining Walls** – Sections, which propose retaining walls, will require separate permits. They shall be obtained prior to issuance of any other building permits – unless otherwise approved by the Building Official and/or the Public Works Director / City Engineer. The walls shall be designed by a licensed civil engineer and conform to City Standards. The plans shall include plan and profiles sheets.
109. **Trash Racks** – Trash Racks shall be installed at all inlet structures that collect runoff from open areas with potential for large, floatable debris.
110. **Riverside County Flood Control and Water Conservation District (RCFCWCD) Encroachment Permit Required** – An Encroachment Permit Is required for any work within District right of way or any connection to District facilities. The Encroachment Permit application shall be processed and approved concurrently with the improvement plans.
111. **RCFCWCD Submittal of Plans** – A copy of the project specific WQMP, improvement plans, grading plans, BMP improvement plans and any other necessary documentation along with supporting hydrologic and hydraulic calculations (drainage report) shall be submitted to

the District as reference material for the review and approval of the final drainage report and storm drain plans that propose construction of storm drain facilities that will be owned and maintained by the District.

112. **Grading Permit for Clearing and Grubbing** – City ordinance on grading requires a grading permit prior to clearing, grubbing, or any topsoil disturbances related to construction grading activities.

113. **Compliance with NPDES General Construction Permit** – The developer/property owner shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit (GCP) from the State Water Resource Control Board (SWRCB). This is in addition to the Municipal permit governing design, WQMPs, and permanent BMPs.

Prior to approval of the grading plans or issuance of any grading permit, the developer/property owner shall obtain a GCP from the SWRCB. Proof of filing a Notice of Intent (NOI) and monitoring plan, shall be submitted to the City; and the WDID number issued by the SWRCB shall be reflected on all grading plans prior to approval of the plans. For additional information on how to obtain a GCP, contact the SWRCB.

114. **SWPPP** – Prior to approval of the grading plans, the developer/property owner shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the development. The developer/property owner shall be responsible for uploading the SWPPP into the State's SMARTS database system and shall ensure that the SWPPP is updated to constantly reflect the actual construction status of the site. A copy of the SWPPP shall be made available at the construction site at all times until construction is completed. The SWRCB considers a construction project complete once a Notice of Termination (NOT) has been issued by SWRCB. The City will require submittal of NOTs for requests to fully release associated grading bonds.

115. **SWPPP for Inactive Sites** – The developer/property owner shall be responsible for ensuring that any graded area that is left inactive for a long period of time has appropriate SWPPP BMPs in place and in good working conditions at all times until construction is completed and the Regional Board has issued a Notice of Termination (NOT) for the development.

116. **Import/Export** – In instances where a grading plan involves import or export, prior to obtaining a grading permit, the developer/property owner shall have obtained approval for the import/export location from the Public Works / Engineering Department. If an Environmental Assessment did not previously approve either location, a Grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the Public Works Director / City Engineer for approval. Additionally, if the movement of import/export occurs using City roads, review, and approval of the haul routes by the Public Works / Engineering Department will be required. Import or export materials shall conform to the requirements of Chapter 8.26.

117. **Offsite Grading Easements** – Prior to the issuance of a grading permit, the developer/property owner shall obtain all required easements and/or permissions to perform offsite grading, from affected land owners. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works Engineering Department.

118. **Offsite Property and Right of Way** – The developer / property owner shall be responsible for acquiring any offsite real property interests that may be required in connection with the development project. Prior to the issuance of a grading permit, the developer shall obtain all required ROW, easements and / or permissions to perform offsite grading, from all affected landowners.
119. **Increased Runoff Criteria** – The development of this site would increase peak flow rates on downstream properties. Mitigation shall be required to offset such impacts..

A complete drainage study including, but not limited to, hydrologic and hydraulic calculations for the proposed detention basin shall be submitted to the City for review and approval.

Where possible and feasible the onsite flows should be mitigated before combining with offsite flows to minimize the size of the detention facility required.

No outlet pipe(s) will be less than 18" in diameter. Where necessary an orifice plate may be used to restrict outflow rates. Appropriate trash racks shall be provided for all outlets less than 48" in diameter.

The outlet structure(s) must be capable of passing the 100-year storm without damage to the facility.

A viable maintenance mechanism, acceptable to the City should be provided for any flood control facilities to be owned and maintained by the City. Any facilities proposed to be owned by the District, should be provided with a viable maintenance mechanism acceptable to the City and the District. For the City this would be the citywide CFD. Facilities to remain private shall be maintained by commercial property owners association or homeowners associations.

120. **Site Drainage** – Positive drainage of the site shall be provided, and water shall not be allowed to pond behind or flow over cut and fill slopes. Where water is collected and discharged in a common area, protection of the native soils shall be provided by planting erosion resistant vegetation, as the native soils are susceptible to erosion by running water. All cut and fill slopes shall have a maximum 2:1 (H:V) grade, 2 horizontal to 1 vertical.
121. **Alteration of Drainage Patterns** – Prior to grading permit issuance or approval of improvement plans, the final engineering plans submitted by the applicant shall address the following: The project drainage system shall be designed to accept and properly convey all on- and off-site drainage flowing on or through the site. The project drainage system design shall protect downstream properties from any damage caused by alteration of drainage patterns such as concentration or diversion of flow. Concentrated drainage on commercial lots shall be diverted through parkway drains under sidewalks.
122. **100 Year Storm** – The 100-year storm flow shall be contained within the street top of curb.
123. **100 Year Drainage Facilities** – All drainage facilities shall be designed to accommodate 100-year storm flows as approved by the City of Menifee Public Works / Engineering Department.
124. **100 Year Design Criteria** – In final engineering and prior to grading permit issuance, subsurface storage systems shall be designed with emergency overflow inlets to mitigate

flows in excess of the 100-year storm event in a controlled manner to the satisfaction of the Public Works / Engineering Department.

125. **100 Year Sump Outlet** – Drainage facilities outletting sump conditions shall be designed to convey the tributary 100-year storm flows. Additional emergency escape shall also be provided.
126. **Coordinate Drainage Design** – Development of this property shall be coordinated with the development of adjacent properties to ensure that watercourses remain unobstructed, and stormwaters are not diverted from one watershed to another. This may require the construction of temporary drainage facilities or offsite construction and grading. A drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the Public Works / Engineering Department for review.
127. **Interceptor Drain Criteria/Guidelines** – The criteria for public maintenance access of terrace/interceptor is as follows: flows between 1-5 cfs shall have a 5-foot wide access road, flows between 6-10 cfs shall be a minimum 6-foot rectangular channel. Terrace/interceptor drains are unacceptable for flows greater than 10 cfs. Flows greater than 10 cfs shall be brought to the street. These guidelines may be modified by the City Engineer/Public Works Director. This condition shall not apply to privately maintained facilities.
128. **BMP** – Energy Dissipators: Energy Dissipators, such as rip-rap, shall be installed at the outlet of a storm drain system that discharges runoff flows into a natural channel or an unmaintained facility. The dissipators shall be designed to minimize the amount of erosion downstream of the storm drain outlet.
129. **Trash Racks** – Trash Racks shall be installed at all inlet structures that collect runoff from open areas with potential for large, floatable debris.
130. **Perpetuate Drainage Patterns** – The property's street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City for review and approval.
131. **Perpetual Drainage Patterns** – Grading shall be designed in a manner that perpetuates the existing natural drainage patterns and conditions with respect to tributary drainage areas and outlet points. Where these conditions are not preserved, necessary drainage easements shall be obtained from all affected property owners for the release onto their properties of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the Public Works / Engineering Department for review.
132. **Protection of Downstream Properties** – The developer/property owner shall protect downstream properties from damages that can be caused by alteration of natural drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and securing necessary drainage easements.

133. **Drainage Runoff Emergency Escape** – An emergency escape path shall be provided for the stormwater runoff at all inlets for the proposed underground facilities in the event that the inlets become blocked in any way. To prevent flood damage to the proposed structures, all proposed structures in the vicinity of the inlets and along the emergency escape path shall be protected from flooding by either properly elevating the finished floor in relation to the inlets and flow path or by making sure the structures are set back from the inlets to provide adequate flow through area in the event the emergency escape of the stormwater runoff is necessary.
134. **Storm Drain Lines 36" and larger** – All proposed storm drain lines greater than 36" in diameter may be considered for ownership and maintenance by the Flood Control District. The applicant shall enter into a cooperative agreement with the Flood Control District regarding the terms of the design, construction and operation of facilities proposed for ownership by the Flood Control District.
135. **No Building Permit without Legal Lot** – Prior to issuance of any building permit, the developer / property owner shall ensure that the underlying parcels for such buildings are complying with City Ordinances, Codes, and the Subdivision Map Act.
136. **No Building Permit Prior to Parcel Map Recordation** – Prior to issuance of any building permit, the developer / property owner shall record the parcel map.
137. **No Building Permit without Grading Permit** – Prior to issuance of any building permit for any new structure or appurtenance, the developer/property owner shall obtain a grading permit and/or approval to construct from the Public Works Engineering Department.
138. **Final Rough Grading Conditions** – Prior to issuance of each building permit, the developer/property owner shall cause the Civil Engineer of Record and Soils Engineer of Record for the approved grading plans, to submit signed and wet stamped rough grade certification and compaction test reports with 90% or better compaction. The certifications shall use City approved forms and shall be submitted to the Public Works Engineering Department for verification and acceptance.
139. **Conformance to Elevations/Geotechnical Compaction** – Rough grade elevations for all building pads and structure pads submitted for grading plan check approval shall be in substantial conformance with the elevations shown on approved grading plans. Compaction test certification shall be in compliance with the approved project geotechnical/soils report.
140. **Final Grade Certification** – The developer/property owner shall cause the Civil Engineer of Record for approved grading plans, to submit signed and wet stamped final grade certification on City-approved form, for each building requesting a certificate of occupancy. The certification shall be submitted to the Public Works Engineering Department for verification and acceptance.
141. **Conform to Elevations** – Final grade elevations of all building or structure finish floors submitted for grading plan check approval shall be in substantial conformance with the elevations shown on the approved grading plans. Compaction test certification shall be in compliance with the approved project geotechnical/soils report.
142. **Plant & Irrigate Slopes** – All manufactured slopes shall be irrigated and landscaped with grass or approved ground cover and shall have some type of drainage swale at the toe of

the slope to collect runoff. Slopes greater than or equal to 3' in vertical height shall have erosion control measures provided. Slopes that exceed 15' in vertical height are to be planted with additional shrubs and trees as approved by the Public Works / Engineering Department. Drip irrigation shall be provided for all irrigated slopes.

143. **Street Design Standards** – Street improvements shall conform to all applicable City Design Standards and Specifications, the City General Plan, Ordinances, and all other relevant laws, rules and regulations governing street construction in the City.
144. **Concrete Work** – All concrete work including curbs, gutters, sidewalks, driveways, cross gutters, catch basins, manholes, vaults, etc. shall be constructed to meet a 28-day minimum concrete strength of 3,250 psi.
145. **Intersection Geometrics** – All final intersection geometrics may be modified in final engineering as approved by the Public Works Director / City Engineer.
146. **Intersection / 50-Foot Tangent** – All centerline intersections shall be at ninety (90) degrees, plus or minus five (5) degrees, with a minimum fifty (50) foot tangent for local roads and one hundred (100) foot tangent, measured from flow line / curb face or as approved by the Public Works Director / City Engineer.
147. **ADA Compliance** – ADA path of travel shall be designed at the most convenient accesses.
148. **Public Streetlights Service Points** – All proposed public streetlights shall be provided with necessary appurtenances and service points for power, separate from privately owned streetlights. The developer/property owner shall coordinate with the PW Department and with Southern California Edison the assignment of addresses to streetlight service points. Service points for proposed public streetlights shall become public and shall be located within public right of way or within duly dedicated public easements.
149. **CFD Maintenance** – The property owner shall file for annexation or inclusion into the CFD for street sweeping services, street pavement maintenance, landscaping, street lighting, etc.
150. **Offsite Grading** – A notarized and recorded agreement, or City-approved documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.
151. **Street Name Sign** – The developer/property owner shall install street name sign(s) in accordance with applicable City Standards, or as directed by the Public Works / Engineering Department.
152. **Traffic Signal Control Devices** – All new traffic signals and traffic signal modifications required for construction by this development project shall include traffic signal communication infrastructure, network equipment, and Advanced Traffic Management System (ATMS) license software. Said traffic signal control devices shall be submitted with the traffic signal design plans and shall be approved by the Public Works Director / City Engineer, prior to testing of a new traffic signal. Traffic signal poles shall be placed at the ultimate locations when appropriate.

153. **Cost participation through Payment of TUMF and DIF for Improvements** – The developer/property owner’s TUMF and DIF payment obligations shall be considered as cost participation for Project’s required offsite improvements only when the offsite improvements for which credits are claimed, are eligible TUMF and/or DIF facilities at time of TUMF and DIF payments. Determination for TUMF credits shall be at the discretion of the Western Riverside Council of Governments (WRCOG), the governing authority, which shall include entering a three party TUMF Credit Agreement with the developer, WRCOG and the City of Menifee. Developer shall be eligible, and may apply, for DIF fee credits and reimbursements for facilities that it will construct which are within the DIF program, including entering into a DIF Credit and Reimbursement Agreement with the City of Menifee.
154. **Improvement Bonds** – Prior to improvement plan approval and issuance of any construction permit for all required onsite and offsite public improvements, the developer/project owner shall enter into a bond agreement and post acceptable bonds or security, to guarantee the completion of all required improvements. The bonds shall be in accordance with all applicable City ordinances, resolutions, and municipal codes.
155. **Encroachment Permits** – The developer/property owner shall obtain all required encroachment permits and clearances prior to start of any work within City, State, or local agency right-of-way.
156. **Annexation to the CFD (CFD 2017-1)** –The developer/property owner shall complete the annexation of the proposed development into the boundaries of the City of Menifee CFD. The CFD shall be responsible for the following:
- The maintenance of public improvements or facilities that benefit this development, including but not limited to, public landscaping, streetlights, traffic signals, streets, pavement maintenance, , street sweeping, , graffiti abatement, and other public improvements or facilities as approved by the Public Works Director.
- The developer/property owner shall be responsible for all costs associated with the annexation of the proposed development in the CFD.
157. **Assessment Segregation** – Should this project lie within any assessment/benefit district, the applicant shall, prior to any building permit issuance, make application for and pay for their reapportionment of the assessments or pay the unit fees in the benefit district.
158. **Landscape Improvement Plans for CFD Maintenance** – Landscape improvements within public ROW and/or areas dedicated to the City for the citywide CFD to maintain shall be prepared on separate City CFD plans for review and approval by the Public Works / Engineering Department. The plans may be prepared as one plan for the entire development as determined by the PW Director. When necessary, as determined by the PW Director, a separate WQMP construction plan on City title block maybe required for review and approval by the Public Works / Engineering Department prior to issuance of a grading permit.
159. **Parkway Landscaping Design Standards** – The parkway areas behind the street curb within the public’s right-of-way shall be landscaped and irrigated per City standards and guidelines.
160. **CFD Landscape Guidelines and Improvement Plans** – All landscape improvements for maintenance by the CFD shall be designed and installed in accordance with City CFD

Landscape Guidelines, and shall be drawn on a separate improvement plan on City title block. The landscape improvement plans shall be reviewed and approved by the Public Works / Engineering Department prior to issuance of a construction permit.

161. **Maintenance of CFD Accepted Facilities** – All landscaping and appurtenant facilities to be maintained by the citywide CFD shall be built to City standards. The developer shall be responsible for ensuring that landscaping areas to be maintained by the CFD have its own controller and meter system, separate from any private controller/meter system.

PROJECT-SPECIFIC CONDITIONS OF APPROVAL

A. GRADING

Prior to Grading Permit Issuance:

162. The following geotechnical report and related documentation was reviewed and conditionally approved by the City:
- a. *Response to Review Comment*, prepared by GeoTek, Inc., dated March 17, 2022.
 - b. *Geotechnical and Infiltration Evaluation For Proposed Warehouse Project, APN's 330-190-002, -003, -004, -005, -010, -011, and -012, Kuffel Road and Wheat Street, Menifee, Riverside County, California, Project No. 2761-CR*, prepared by GeoTek, Inc., dated June 14, 2021.
163. A final geotechnical report or supplemental report shall be prepared and submitted during final engineering. This final or supplemental report shall define the specific traffic loading information that is applicable to this project and establish a final pavement design that is based on this traffic loading information. Under no circumstances shall the final pavement design be less than the City standards. The final geotechnical report or supplemental report must be reviewed and approved by the Public Works / Engineering Department prior to the issuance of a grading permit.
164. Two copies of the City-approved final geotechnical / supplemental report and related documentation shall be provided to the Public Works / Engineering Department with the initial submittal of a grading plan. The developer / property owner shall comply with the recommendations of the final geotechnical / supplemental report and City standards and specifications. All grading shall be performed in accordance with the recommendations of the final geotechnical / supplemental report, and under the general direction of a licensed geotechnical engineer.
165. **Grading Bonds** – Prior to commencing any grading of 50 or more cubic yards of dirt, the applicant shall obtain a grading permit from the Public Works / Engineering Department. Prior to issuance of the permit, adequate performance grading security shall be posted by the developer / property owner with the Public Works / Engineering Department.
166. **Import / export** – In instances where a grading plan involves import or export, prior to obtaining a grading permit, the developer / property owner shall have obtained approval for the import / export location from the Public Works / Engineering Department. The proposed import / export shall conform with City standards and ordinances, including environmental requirements, and submitted to the Public Works Director / City Engineer for approval.

Additionally, if the movement of import / export occurs using City roads, review and approval of the haul routes by the Public Works / Engineering Department will be required. Import or export materials shall conform with City standards and ordinances.

167. **Offsite Grading** – Prior to the issuance of a grading permit, it shall be the sole responsibility of the developer / property owner to obtain all proposed or required easements and / or permissions necessary to perform offsite grading, from affected landowners; including any off-site grading to construct the necessary transitions. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.

Prior to Building Permit Issuance:

168. **Submit Plans** – A copy of the improvement plans, grading plans, BMP improvement plans, and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the Public Works / Engineering Department for review. All submittals shall be date stamped by the engineer and include a completed City Deposit or Fee Based Worksheet and the appropriate plan check fee or deposit.
169. **No Building Permit Without Legal Lot** – Prior to issuance of any building permit, the developer / property owner shall ensure that the underlying parcels for such buildings are complying with City Ordinances, Codes, and the Subdivision Map Act.
170. **Parcel Map** – The proposed development includes eight (8) parcels. Prior to issuance of any building permit, the developer / project owner shall consolidate these parcels into a parcel map. The parcel map shall be submitted to the Public Works / Engineering Department for review and approval prior to recordation. (See also the Tentative Parcel Map conditions of approval for this project.)
171. **No Building Permit without Grading Permit** - Prior to issuance of any building permit for any new structures or appurtenances, the developer / property owner shall obtain a grading permit and / or approval to construct from the Public Works / Engineering Department.
172. **Final Rough Grading Conditions** – Prior to issuance of a building permit for any new structures or appurtenances, the developer / property owner shall cause the Civil Engineer of Record and Soils Engineer of Record for the approved grading plans, to submit signed and wet stamped rough grade certification and compaction test reports with 90% or better compaction, for the lots for which building permits are requested. The certifications shall use City approved forms, and shall be submitted to the Public Works / Engineering Department for verification and acceptance.
173. **Conformance to Elevations / Geotechnical Compaction** - Rough grade elevations for all building pads and structure pads submitted for grading plan check approval shall be in substantial conformance with the elevations shown on approved grading plans. Compaction test certification shall be in compliance with the approved project geotechnical/soils report.

Prior to Issuance of Any Certificate of Occupancy:

174. **Final Grade Certification** – The developer / property owner shall cause the Civil Engineer of Record for the approved grading plans, to submit a signed and wet-stamped final grade

certification, on City approved form, for each building for which a certificate of occupancy is requested. The certification shall be submitted to the Public Works / Engineering Department for verification and acceptance.

175. **Conform to Elevations** - Final grade elevations of all building or structure finish floors submitted for grading plan check approval shall be in substantial conformance with the elevations shown on the approved grading plans.
176. **Plant & Irrigate Slopes** – All manufactured slopes shall be irrigated and landscaped with grass or approved ground cover, and shall have some type of drainage swale at the toe of the slope to collect runoff. Slopes greater than or equal to 3' in vertical height shall have erosion control measures provided. Slopes that exceed 15' in vertical height are to be planted with additional shrubs and trees as approved by the Public Works / Engineering Department. Drip irrigation shall be provided for all irrigated slopes.

B. DRAINAGE

177. **Drainage Study** – The following preliminary drainage study was reviewed and approved by the City:
- a. *Preliminary Drainage Study*, prepared by Albert A. Webb Associates, dated October 2021.

Two copies of a final drainage study shall be submitted to the City for review and approval. The study shall analyze, at a minimum, the following:

- Project site drainage flow.
- All future improvements drainage flow.
- Q_{10} , Q_{100} , pre- and post- condition flow rates.
- Anticipated total drainage flow into existing storm drain and existing storm drain capacity.
- Total drainage flow into and capacity of proposed storm drain and water quality management facilities / BMPs.

The final drainage study shall also be consistent with the approved final water quality management plan (FINAL WQMP).

The project shall comply with all mitigation recommended by the approved drainage study.

A fee for review of the Drainage Study shall be paid to the City, the amount of which shall be determined by City at first submittal of report.

178. **Area Drainage Plan (ADP) Fees** - The proposed development is located within the bounds of the Homeland / Romoland ADP of the Riverside County Flood Control and Water Conservation District (Flood Control District), for which drainage fees have been established by the Riverside County Board of Supervisors. Applicable ADP fees will be due (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) prior to building permits for this project. The fee due will be based on the fee in effect at the time of payment.

179. **Master Drainage Plan (MDP)** – The proposed development is located within the bounds of the Homeland / Romoland MDP of the Flood Control District.

180. **Proposed Drainage Concept** - The project will generate onsite and offsite drainage flows.

Onsite drainage will flow northerly from the southern boundary of the site to a bioretention / water quality basin at the northern boundary of the site by means of concrete ribbon gutters and a network of onsite storm drain pipe. Offsite drainage from the south will be collected by concrete v-gutters along the retaining wall near the southern boundary of the site and then redirected on both sides of the site to the proposed curb and gutter along Wheat Street and Byers Road.

Stormwater runoff from the street improvements along Wheat Street (centerline to the proposed eastern right of way) will enter a proposed catch basin located at the southeast corner of intersection of Wheat Street and Kuffel Road. Similarly, stormwater from the street improvements along Byers (centerline to the proposed western right of way) will enter a proposed catch basin located at the southeast corner of the intersection of Byers Road and Kuffel Road. Runoff from the south half of the street improvements along Kuffel Road (centerline to the proposed southern right of way) between Wheat Street and Byers Road will also be intercepted by proposed catch basins. Proposed water quality facilities will treat low flows prior to each catch basin, with high flows and treated low flows entering a proposed off-site storm drain lines that all gravity flow to Romoland MDP Line A-14a in Byers Road of the Homeland / Romoland MDP and then discharge directly into the Line A channel of the Homeland / Romoland MDP before discharging to the San Jacinto River.

Drainage from additional impervious area that results from the offsite street improvements will have to be treated and conveyed in accordance with City ordinances and codes and State regulations.

181. **Completion of Drainage Improvements** - All onsite and offsite water quality / drainage systems must be constructed and operational prior to the issuance of any certificate of occupancy.

182. **10 Year Curb – 100 Year Right-of-Way** - The 10-year storm flow shall be contained within the top of curb, and the 100-year storm flow shall be contained within the street right-of-way. When either of these criteria is exceeded, additional drainage facilities shall be installed. The property shall be graded to drain to the adjacent street or an adequate outlet.

183. **100 Year Drainage Facilities** - All drainage facilities shall be designed to accommodate 100-year storm flows as approved by the City of Menifee Public Works / Engineering Department.

184. **100 Year Design Criteria** - In final engineering and prior to grading permit issuance, subsurface drainage/BMP facilities shall be designed with emergency overflow inlets to mitigate flows in excess of the 100-year storm event in a controlled manner to the satisfaction of the Public Works / Engineering Department.

185. **100 Year Sump Outlet** - Drainage facilities outletting sump conditions shall be designed to convey the tributary 100-year storm flows. Additional emergency escape shall also be provided.

186. **On-Site Storm Drain System** - Prior to issuance of a grading permit, the proposed on-site storm drain system shall be designed such that any ponding in the 100-year storm, shall be contained within the site; it shall not encroach onto any adjacent property, and shall maintain a minimum 1-foot freeboard to the proposed building pad elevation. The 100-year storm flow from the site shall not flow over the proposed parkway or within the driveway approach.

C. LANDSCAPING

187. **Maintenance of Landscaping** – All private landscaping shall be maintained by the individual property owner, or as otherwise established by Covenants, Conditions, and Restrictions (CC&Rs). All landscaping, and similar improvements not properly maintained by the individual property owner must be annexed into a CFD, or other mechanism as determined by the City of Menifee.

D. STREETS AND DEDICATIONS

188. **Street Improvements** – Street improvements shall conform to all applicable City Design Standards and Specifications, the City General Plan, and all other relevant laws, rules and regulations governing street construction in the City. The development includes improvements to Wheat Street, Byers Road, and Kuffel Road along the project frontage. Turning movements at driveways will be as approved by the Public Works Director / City Engineer. The developer / property owner shall obtain all right-of-way necessary to accommodate the required improvements.

- a. Wheat Street – Wheat Street shall be improved along the project frontage to an Industrial Collector (2-lane) designation with an ultimate half-width right-of-way of 39 feet, a paved curb-to-centerline width of 28 feet, and an 11-foot landscaped parkway that includes a 6-foot sidewalk. The improvements shall include the necessary offsite transitions to the existing pavement width, as approved by the Public Works Director / City Engineer.. Prior to the issuance of a building permit, the developer shall construct or guarantee the construction of the public street improvements fronting the property to the centerline plus an additional 12 feet past the centerline, including the necessary offsite transitions, as approved by the Public Works Director / City Engineer. The design of the street improvements shall be reviewed and approved by the City Engineer. If needed, it shall be the sole responsibility of the developer / property owner to obtain all proposed or required easements and / or permissions necessary to perform offsite grading, from affected landowners where necessary to construct the street improvements. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.
- b. Byers Road – Byers Road shall be improved along the project frontage to an Industrial Collector (2-lane) designation with an ultimate half-width right-of-way of 39 feet, a paved curb-to-centerline width of 28 feet, and an 11-foot landscaped parkway that includes a 6-foot sidewalk. The improvements shall include the necessary offsite transitions to the existing pavement width, as approved by the Public Works Director / City Engineer. Class III Community On-Street bike lanes shall also be provided. Prior to the issuance of a building permit, the developer shall construct or guarantee the construction of the public street improvements fronting the property to the centerline plus an additional 12 feet past the median or

centerline, including the necessary offsite transitions, as approved by the Public Works Director / City Engineer. The design of the street improvements shall be reviewed and approved by the City Engineer. If needed, it shall be the sole responsibility of the developer / property owner to obtain all proposed or required easements and / or permissions necessary to perform offsite grading, from affected landowners where necessary to construct the street improvements. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.

- c. Kuffel Road Dedication - The developer / property owner shall construct or guarantee the construction of Kuffel Road fronting the development to the General Local (2 lane) designation with an ultimate half-width Right of Way of 30 feet, 20 feet curb-to-centerline paved width, and a 10-foot landscaped parkway that includes a 6-foot sidewalk. If additional right of way is needed, the developer / property owner shall dedicate the necessary right of way fronting the development.

189. **Soils and Pavement Report** - Street pavement structural designs shall comply with the recommendations in the City-approved project geotechnical report, and must meet minimum City standards and specifications, as approved by the Public Works Director / City Engineer. The preliminary pavement design shown on the plans shall be based on R-Value testing of representative soils. The final pavement design shall be performed following grading and be based on R-Value testing of subgrade soils at locations approved by the City's Public Works Inspector, and the approved Traffic Index (T.I.).

190. **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 outlined in the following conditions, medians may be required to restrict turning movements for public safety purposes as determined by the Public Works Director / City Engineer.

191. **Acceptance of Public Roadway Dedication and Improvements** – Easements and right-of way for public roadways shall be granted to the City through an acceptable recordable instrument. The easements shall be submitted to the Public Works / Engineering Department for review and approval prior to recordation.

192. **ADA Compliance** – ADA path of travel shall be designed at the most convenient accesses and the shortest distance to the buildings in accordance with ADA design standards and to the satisfaction of the Public Works Director / City Engineer and the City Building Official.

193. **Paving or Paving Repairs** – The applicant shall be responsible for obtaining the paving inspections required by City standards and ordinances. Paving and / or paving repairs for utility street cuts shall be per City of Menifee standards and ordinances and as approved by the Public Works Director / City Engineer.

194. **Signing and Striping** – A signing and striping plan for Wheat Street and Byers Road is required for this project. The applicant shall be responsible for any additional paving and / or striping removal caused by the striping plan.

195. **Street Light Plan** – Street lights requiring relocations, or any required new street lights shall be designed in accordance with current City Standards for LS-3 type streetlights. Street light construction plans shall be prepared as separate plans or combined with the public street improvement plans as approved by the Public Works Director / City Engineer.
196. **Street Sweeping and Pavement Maintenance** - The property owner shall file for annexation or inclusion into the CFD for street sweeping services and street pavement maintenance.

Prior to Issuance of Building Permit:

197. **Encroachment Permits** – The developer / property owner shall obtain all required encroachment permits and clearances prior to start of any work within City, State, or local agency right-of-way.
198. **Improvement Bonds** – Prior to issuance of any construction permit for all required onsite for grading and landscape improvements and offsite public improvements, the developer/project owner shall post acceptable bonds or security to guarantee the construction of all required improvements. The bonds shall be in accordance with all applicable City ordinances, resolutions and municipal codes.

Wheat Street Dedication - The developer / property owner shall construct or guarantee the construction of Wheat Street fronting the development to the Industrial Collector (2 lane) designation with an ultimate half-width Right of Way of 39 feet, 28 feet curb-to-centerline paved width, and an 11-foot landscaped parkway that includes a 6-foot sidewalk. If additional right of way is needed, the developer / property owner shall dedicate the necessary right of way fronting the development.

Byers Road Dedication - The developer / property owner shall construct or guarantee the construction of Byers Road fronting the development to the Industrial Collector (2 lane) designation with an ultimate half-width Right of Way of 39 feet, 28 feet curb-to-centerline paved width, Class III Community On-Street bike lanes, and an 11-foot landscaped parkway that includes a 6-foot sidewalk. If additional right of way is needed, the developer / property owner shall dedicate the necessary right of way fronting the development

Prior to Issuance of Any Certificate of Occupancy:

199. **Wheat Street Improvements** – Improvements on Wheat Street fronting the development shall be completed to the Industrial Collector (2 lanes) designation with an ultimate half-width Right of Way of 39 feet, 28 feet curb-to-centerline paved width, and an 11-foot landscaped parkway that includes a 6-foot sidewalk, prior to issuance of the Certificate of Occupancy. The improvements shall be adequately transitioned to the existing or proposed street improvements. It shall be the sole responsibility of the developer / property owner to obtain all proposed or required easements and / or permissions necessary to perform offsite grading, from affected landowners where necessary to construct the street improvements. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.
200. **Byers Road Improvements** – Improvements on Byers Road fronting the development shall be completed to the Industrial Collector (2 lanes) designation with an ultimate half-width Right of Way of 39 feet, 28 feet curb-to-centerline paved width, and an 11-foot landscaped

parkway that includes a 6-foot sidewalk, prior to issuance of the Certificate of Occupancy. The improvements shall be adequately transitioned to the existing or proposed street improvements. It shall be the sole responsibility of the developer / property owner to obtain all proposed or required easements and / or permissions necessary to perform offsite grading, from affected landowners where necessary to construct the street improvements. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.

201. **Kuffel Road Improvements** – Improvements on Kuffel Road fronting the development shall be completed to the General Local (2-lane) designation with an ultimate half-width right-of-way of 30 feet, a paved curb-to-centerline width of 20 feet, and a 10-foot landscaped parkway that includes a 6-foot sidewalk, prior to issuance of the Certificate of Occupancy. The improvements shall be adequately transitioned to the existing or proposed street improvements. It shall be the sole responsibility of the developer / property owner to obtain all proposed or required easements and / or permissions necessary to perform offsite grading, from affected landowners where necessary to construct the street improvements. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.

202. **Driveways and Driveway Approaches** – Driveways and Driveway Approaches as shown on the approved plot plan shall be designed and constructed prior to issuance of Certificate of Occupancy. The driveways shall be designed and constructed in accordance with City of Menifee standards and specifications and meet spacing requirements as well as other City requirements.

E. TRAFFIC ENGINEERING

203. **Traffic Study** – The development shall comply with all the improvements and mitigation measures identified to be constructed or provided in the traffic study approved by the Public Works / Engineering Department. The following Traffic Study was reviewed and approved by the City:

- a. *Traffic Study for the CADO Warehouse Project In the City of Menifee*, prepared by Kimley Horn, dated September 2023.

All required improvements and mitigations identified in the City-approved traffic study shall be included in all improvement plans for review and approval by the Public Works / Engineering Department. Additional improvements may be required to address public safety and welfare, as determined by the Public Works Director / City Engineer.

Prior to Issuance of Construction Permit:

204. **Sight Distance Analysis** – Sight distance analysis shall be conducted at all project roadway entrances for conformance with City sight distance standards. The analysis shall be reviewed and approved by the Public Works Director / City Engineer, and shall be incorporated in the final the grading plans, street improvement plans, and landscape improvement plans.

205. **Signing and Striping Plan** – Prior to issuance of a construction permit, any necessary signing and striping for Wheat Street and Byers Road or any offsite improvements shall be

approved by the Public Works Director / City Engineer in accordance with City ordinances, standards and specifications, and with the latest edition of the CAMUTCD.

206. **Driveway Geometrics** – Final driveway geometrics may be modified in final engineering as approved by the City Engineer / Public Works Director. 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.
207. **Construction Traffic Control Plan** – Prior to start of any project related construction, the developer / property owner shall submit to the Public Works / Engineering Department for review and approval, a Construction Traffic Control Plan in compliance with all applicable City ordinances, standards and specifications, and the latest edition of the CAMUTCD. This traffic control plan shall address impacts from construction vehicular traffic, noise, and dust and shall propose measures to mitigate these effects. The traffic control plan shall include a Traffic Safety Plan for safe use of public roads right of way during construction. The plan shall specify the following mitigation measures to address the following:
- a. Dust and dirt fallout from truck loads that gets entrained onto City roadways: (1) Biweekly street sweeping during construction activity, and daily during all grading operations. (2) Approved BMPs shall be installed at all approved construction entrances as part of the SWPPP.
 - b. Noise from construction truck traffic: Include construction time and operation of vehicles through surrounding residential streets.
 - c. Traffic safety within the road right-of-way: Include temporary traffic control measures and devices.
208. **Fair Share Cost Estimates** – The developer / property owner shall contribute fair share costs for associated intersection geometrics and roadway improvements. A fair share cost estimate shall be prepared by developer / property owner that reflects costs at the time of project construction and be based on conceptual exhibits showing the proposed improvements overlaid onto the existing roadway in order to determine the construction cost of said improvement. The developer / property owner shall submit the conceptual exhibits and cost estimates to the Engineering Department for review, and the cost exhibits shall be approved prior to issuance of an encroachment permit for construction.

Prior to Issuance of Any Certificate of Occupancy:

209. **Construction of Roadway Improvements** – The developer / property owner shall design and construct the following roadway improvements. The improvements shall be complete prior to any certificate of occupancy.
- **Wheat Street Frontage Improvements:**
 - a. Construct Wheat Street as a 2-lane Industrial Collector (78 feet total right-of-way width). The improvements shall extend to the centerline plus an additional 12 feet past the centerline, including the necessary offsite transitions to the existing pavement as approved by the Public Works Director / City Engineer. The design shall be finalized in final engineering.

- b. Modify the existing northbound shared lane to a right-turn only lane, such that no left turns are allowed at the intersection of Wheat Street and Ethanac Road.
- **Byers Road Frontage Improvements:**
 - a. Construct Byers Road as a 2-lane Industrial Collector (78 feet total right-of-way width). The improvements shall extend to the centerline plus an additional 12 feet past the centerline, including the necessary offsite transitions to the existing pavement as approved by the Public Works Director / City Engineer. The design shall be finalized in final engineering.
- Kuffel Road Frontage Improvements:
 - a. Construct Kuffel Road as a 2-lane General Local (60 feet total right-of-way width). The improvements shall extend to the centerline plus an additional 12 feet past the centerline, including the necessary offsite transitions to the existing pavement as approved by the Public Works Director / City Engineer. The design shall be finalized in final engineering.
- **Traffic Signal and Related Improvements at Intersection of Ethanac Road and Byers Road:**
 - a. Install a traffic signal. The traffic signal shall provide protected westbound left-turn phasing.
 - b. Modify the existing northbound shared lane to a right-turn only lane.
 - c. Add a dedicated northbound left-turn lane.
 - d. Increase the left-turn pocket length to 350 feet.
- **Traffic Signal and Related Improvements at Intersection of Murrieta Road and Ethanac Road:**
 - a. Add a dedicated northbound right-turn lane.
 - b. Modify the existing traffic signal as follows:
 - Add northbound right-turn overlap phasing.
 - Modify the northbound / southbound phasing from “split” to “protected”.
 - c. Add an eastbound right-turn lane.
 - d. Add a dedicated northbound left-turn lane.

- **Traffic Signal and Related Improvements at Intersection of Evans Road and Ethanac Road:**
 - a. Install a traffic signal. The traffic signal shall provide northbound right-turn overlap phasing.
 - b. Modify the existing northbound shared lane to a right-turn lane.
 - c. Add a northbound left-turn lane.

210. **RBBB Reimbursement for Traffic Signal and Related Improvements at Intersection of Murrieta Road and Ethanac Road** – In the event where a Road and Bridge Benefit District (RBBB) is established that includes improvements constructed by this project at the intersection of Murrieta Road and Ethanac Road, the developer / property owner may enter into an RBBB Agreement with the City of Menifee providing reimbursement for applicable improvements in the form of credit to required RBBB payments. In the event where the constructed improvements exceed the project's RBBB obligations, the project shall receive reimbursement for said improvements upon receipt of RBBB fees from applicable adjacent projects.

211. **RBBB Reimbursement for Traffic Signal and Related Improvements at Intersection of Evans Road and Ethanac Road** – In the event where a Road and Bridge Benefit District (RBBB) is established that includes improvements constructed by this project at the intersection of Evans Road and Ethanac Road, the developer / property owner may enter into an RBBB Agreement with the City of Menifee providing reimbursement for applicable improvements in the form of credit to required RBBB payments. In the event where the constructed improvements exceed the project's RBBB obligations, the project shall receive reimbursement for said improvements upon receipt of RBBB fees from applicable adjacent projects.

212. **Fair Share Cost Participation for Offsite Improvements** – The developer / property owner shall pay fair share costs for the offsite improvements listed below. If a listed improvement is part of the City of Menifee DIF program, then developer / property owner may pay DIF fees, and such payment shall constitute full satisfaction of this fair share condition for that improvement. If an improvement is part of the TUMF program, then developer / property owner may pay TUMF fees, and such payment shall constitute full satisfaction of this fair share condition for that improvement. If an improvement is not part of the DIF or TUMF programs, then the developer / property owner shall pay a fair share cost for that improvement which shall be calculated as set forth in Condition No. 233 based on the percentage of fair share listed below for each improvement:

- a. **I-215 Southbound Ramps at Ethanac Road:** Improve intersection geometrics at a fair share cost of 22.1% of the total cost of the improvements. The intersection improvements are as follows:
 - a. Add a second eastbound through lane.
 - b. Add a second westbound left-turn lane.
 - c. Modify the southbound approach to provide one left-turn lane, one right-turn lane, and one shared left / thru / right lane.

- d. Add a free eastbound right-turn lane.
- b. **I-215 Northbound Ramps at Ethanac Road:** Improve intersection geometrics at a fair share cost of 15.9% of the total cost of the improvements. The intersection improvements are as follows:
 - a. Add a second eastbound through lane.
 - b. Add a second westbound through lane.
 - c. Add a dedicated westbound right-turn lane.
 - d. Add a second eastbound left-turn lane.
 - e. Add a second northbound left-turn lane.
- c. **Intersection of Trumble Road and Ethanac Road:** Improve intersection geometrics at a fair share cost of 5.2% of the total cost of the improvements. The intersection improvements are as follows:
 - a. Add a second eastbound through lane.
 - b. Add a second westbound through lane.
- d. **Traffic Signal and Related Improvements at Intersection of Sherman Road and Ethanac Road:** Improve intersection geometrics at a fair share cost of 5.2% of the total cost of the improvements. The intersection improvements are as follows:
 - a. Install a traffic signal. The traffic signal shall provide protected left-turn phasing on the eastbound / westbound approaches, as well as split phasing on the northbound / southbound approaches.
 - b. Add a second eastbound through lane.
 - c. Add a second westbound through lane.
 - d. Modify the northbound approach to include a dedicated left-turn lane and a shared left / thru / right lane.
 - e. Add a dedicated southbound left-turn lane.
 - f. Add a dedicated eastbound left-turn lane.
 - g. Add a dedicated westbound left-turn lane.
- e. **Traffic Signal at Intersection of Murrieta Road and Rouse Road:** Improve intersection geometrics at a fair share cost of 10.2% of the total cost of the improvements. The intersection improvements are as follows:

- a. Install a traffic signal.
- f. **I-215 Southbound Ramps at McCall Boulevard:** Improve intersection geometrics at a fair share cost of 6.4% of the total cost of the improvements. The intersection improvements are as follows:
 - a. Add a second southbound right-turn lane.
 - b. Add a southbound left-turn lane.
- g. **I-215 Northbound Ramps at McCall Boulevard:** Improve intersection geometrics at a fair share cost of 1.9% of the total cost of the improvements. The intersection improvements are as follows:
 - a. Add a second northbound right-turn lane.

Additional Improvements – The City Engineer will determine whether the following additional improvements will be constructed or funded through a fair share cost participation by the Developer:

- a. **Traffic Signal and Related Improvements at Intersection of Murrieta Road and Ethanac Road:**
 - i. Add a dedicated northbound right-turn lane.
 - ii. Modify the existing traffic signal as follows:
 - 1. Add northbound right-turn overlap phasing.
 - 2. Modify the northbound / southbound phasing from “split” to “protected”.
 - iii. Add an eastbound right-turn lane.
- b. **Traffic Signal and Related Improvements at Intersection of Evans Road and Ethanac Road:**
 - i. Install a traffic signal. The traffic signal shall provide northbound right-turn overlap phasing.
 - ii. Modify the existing northbound shared lane to a right-turn lane.
 - iii. Add a northbound left-turn lane.

213. **RBBB Replacement of Fair Share Contributions** – In the event where a RBBB is established prior to the fair share contribution requirements, the project’s RBBB obligation shall supersede any applicable fair share requirement.

F. NPDES and WQMP

214. **Stormwater Management** – All City of Menifee requirements for NPDES and Water Quality Management Plans (WQMP) shall be met per City of Menifee Municipal Code Chapter 15.01 for Stormwater/Urban Runoff Management Program and as determined and approved by the Public Works Director / City Engineer. This project is required to submit a project specific WQMP prepared in accordance with the latest WQMP guidelines approved by the Regional Water Quality Control Board.

215. **Trash Enclosures Standards and Specifications** – Storm runoff resulting in direct contact with trash enclosure, or wastewater runoff from trash enclosure are prohibited from running off a site onto the City MS4 without proper treatment. Trash enclosures in new developments and redevelopment projects shall meet new storm water quality standards including:

- a. Provision of a solid impermeable roof with a minimum clearance height to allow the bin lid to completely open.
- b. Constructed of reinforced masonry without wooden gates. Walls shall be at least 6 feet high.
- c. Provision of concrete slab floor, graded to collect any spill within the enclosure.
- d. All trash bins in the trash enclosure shall be leak proof with lids that are continuously kept closed.
- e. The enclosure area shall be protected from receiving direct rainfall or run-on from collateral surfaces.
- f. The trash enclosure shall be lockable and locked when not in use with a 2-inch or larger brass resettable combination lock. Only employees and staff authorized by the enclosure property owner shall be given access.

Any standing liquids within the trash enclosures without floor drain must be cleaned up and disposed of properly using a mop and a bucket or a wet/dry vacuum machine. All non-hazardous liquids without solid trash may be put in the sanitary sewer as an option, in accordance with Eastern Municipal Water District (EMWD) criteria.

An alternate floor drain from the interior of the enclosure that discharges to the sanitary sewer may be constructed only after obtaining approval from EMWD. This option requires the following:

- a. The trash enclosure shall be lockable and locked when not in use with a 2-inch or larger brass resettable combination lock. Only employees and staff authorized by the enclosure property owner shall be given access. This requirement may not be applicable to commercial complexes with multiple tenants.
- b. A waterless trap primer shall be provided to prevent escape of gasses from the sewer line and save water.
- c. Hot and cold running water shall be provided with a connection nearby with an approved backflow preventer. The spigot shall be protected and located at the rear of the enclosure to prevent damage from bins.

216. **SWRCB, TRASH AMENDMENTS** - The State Water Resources Control Board (State Board) adopted amendments to the Water Quality Control Plan for Ocean Waters of California and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries – collectively referred to as the “Trash Amendments.” Applicable requirements per these amendments shall be adhered to with implementation measures, prior to building

permit issuance. Projects determined to be within Priority Land Uses as defined in the Trash Amendments, shall provide trash full capture devices to remove trash from all Priority Land Use areas that will contribute storm water runoff to the City of Menifee's MS4. All trash full capture devices shall be listed on the State Board's current list of certified full capture devices posted on their website:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.shtml

All trash full capture devices shall be approved by State or Regional Water Quality Control Board staff. Storm water runoff from privately owned Priority Land Use areas shall be treated by full capture devices located within privately owned storm drain structures or otherwise located on the privately owned property, whenever possible. Runoff from Priority Land Use areas created or modified by the project, and which are proposed to be City owned, shall be treated by full capture devices located within city-owned storm drains or otherwise located within the public right of way.

Prior to Grading Permit Issuance:

217. **Final Project-Specific Water Quality Management Plan (Final WQMP)** – The following report was reviewed and approved by the City:

- a. *Project Specific Preliminary Water Quality Management*, prepared by Albert A. Webb Associates, dated October 15, 2021.

Prior to issuance of a grading permit, a FINAL project-specific WQMP in substantial conformance with the approved PRELIMINARY WQMP, shall be reviewed and approved by the Public Works / Engineering Department. Additionally, the FINAL WQMP shall also include the following:

- a. A signed Owner's / Preparer's Certification.
- b. Biotreatment units (Modular Wetlands) in place of the catch basins that are proposed to capture and route the offsite flows to the onsite bioretention basin.
- c. City-approved construction plans in Appendix 2.
- d. The City-approved final geotechnical / supplemental report in Appendix 3.
- e. The City-approved Phase I ESA in Appendix 4.
- f. Design calculations for the biotreatment units in Appendix 6.
- g. Project-specific source control information in Appendix 8.
- h. The operation and maintenance plan and documentation of finance, maintenance, and recording mechanisms in Appendix 9.
- i. BMP Fact Sheets, maintenance guidelines, and other end-user BMP information in Appendix 10.

The final developed project construction plans shall implement all structural and non-structural BMPs specified in the approved FINAL WQMP. One copy of the approved FINAL WQMP on a CD-ROM or USB in PDF format shall be submitted to the Public Works / Engineering Department for review and approval.

218. **Revising the FINAL WQMP** - In the event the Final WQMP requires design revisions that will substantially deviate from the approved preliminary WQMP, a revised or new WQMP shall be submitted for review and approval by the Public Works / Engineering Department. The cost of reviewing the revised/new WQMP shall be charged on a time and materials basis. The fixed fee to review a FINAL WQMP shall not apply, and a deposit shall be collected from the applicant to pay for reviewing the substantially-revised WQMP.
219. **WQMP Maintenance Agreement** – All water quality features or BMPs that address onsite drainage shall be located within the property limits, and the maintenance shall be the full responsibility of the developer / project owner. Prior to, or concurrent with the approval of the FINAL WQMP, the developer / property owner shall record Covenants, Conditions and Restrictions (CC&R's) that addresses the implementation and maintenance of proposed WQMP BMPs, or enter into an acceptable maintenance agreement with the City to inform future property owners of the requirement to perpetually implement the approved FINAL WQMP.

Prior to Issuance of Any Certificate of Occupancy:

220. **WQMP/BMP Education** – Prior to issuance of any Certificate of Occupancy, the developer / project owner shall provide the City proof of notification to future occupants of all BMP's and educational and training requirements for said BMP's as directed in the approved FINAL WQMP. Proof of notification shall be provided to the Public Works / Engineering Department in forms determined acceptable by the Public Works Director / City Engineer. Public Education Program materials may be obtained from the Flood Control District's NPDES Section through their website at www.rcwatershed.org.

A copy of the notarized affidavit must be placed in the FINAL WQMP. The Public Works / Engineering Department MUST also receive the original notarized affidavit with the plan check submittal in order to clear the appropriate condition. Placing a copy of the affidavit without submitting the original will not guarantee clearance of the condition.

221. **Implement WQMP** - All structural BMPs described in the FINAL WQMP shall be constructed and installed in conformance with approved plans and specifications. It shall be demonstrated that the applicant is prepared to implement all BMPs described in the approved FINAL WQMP and that copies of the approved FINAL WQMP are available for the future owners/occupants. The City will not release occupancy permits for any portion of the project until all proposed BMPs described in the approved FINAL WQMP, to which the portion of the project is tributary to, are completed and operational.
222. **Inspection of BMP Installation** – Prior to issuance of any Certificate of Occupancy, all structural BMPs included in the approved FINAL WQMP shall be inspected for completion of installation in accordance with approved plans and specifications, and the FINAL WQMP. The Public Works Stormwater Inspection team shall verify that all proposed structural BMPs are in working conditions, and that a hard copy and / or digital copy of the approved FINAL WQMP are available at the site for use and reference by future owners/occupants. The inspection shall ensure that the FINAL WQMP at the site includes the BMP Operation and

Maintenance Plan, and shall include the site in a City-maintained database for future periodic inspection.

G. WATER, SEWER, and RECYCLED WATER

223. **EMWD Minimum Standards** – All public water, sewer and recycled water improvements shall be designed per City standards and ordinances and Eastern Municipal Water District (EMWD) standards and specifications, including required auxiliaries and appurtenances. The final design, including pipe sizes and alignments, shall be subject to the approval of EMWD and the City of Menifee.
224. **Utility Improvement Plans** – Public Water, Sewer and Recycled Water improvements shall be drawn on City title block for review and approval by the Public Works / Engineering Department and EMWD.
225. **Onsite and Offsite Sewer, Water and Recycled Water Improvements** – All public onsite and offsite sewer, water and recycled water improvements shall be guaranteed for construction prior to building permit and approval of improvement plans.
226. **Sewer Lines** – Any new public sewer line alignments or realignments shall be designed such that the manholes are aligned with the center of lanes or on the lane line and in accordance with City standards and ordinances and EMWD standards and specifications.
227. **Water Mains and Hydrants** - All water mains and fire hydrants providing required fire flows shall be constructed in accordance with City standards and ordinances, as well as those of the Riverside County Fire Department and EMWD standards and specifications.

H. CFD

Prior to Final Map Recordation:

228. **Annexation to the CFD** – Prior to final map recordation, the developer / property owner shall complete the annexation of the proposed development, into the boundaries of the City of Menifee CFD. The CFD shall be responsible for:
- a. The maintenance of public improvements or facilities that benefit this development, including but not limited to, the following: Public landscaping, streetlights, streets, drainage facilities, water quality BMPs, graffiti abatement, and other public improvements or facilities as approved by the Public Works Director / City Engineer.
 - b. The developer / property owner shall be responsible for all costs associated with the annexation of the proposed development in the CFD.
229. **CFD Annexation Agreement** – In the event timing for this development's schedule prevents the developer / property owner from complying with the above condition of approval for CFD annexation, the developer shall enter into a CFD annexation agreement to allow the annexation to complete after map recordation but prior to the issuance of a building permit. The developer shall be responsible for all costs associated with the preparation of the CFD annexation agreement. The agreement shall be approved by the City Council prior to issuance of a building permit.

230. **Landscape Improvement Plans for CFD Maintenance** – Landscape improvements within public ROW and / or areas dedicated to the City for the citywide CFD to maintain shall be prepared on a separate City CFD plan for review and approval by the Public Works / Engineering Department.
231. **CFD Landscape Guidelines and Improvement Plans** – All landscape improvements for maintenance by the CFD shall be designed and installed in accordance with City CFD Landscape Guidelines and shall be drawn on a separate improvement plan on City title block. The landscape improvement plans shall be reviewed and approved by the Public Works / Engineering Department prior to issuance of a construction permit.
232. **Landscaping Within the Public Right-of-Way** – The parkway areas around the sidewalk within the public right-of-way fronting the entire property shall be landscaped and irrigated per City standards and guidelines. These areas shall be maintained by the CFD.
233. **Maintenance of CFD Accepted Facilities** – All landscaping and appurtenant facilities to be maintained by the citywide CFD shall be built to City standards. The developer shall be responsible for ensuring that landscaping areas to be maintained by the CFD have its own controller and meter system, separate from any private controller/meter system.

I. WASTE MANAGEMENT

Prior to Building Permit Issuance:

234. **Recyclables Collection and Loading Area Plot Plan** - Prior to the issuance of a building permit for each building, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the City of Menifee Engineering/Public Works Department for review and approval. The plot plan shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.

The applicant shall provide documentation to the Community Development Department to verify that Engineering and Public Works has approved the plan prior to issuance of a building permit.

235. **Waste Recycling Plan** - Prior to the issuance of a building permit for each building, a Waste Recycling Plan (WRP) shall be submitted to the City of Menifee Engineering/Public Works Department for approval. Completion of Form B “Waste Reporting Form” of the Construction and Demolition Waste Diversion Program may be sufficient proof of WRP compliance, as determined by the Public Works Director / City Engineer. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and / or reduce the amounts of materials, the facilities and / or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins; one for waste disposal and the other for recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used to further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements shall be made through the City’s franchise hauler, Waste Management.

Prior to Issuance of Any Certificate of Occupancy:

236. **Waste Management Clearance** - Prior to issuance of an occupancy permit for each building, evidence (i.e., receipts or other type of verification) shall be submitted to demonstrate project compliance with the approved WRP to the Engineering and Public Works Department in order to clear the project for occupancy permits. Receipts must clearly identify the amount of waste disposed and Construction and Demolition (C&D) materials recycled. Completion of Form C, "Waste Reporting Form" of the Construction and Demolition Waste Diversion Program along with the receipts may be sufficient proof of WRP compliance, as determined by the Public Works Director / City Engineer.

The developer shall use the City's franchise hauler, Waste Management.

J. FEES, DEPOSITS and DEVELOPMENT IMPACT FEES

237. **Fees and Deposits** – Prior to approval of grading plans, improvement plans, issuance of building permits, map recordation, and / or issuance of certificate of occupancy, the developer / property owner shall pay all fees, deposits as applicable. These shall include the regional Transportation Uniform Mitigation Fee (TUMF), Development Impact Fees (DIF), and any applicable regional fees including potential Road and Bridge Benefit District (RBBD) Fees. Said fees and deposits shall be collected at the rate in effect at the time of collection as specified in current City resolutions and ordinances.

238. **Road Bridge Benefit District** – The applicant shall pay the RBBD fees based on the designated land use and areas, prior to the issuance of a building permit. Should the project proponent choose to defer the time of payment, a written request shall be submitted to the City, deferring said payment from the time of issuance of a building permit to issuance of a certificate of occupancy. Fees which are deferred shall be based upon the fee schedule in effect at the time of issuance of the permit of each parcel.

239. **TUMF Fees** – Prior to the issuance of an occupancy permit, the developer / property owner shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance, pursuant to adopted City Ordinance governing the TUMF program.

Tentative Parcel Map Conditions of Approval

Standard Policies and Procedures

240. **Subdivision Map Act** – The developer / property owner shall comply with the State of California Subdivision Map Act and all other laws, ordinances, and regulations pertaining to the subdivision of land.
241. **Existing and Proposed Easements** – The final map shall correctly show all existing easements, traveled ways, drainage courses, and encumbrances. Any omission or misrepresentation of these documents may require said map to be resubmitted for further consideration.
242. **Final Map Submittal Process** – Appropriate final map plan check submittal forms shall be completed and appropriate fees or deposits paid. Prior to approval of the final map by the City Council, the developer / property owner shall provide along with the final map mylars, electronic files of the final map on Compact Disc (CD), in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) and (c) Geodatabase (made up of ESRI extension .gdb). CAD files created with the latest version shall only be accepted if approved by the Public Works Director / City Engineer.

A. GENERAL CONDITIONS

243. **Parcel Map** – The proposed development includes eight (8) parcels that will be consolidated into one (1) parcel, and as such, the developer / project owner shall prepare and file a parcel map. The parcel map shall be submitted to the Public Works / Engineering Department for review and approval prior to recordation.

B. DEDICATIONS

244. **Street Dedications** – Street dedications shall conform to all applicable City Design Standards and Specifications, the City General Plan, and all other relevant laws, rules and regulations governing street construction in the City.
- a. Wheat Street – The dedication for Wheat Street along the project frontage shall be for an Industrial Collector (2-lane) designation with an ultimate half-width right-of-way of 39 feet.
 - b. Byers Road – The dedication for Byers Road along the project frontage shall be for an Industrial Collector (2-lane) designation with an ultimate half-width right-of-way of 39 feet.
 - c. Kuffel Road – The dedication for Kuffel Road along the project frontage shall be for a General Local (2-lane) designation with an ultimate half-width right-of-way of 30 feet.

C. FEES, DEPOSITS and DEVELOPMENT IMPACT FEES

245. **Fees and Deposits** – Prior to map recordation, the developer / property owner shall pay all fees, deposits as applicable. These shall include the regional Transportation Uniform Mitigation Fee (TUMF), Development Impact Fees (DIF), and any applicable regional fees

including potential Road and Bridge Benefit District (RBBB) Fees. Said fees and deposits shall be collected at the rate in effect at the time of collection as specified in current City resolutions and ordinances.

Section III:
Building and Safety Department
Conditions of Approval

GENERAL REQUIREMENTS

246. **Final Building & Safety Conditions.** Final Building & Safety Conditions will be addressed when building construction plans are submitted to Building & Safety for review. These conditions will be based on occupancy, use, the California Building Code (CBC), and related codes which are enforced at the time of building plan submittal.
247. **Compliance with Code.** All Design components shall comply with applicable provisions of the 2019 edition of the California Building, Plumbing and Mechanical Codes; 2019 California Electrical Code; California Administrative Code, 2019 California Energy Codes, 2019 California Green Building Standards, California Title 24 Disabled Access Regulations, and City of Menifee Municipal Code. If a code cycle changes prior to submission of any plans or documents, the plans submitted shall be updated to the current State of California, Title 24, Code of Regulations, City of Menifee Ordinance, or any other state, federal, or city requirements.
248. **ADA Access.** Applicant shall provide details of all applicable disabled access provisions and building setbacks on plans to include:
- a. Disabled access from the public way to the main entrance of the building.
 - b. Van accessible parking located as close as possible to the main entrance of the building.
 - c. Accessible path of travel from parking to the furthest point of improvement.
 - d. Path of accessibility from parking to furthest point of improvement.
 - e. Accessible path of travel from public right of way to all public areas on site, such as enclosures, clubhouses and picnic areas.
249. **California Green Building Code Requirements.**
- a. The plans shall clearly indicate the location and total amount of Clean Air Vehicle (CAV) parking stalls as required, if applicable.
 - b. The plans shall clearly indicate the location and total amount of future electric vehicle (EV) parking stalls within the site.
250. **County of Riverside Mount Palomar Ordinance.** Applicant shall submit, at the time of plan review, a complete exterior site lighting plan with a “photometric study” showing compliance with County of Riverside Mount Palomar Ordinance Number 655 for the regulation of light pollution. All streetlights and other outdoor lighting shall be shown on electrical plans submitted to the Building & Safety Department. Any outside lighting shall be hooded and aimed not to shine directly upon adjoining property or public rights-of-way. All exterior LED light fixtures shall be 3,000 kelvin and below.
251. **Street Name Addressing.** Applicant must obtain street name addressing for all proposed buildings by requesting street name addressing and submitting a site plan for commercial, residential/tract, or multi-family residential projects.
252. **Obtain Approvals Prior to Construction.** Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
253. **Obtaining Separate Approvals and Permits.** Temporary construction/sales trailers, temporary power poles/generators, trash enclosures, patio covers, light standards, building and monument signage, and any block walls will require separate approvals and permits. Solid covers are required over new and existing trash enclosures.

254. **Sanitary Sewer and Domestic Water Plan Approvals.** On-site sanitary sewer and domestic water plans will require separate approvals and permits from Building and Safety. A total of 6 sets shall be submitted.
255. **Demolition.** (If applicable) Demolition permits require separate approvals and permits. AQMD notification and approval may be required.
256. **Hours of Construction.** Signage shall be prominently posted at the entrance of the project indicating the hours of construction, as allowed by the City of Menifee Municipal Ordinance 8.01.010, for any site within one-quarter mile of an occupied residence. The permitted hours of construction are Monday through Saturday 6:30am to 7:00pm. No work is permitted on Sundays and nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.
257. **House Electrical Meter.** Provide a house electrical meter to provide power for the operation of exterior lighting, irrigation pedestals and fire alarm systems for each building on the site. Developments with single user buildings shall clearly show on the plans how the operation of exterior lighting and fire alarm systems when a house meter is not specifically proposed.

AT PLAN REVIEW SUBMITTAL

258. **Submitting Plans and Calculations.** Applicant must submit to Building & Safety one (1) complete set of each document listed below for electronic submittals or, seven (7) complete sets of plans and two (2) sets of supporting documents, two (2) sets of calculations for review including:

All plans shall be submitted on minimum 24" x 36" size paper or digital equivalent.

General Requirements

- a. All sheets of the plans and the first sheet of the calculations are required to be signed by the licensed architect or engineer responsible for the plan preparation. (Business & Professions Code 5802), (Business & Professions Code 5536.1, 5802, & 6735)

Cover Sheet

- b. Vicinity Map
- c. Parcel number and Site Address
- d. Business Name
- e. Building data: Building Type of Construction, Square Feet of leased area intended use/occupancy, occupant loads, Building Code Data: 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Code, 2019 California Energy Code, and 2019 California Fire Code.
- f. List any flammable/combustible materials, chemicals, toxics, or hazardous materials used or stored and total quantities or each, including MSDS reports.
- g. Indicate if the building has a fire sprinkler system.

- h. Sheet Index

Plot Plans

- a. North Arrow
- b. Property Lines/Easements
- c. Street/Alleys
- d. Clearly dimension building setbacks from property lines, street centerlines, and from all adjacent buildings and structures on the site plan.

PRIOR TO ISSUANCE OF BUILDING PERMITS

- 259. All associated Building Fees to be paid.
- 260. Each Department is required to Approve, with a signature.

PRIOR TO START OF CONSTRUCTION

- 261. **Pre-Construction Meeting.** A pre-construction meeting is required with the building inspector prior to the start of the building construction.

PRIOR TO TEMPORARY CERTIFICATE OF OCCUPANCY (IF APPLICABLE)

- 262. **Temporary Certificate of Occupancy.** Application and deposit to be submitted, a minimum of 5 working days prior to effective date. Each department is required to provide an Exhibit' clearly identifying those Conditions of Approval that remain outstanding with a signature.

PRIOR TO CERTIFICATE OF OCCUPANCY

- 263. Each department is required to Review and Approve with a signature once ALL Conditions of Approval have been Met/Approved.

PRIOR TO FINAL INSPECTION

- 264. Each department that has conditions shall have completed and approved their final inspection prior to requesting the final inspection by the Building and Safety Department.

Section IV:
Office of the Fire Marshal
Conditions of Approval

It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The permit number (**as it is noted above**) is required on all correspondence.

Additional information is available at our website: www.rvcfire.org

Questions should be directed to the Riverside County Fire Department, Office of the Fire Marshal at City of Menifee 29714 Haun Rd., Menifee, CA 92586. Phone (951)723-3767

COMMENTS

265. **Surface Load and Capabilities-** Fire apparatus access roads shall be designed to support the imposed loads of fire apparatus [80,000 pound live load (gross vehicular weight) distributed over two axles] and shall be surfaced so as to provide all-weather driving capabilities [rear wheel drive apparatus] for the length and grade(s) of the fire apparatus access road.
266. **Aerial Fire Apparatus Access Roads-** Where the vertical distance between grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Aerial fire apparatus access roads shall have unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof, with an unobstructed vertical clearance of 13 feet 6 inches.
267. **Minimum Required Fire Flow -** The Fire Department is required to set a minimum fire flow for the remodel or construction of all commercial buildings in accordance with Ordinance 787 and the California Fire Code. A fire flow of 4000 gpm for a 4-hour duration at 20 psi residual operating pressure must be available before any combustible material is placed on the job site. A minimum number of 5 Super fire hydrant(s) (6"x4"x2½"x2½") shall be provided for this project. Additional fire hydrants may be required to meet the spacing requirements of the California Fire Code.
268. **Hydrant System -** A combination of on-site and off-site super fire hydrants (6"x4"x2½"x2½") on a looped system shall be provided spaced an average of 300 feet between fire hydrants and in no case shall fire hydrants be further than 180 feet from any portion of on a street or road frontage as measured along approved vehicular travel ways. Fire hydrant(s) shall be located so that no portion of the building is farther than 250 feet from any hydrant(s) as measured along approved vehicular travel ways. The required fire flow shall be available from any adjacent hydrant(s) in the system.
269. **Additional Required Hydrants -** Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
270. **Gates -** Gate entrances shall be at least two feet wider than the width of the traffic lanes serving the gate. Any gate providing access from a road to a driveway shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, 38 feet turning radius shall be used.
271. **Auto Gates-** Gates shall be automatic minimum 26 feet in width. Gate access shall be equipped with a rapid entry system to include OPTICOM and Knox Electric switches. Plan

shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system.

272. **Fire Department Access** - Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
273. **Turn Around** - Turn arounds shall be provided to all building sites on fire apparatus access roads over 150 feet in length and shall be within 50 feet of the building. The minimum outside turning radius for a turnaround shall be 38 feet, not including parking. If a hammerhead is used instead, the top of the "T" shall be a minimum of 110 feet in length.
274. **Sprinkler System**- Buildings or structures exceeding 3600 sq. ft are required to have approved CFC and NFPA 13 compliant fire sprinkler systems installed. ESFR system to be required for a project of this size.
275. **Building Access** - Shall comply per Table 3206.2 California Fire Code, fire apparatus access roads in accordance with Section 503 shall be provided within 150 feet of all portions of the exterior walls of buildings used for high pile storage.
276. **Access Doors** - Where building access is required by Table 3206.2, fire department access doors shall be provided in accordance with this section. Access doors shall be accessible without the use of a ladder.
277. **Number of Doors Required** - The required fire department access doors shall be distributed such that the lineal distance between adjacent fire department access door does not exceed 125 ft measured center to center.
278. **Smoke and Heat Removal** - Where smoke and heat removal is required by Table 3206.2 it shall be in accordance with Section 910.

If any of the conditions are unclear, difficult to understand, or you would like to set up a meeting, please contact me at (951) 723-3765 so that I can better assist you in the approval of this project.

Section V:
Riverside County Environmental Health
Conditions of Approval



County of Riverside
DEPARTMENT OF ENVIRONMENTAL HEALTH

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909

JEFF JOHNSON, DIRECTOR

June 8, 2022

City of Menifee, Planning Department
Attn: Ryan Fowler
29714 Haun Road
Menifee, CA 92586

**SUBJECT: City of Menifee Planning Applications: PLN21-0370
(ASSESSORS PARCEL NO. 330-190-002 thru 005, 010 thru 013)**

Dear Mr. Fowler,

The project listed in the subject heading of this letter proposes the following:

- PLN21-0370 proposes to construct one concrete tilt-up building totaling 700,037 SF and associated improvements such as parking, on-site landscaping and related on-site and off-site improvements.
- TPM/PLN22-0041 proposes to consolidate 8 parcels into one industrial parcel with an approximate size of 40.03 gross acres (36.81 net acres).

The project is generally located north of Corsica Lane, south of Kuffel Road, east of Wheat Street and west of Byers Road, in the City of Menifee.

In accordance with the agreement between the County of Riverside, Department of Environmental Health (DEH) and the City of Menifee, DEH has reviewed the planning case referenced in the subject heading of this letter and provides the following recommendations:

POTABLE WATER AND SANITARY SEWER SERVICE:

A "General Condition" shall be placed on the project indicating that the subject property is proposing to receive potable water service and sanitary sewer service from Eastern Municipal Water District (EMWD). It is the responsibility of this facility to ensure that all requirements to obtain potable water and sanitary sewer service are met with EMWD, in addition to all other applicable agencies.

Prior to building permit issuance, provide documentation that establishes water and service for the project from EMWD.

REMOVAL/DESTRUCTION OF ANY EXISTING OWTS AND WELLS:

Prior to any grading permit issuance, any existing wells and/or existing onsite wastewater treatment systems (OWTS)/septic shall be properly removed and/or destroyed under permit with DEH.

Office Locations • Blythe • Corona • Hemet • Indio • Murrieta • Palm Springs • Riverside

Phone (888)722-4234

www.rivcoeh.org

HAZARDOUS MATERIALS MANAGEMENT BRANCH

Prior to building permit final, this facility shall be required to contact and have a review conducted by the Hazardous Materials Management Branch (HMMB). A business emergency plan for the storage of any hazardous materials, greater than 55 gallons, 200 cubic feet or 500 pounds, or any acutely hazardous materials or extremely hazardous substances will be required. If further review of the site indicates additional environmental health issues, HMMB reserves the right to regulate the business in accordance with applicable County Ordinances. Please contact HMMB at (951) 358-5055 to obtain information regarding any additional requirements.

ENVIRONMENTAL CLEANUP PROGRAMS

As part of the services offered to Contract Cities, the Department of Environmental Health Environmental Cleanup Programs (ECP) conducts environmental reviews on planning projects to ensure that existing site conditions will not negatively affect human health or the environment. The objective of the environmental reviews is: to determine if there are potential sources of environmental and/or human exposures associated with the project, identify the significance of potential adverse effects from the contaminants, and evaluate the adequacy of mitigation measures for minimizing exposures and potential adverse effects from existing contamination and/or hazardous substance handling.

*Note: Applicant submitted a Phase I Environmental Site Assessment (ESA) report to DEH but it was not reviewed by DEH.

For this project, the City of Menifee is taking on the responsibility to review the above aspects of the project.

Should you have any further questions about this letter or require further assistance, please contact me by email at kakim@rivco.org or by phone at (951) 955-8980.

Sincerely,
Kristine Kim, Supervising REHS
Environmental Cleanup Program

The undersigned warrants that he/she is an authorized representative of the project referenced above, that I am specifically authorized to consent to all of the foregoing conditions, and that I so consent as of the date set out below.

Signed

Date

Name (please print)

Title (please print)



CITY OF MENIFEE

SUBJECT: CADO Menifee Industrial Warehouse

MEETING DATE: August 14, 2024

TO: Planning Commission

PREPARED BY: Ryan Fowler, Principal Planner

REVIEWED BY: Orlando Hernandez, Deputy Community Development Director

APPROVED BY: Cheryl Kitzerow, Community Development Director

APPLICANT: CADO Menifee, LLC

RECOMMENDED ACTION

1. Adopt a Resolution certifying the Environmental Impact Report (State Clearinghouse No. 2022040622), adopt the Findings of Fact and Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program; and
2. Adopt a Resolution approving Tentative Parcel Map No. 38139 (PLN22-0041) and Plot Plan No. PLN21-0370 generally located north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road.

PROJECT DESCRIPTION

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

Plot Plan (PP) 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 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).

LOCATION

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

City of Menifee Planning Commission
CADO Menifee Industrial Warehouse
August 14, 2024
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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



GENERAL PLAN/ZONE

General Plan

The General Plan land use designation for the Project site is EDC-NG which is intended to provide economic vitality and flexibility in land use options to promote economic development along the City's major corridors. Surrounding Land Use designations and existing uses can be found below in Table 1. The Project's proposed industrial use is consistent with the existing land use designation.

Zoning

The underlying zoning classification is EDC-NG. The existing zoning of the Project site allows for the development of industrial and warehousing-related uses with which the proposed Project is consistent.

City of Menifee Planning Commission
 CADO Menifee Industrial Warehouse
 August 14, 2024
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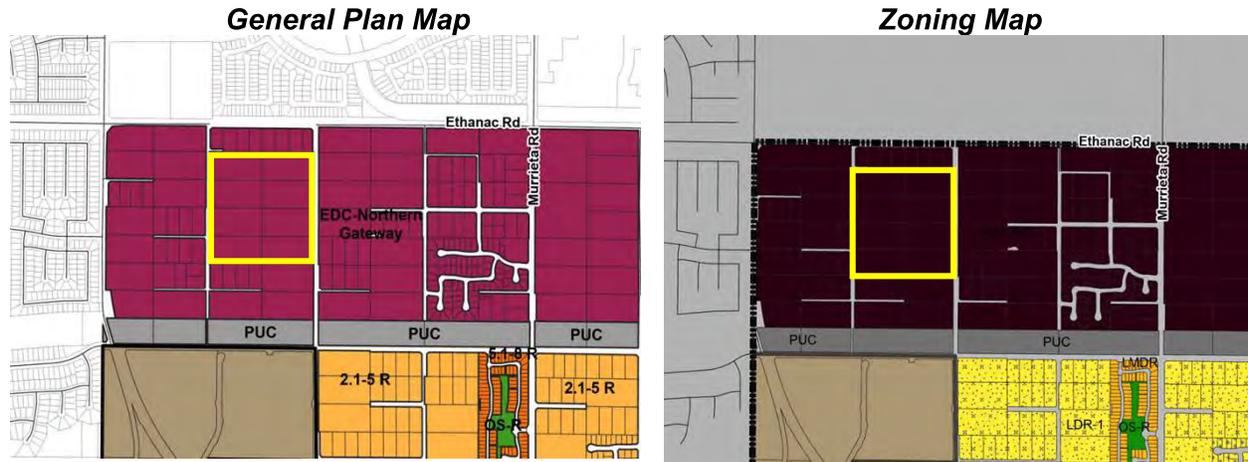


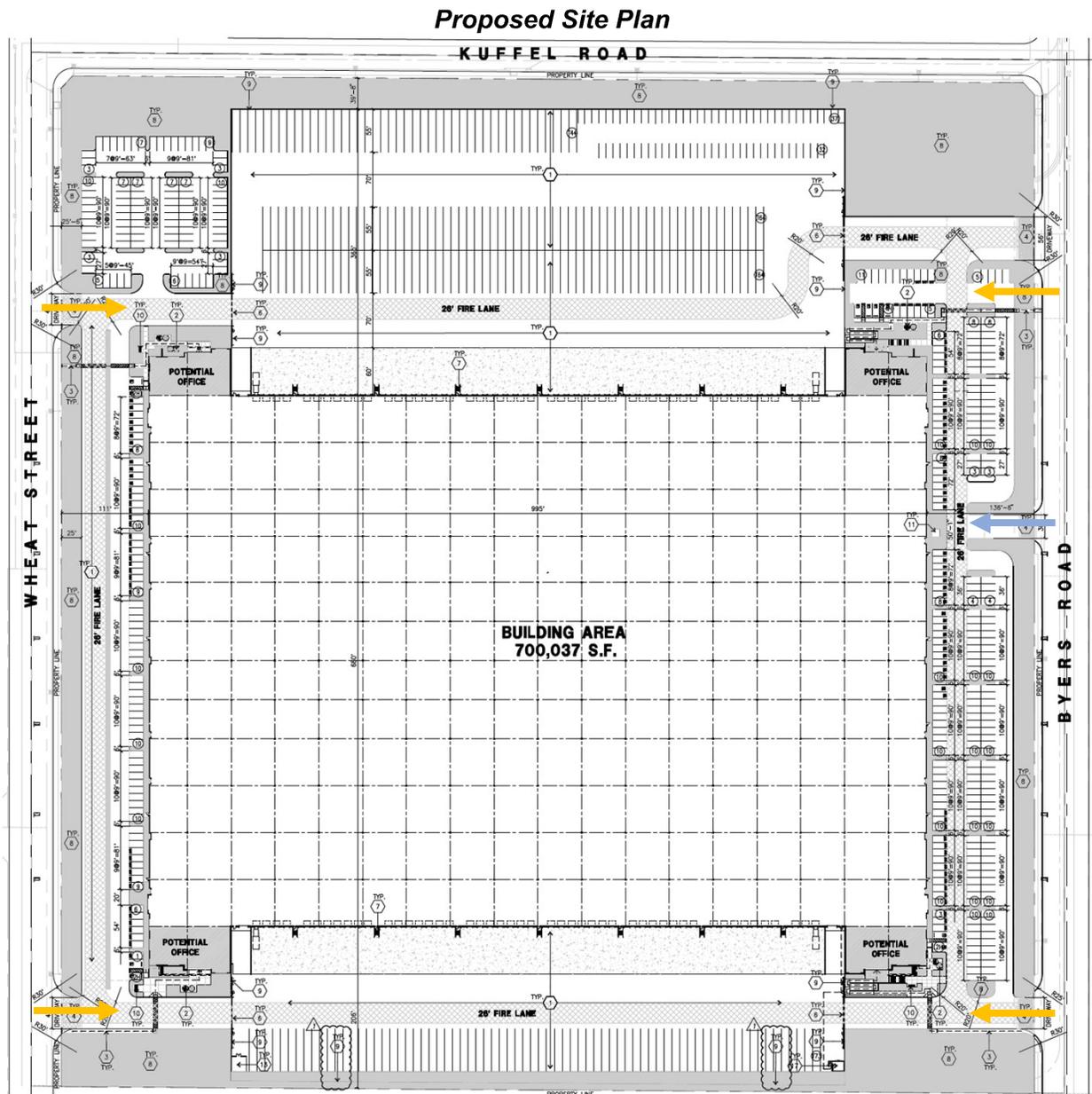
Table 1 – Surrounding Land Uses

Location	Existing Land Use	General Plan Land Use	Zoning Classification
North	Vacant undeveloped land and single-family residential	EDC-NG	EDC-NG
East	Vacant undeveloped land and single-family residential	EDC-NG	EDC-NG
South	Vacant undeveloped land and single-family residential	EDC-NG	EDC-NG
West	Vacant undeveloped land, single-family residential, and commercial development	EDC-NG	EDC-NG

DISCUSSION

The Project Applicant (CADO Menifee, LLC) is proposing the development of approximately 700,037 square feet of industrial warehouse space (including 10,000 square feet of office space and 690,037 square feet of warehouse space) within one building.

City of Menifee Planning Commission
 CADO Menifee Industrial Warehouse
 August 14, 2024
 Page 4 of 11



Circulation and Parking

Regional Project access would be from I-215 via Ethanac Road. Local access would be provided via Wheat Street and Byers Street. Project site ingress and egress would be via two driveways on Wheat Street and three driveways on Byers Street. The two southernmost and two northernmost driveways would provide full access for both trucks and automobiles (shown with orange arrows above), while the middle access point on Byers Road would provide access to passenger vehicles only (shown with the blue arrow). While there are shared access points, trucks would not be allowed to circulate through the majority of the passenger vehicle parking areas. The City of Menifee Development Code outlines the parking requirements for the Project. As demonstrated in Table 2, the Project meets all the parking requirements.

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Table 2 – Parking Summary	
Office: 1/250 SF (10,000 SF)	40
Warehouse; ground floor: 1/2,000 SF (690,037 SF)	346
Required	386
Total Spaces Provided	389

Infrastructure Improvements

The Project Applicant would be responsible for the construction of public infrastructure improvements. Wheat Street would be improved along the Project frontage to an Industrial Collector (two-lane) designation. The improvement will include the necessary offsite transitions. Turning movements at Ethanac Road would be restricted to right-in and right-out only (at Wheat Street). Additionally, a paved section of the street would be required from the northern property line of the Project to Ethanac Road.

Byers Road would be improved along the Project frontage to an Industrial Collector (two-lane) designation. The improvement will include the necessary offsite transitions. The Project Applicant would also be responsible for the installation of a traffic signal at the intersection of Ethanac Road and Byers Road, with protected westbound left-turn phasing. The existing northbound lane would be modified to be a right-turn-only lane and a dedicated northbound left-turn lane would be added. In addition, the westbound left-turn pocket length would be increased to 350 feet.

Kuffel Road would be improved along the Project frontage to a General Local (two lane) designation.

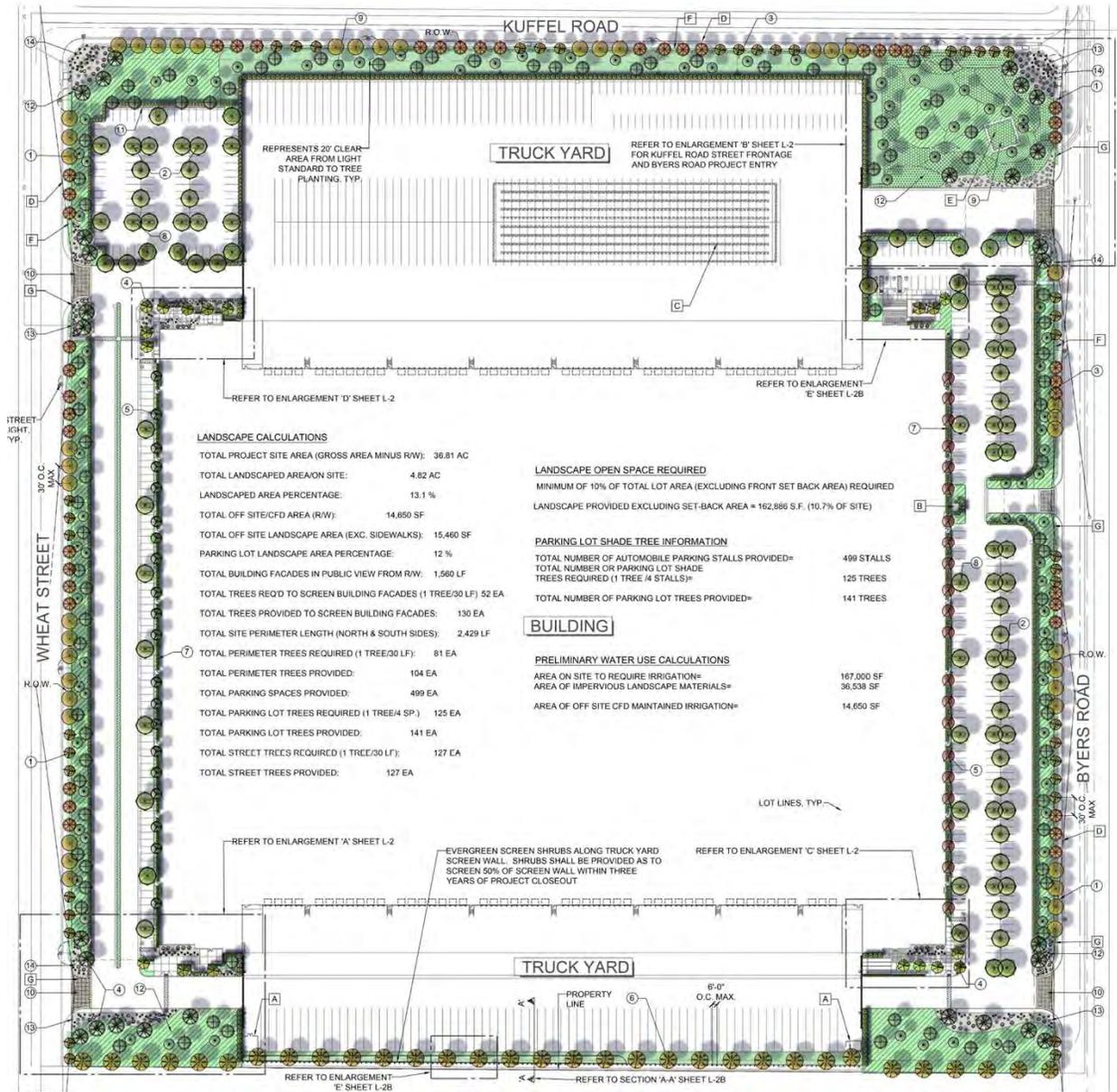
The Project has also been conditioned to participate in a Road and Bridge Benefit District (RBBB) that will be established for the area. The Applicant is required to pay the RBBB fees based on the designated land use and areas prior to the issuance of a building permit.

Fair share cost participation would be required at multiple off-site intersections including I-215/Ethanac Road southbound and northbound ramps. Utility improvements would be constructed which include new water lines, recycled water lines, sewer, and storm drain lines.

Landscaping

Landscape standards for the Project are outlined in the City's Development Code. Irrigated landscaped areas for the Project site (minus the front setback areas) would total approximately 162,886 square feet (10.7 percent of the site) and would be comprised of drought-tolerant shrubs and groundcover and evergreen and deciduous trees. The conceptual landscape plan includes trees at the perimeter, street frontages, parking areas, and adjacent to the building to soften the edges of the development and the proposed building. Larger sized (36" box) trees are proposed at all the Project entry driveways and at the building office entrances. In addition, the landscape and architectural plans feature site amenities that coordinate and compliment the proposed Project, including outdoor break areas, benches, tables, bike racks, lighting, and trash receptacles. The trailing parking areas are screened from Wheat Street and Byers Road by large landscaped setbacks and intervening passenger car parking areas as can be seen in the image below.

Conceptual Landscape Plan



Screening

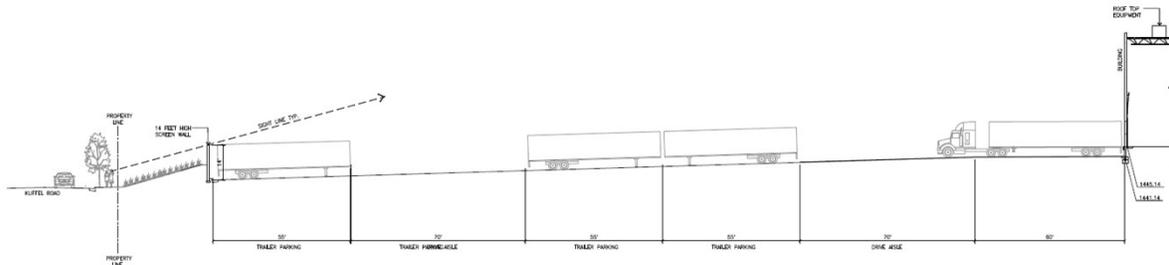
On Kuffel Road, 14-foot-tall decorative concrete walls would be constructed to screen all loading areas, trucks, and trailers from public view. The visual height of the walls will be reduced on the public street side through the use of landscaped berms and perimeter screening trees. As shown in the conceptual landscape plan, the intent is to provide landscape coverage with a variety of trees, shrubs and ground cover to soften the wall and to provide a more aesthetically pleasing street scene.

Because the truck court is set lower compared to the neighboring properties on the southerly Project boundary, the decorative concrete screen wall is proposed to be six to eight feet tall. In

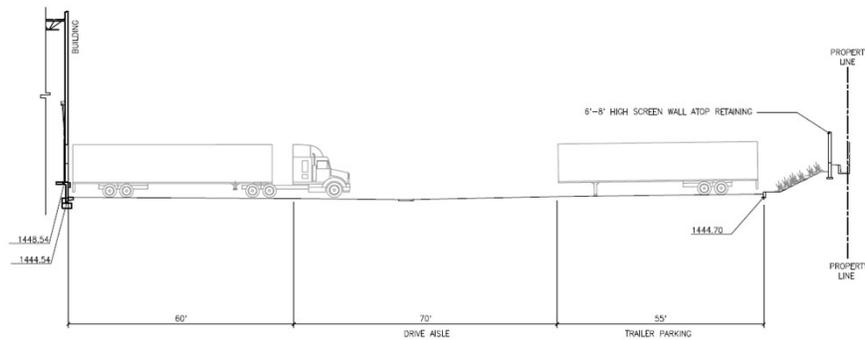
City of Menifee Planning Commission
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 August 14, 2024
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In addition, the conceptual landscape plans propose screen trees on the interior side of the wall, which are anticipated to grow above the height of the wall and further screen views into the facility. In addition, evergreen shrubs and vines are proposed along the exterior of the southerly screen wall.

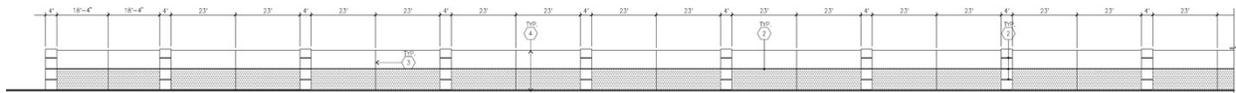
Kuffel Road Line-of-Sight



South Perimeter Screening



Screen Wall



Elevations

The proposed building has unique design features as well as shared architectural elements with approved industrial developments within the northern section of the City to provide for cohesive development. There are complementing roof forms, colors, and materials. The various colors include white and multiple variations of gray. The reflective glazing has a blue tint. Additional materials proposed include aluminum black anodized mullions, metal canopies, and stained wood siding (with the appearance of walnut). Visual interest is maintained throughout the Project by enhancing architectural detailing and façade articulation along all building elevations.

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North Elevation



West Elevation (Wheat Street)



South Elevation



East Elevation (Byers Road)



Industrial Good Neighbor Policies

On March 2, 2022, the City Council adopted the *Industrial Good Neighbor Policies*. The focus of the policies can be summarized in three sections:

1. Minimize impacts to sensitive uses (residential, schools, parks, nursing homes, hospitals)
2. Protect public health, safety and welfare by regulating design, location and operations
3. Protect neighborhood character of adjacent residential communities

When reviewing the proposed Project, the *Industrial Good Neighbor Policies* were referenced to ensure a compliant project. Implemented policies include added landscape buffers, screen walls, improved building design, community outreach, increased building and loading dock setbacks, on-site truck queuing, on-site signage, and environmental mitigation measures.

ENVIRONMENTAL DETERMINATION

Notice of Preparation (NOP)

On May 2, 2022, the City of Menifee publicly noticed its decision to prepare an Environmental Impact Report (EIR) and hold a public scoping meeting for the Project by noticing the California Governor's Office of Planning and Research (State Clearinghouse (SCH) and distributed the NOP to various agencies and surrounding property owners and residents in accordance with California Environmental Quality Act (CEQA) requirements. The NOP review period was from May 2, 2022 to May 31, 2022. On May 17, 2022, the City of Menifee held a duly noticed public scoping meeting

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at City Hall regarding the preparation of the Draft EIR and provided an opportunity for members of the public to comment on the scope of environmental issues to be addressed in the EIR.

EIR Impacts

Within the EIR that has been prepared for the Project (SCH No. 2022040622), mitigation measures are provided under the categories of Air Quality, Biological Resources, Geology and Soils, Greenhouse Gas (GHG) Emissions, and Hydrology and Water Quality. The EIR determined that the Project could result in significant and unavoidable impacts under the category of GHG Emissions based on the analysis and findings in the Draft EIR and requires adoption of a Statement of Overriding Considerations (SOOC). A brief description of these impacts is as follows:

GHG Emissions: The Project's unmitigated emissions would be approximately 7,023 MTCO₂e/year. Even with the Project's compliance with applicable rules, adherence to standard conditions and requirements, and the imposition of all feasible mitigation measures, the Project's operational-source GHG emissions would exceed the applicable regional thresholds of significance (3,000 MTCO₂e/year). Approximately 71 percent of the Project's unmitigated GHG emissions and 79 percent of the mitigated emissions are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and Federal standards, and neither the Project applicant nor the City has control over these standards. Therefore, the Project's operational GHG emissions are considered significant and unavoidable.

Draft EIR Public Review

The City distributed the Draft EIR for public review beginning March 13, 2024 and ending April 27, 2024. During the public review period, comments on the Draft EIR were received from the following agencies, groups, or individuals:

1. Southern California Gas Company
2. Rincon Band of Luiseño Indians
3. Riverside County Flood Control and Water Conservation District
4. Advocates for the Environment
5. South Coast Air Quality Management District
6. Riverside County Department of Waste Resources
7. City of Perris – Development Services Department Planning Division
8. Blum, Collins & Ho LLP

The City prepared a Final Environmental Impact Report (FEIR), consisting of all the comment letters received during the 45-day public review and comment period on the Draft EIR, written responses to those comments, and revisions and errata to the Draft EIR. The FEIR was distributed to the Draft EIR commenters 10 days prior to the Planning Commission hearing. The FEIR, and Draft EIR, including technical appendices can be accessed for review on the City website at <https://www.cityofmenifee.us/325/Environmental-Notices-Documents>.

Findings of Fact and SOOC

Because the Draft EIR identified unavoidable significant adverse impacts that could not be mitigated below the level of significance, Findings of Fact (Findings) and a SOOC are required

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to approve the Project. The Findings and SOOC are included within the Resolution for the EIR for consideration by the Planning Commission.

According to the SOOC the following economic, legal, social, or technological benefits, independent of the other benefits, override the potential significant unavoidable adverse impacts and render acceptable each of these unavoidable adverse environmental impacts:

1. All feasible mitigation measures have been imposed to lessen Project impacts to less than significant levels; and furthermore, alternatives to the Project are infeasible, because while they have similar or less environmental impacts, they do not provide the economic benefits of the Project, or are otherwise socially or economically infeasible when compared to the Project, as described in the Statement of Facts and Findings.
2. The Project is consistent with and will contribute to achieving the goals and objectives established by the General Plan. Implementing the City's General Plan as a policy is a legal and social prerogative of the City. The Project would be consistent with the General Plan Goals and Policies contained within the attached "Findings of Fact and Statement of Overriding Consideration" through the implementation of Project Design Features and Mitigation Measures.

Although significant impacts will remain, the City will mitigate any significant adverse impacts to GHG emissions to the maximum extent practicable. In its decision to approve the Project, the Planning Commission has considered the Project benefits to override the environmental impacts.

Community Outreach

The Applicant's team stated that community meetings were conducted early in the entitlement process. Informal conversations with several area residents were also conducted and the Applicant's team has reached out to several property owners in the Project vicinity regarding purchasing property. Lastly, the Applicant's team has been active with multiple project proponents (of industrial projects within the City) over the years regarding the area and this Project's respective processes and status.

City staff held an environmental scoping meeting on Monday, May 17, 2022 at City Hall to discuss the Project and to receive comments from the public. A total of eight comment letters were received in response to the environmental scoping. For the Draft EIR 45-day comment period and public hearings, property owners and non-owner residents within 300 feet of the Project boundary were mailed notices at each step of the Project (scoping meeting, Draft EIR comment period, public hearing).

FINDINGS

Findings for the EIR, TPM No. 38139 (PLN 22-0041), and PP No. PLN 21-0370 are included in the attached Resolutions.

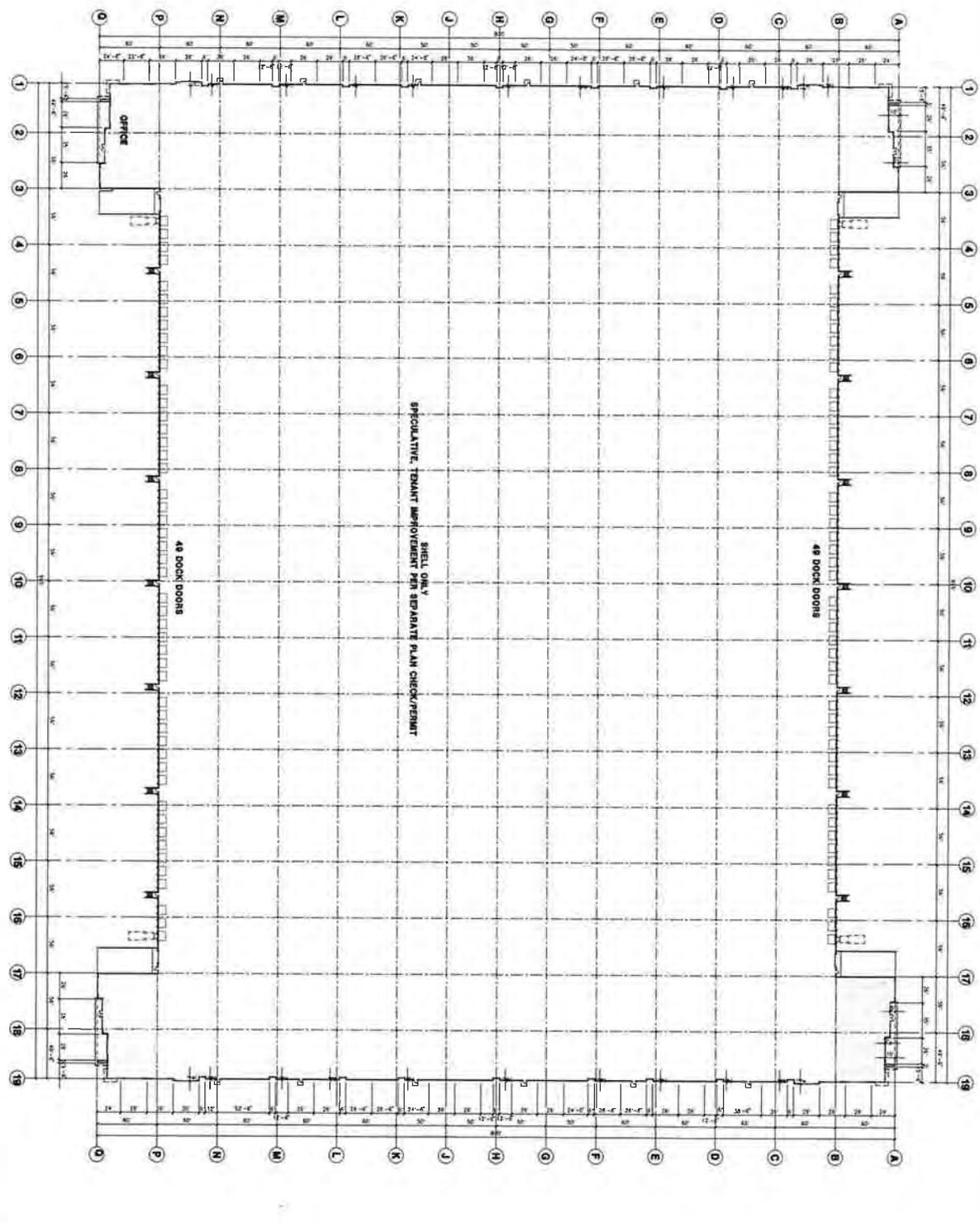
City of Menifee Planning Commission
CADO Menifee Industrial Warehouse
August 14, 2024
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PUBLIC NOTICE

The proposed Project was noticed on August 4, 2024 for the August 14, 2024 Planning Commission public hearing. A public notice was published in *The Press Enterprise* and notices were mailed to property owners and non-owner residents within a 300-foot radius of the Project site. The proper public notice was posted on-site, and in addition, all relevant public agencies and those requesting notification were notified of the public hearing.

ATTACHMENTS

1. Project Plans & Exhibits
2. Resolution – EIR
3. Exhibit A – FEIR
4. Exhibit B - Findings of Fact and the SOOC
5. Exhibit C - Mitigation Monitoring and Reporting Program
6. Resolution - Project Entitlements
7. Exhibit A – Conditions of Approval
8. Public Hearing Notice



OVERALL E3008 PLAN A

HPA ARCHITECTURE
 14211 Lindero Road, Ste. #100
 Dallas, TX 75244
 Tel: 972-440-1177
 Fax: 972-440-1178
 www.hpaarchitecture.com

OWNER:
CAPSTONE ADVISORS

145 PARKWAY AVENUE
 DALLAS, TX 75201
 TEL: 786-827-4225
 WITH BROWN PAPER

Project
CADO
 Meritree

10001 FORD ROAD AND WENTWORTH STREET
 MERRITREE, CA

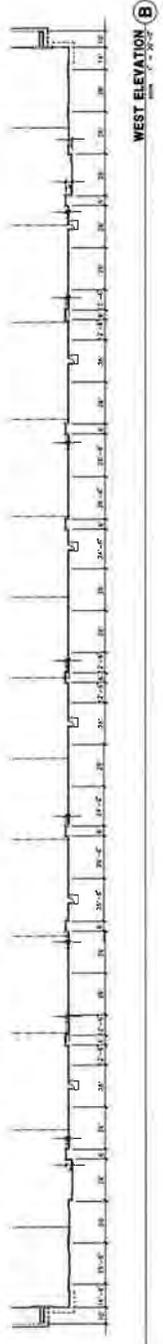
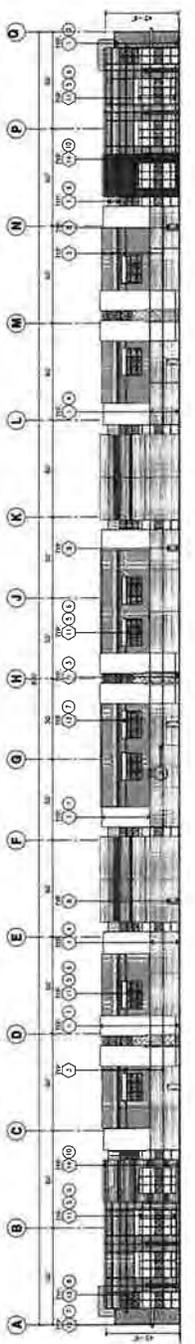
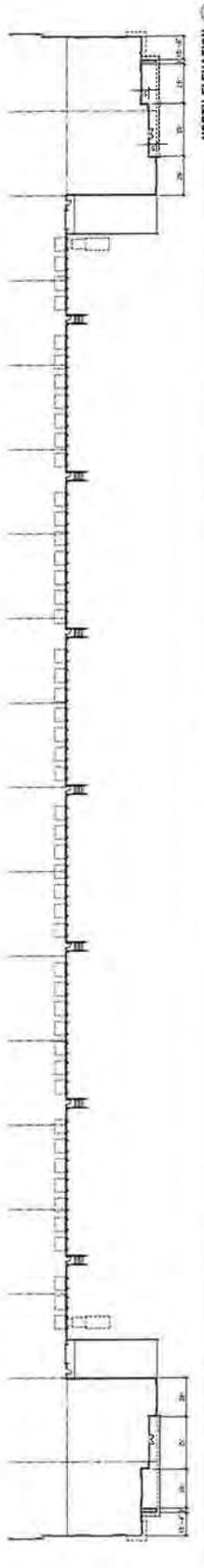
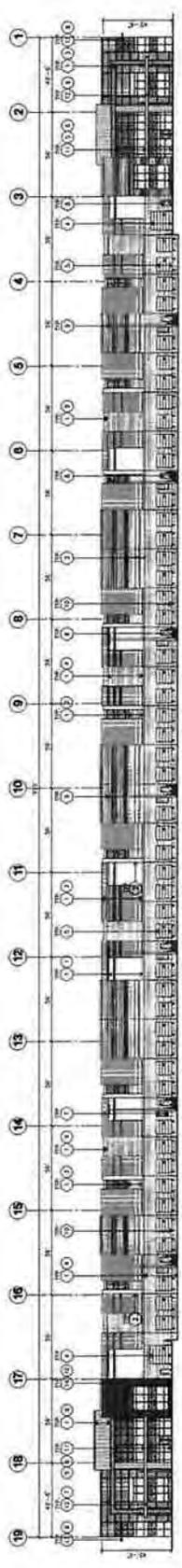
Consultants:
 CIVIL, MECHANICAL, ELECTRICAL, PLUMBING, PIPING, HVAC, STRUCTURAL, INTERIORS, SITES, LANDSCAPE ARCHITECTURE, SIGNAGE, SPECIALTIES

THE OVERALL E3008 PLAN

Project Number: 2075
 Drawn By: SH
 Date: 02/10/22
 Revision: 01
 Revision 11 02/13/22

Sheet:

DAB-A2.1



COLOR SCHEDULE - ELEVATIONS

- ① CONCRETE, TILT-UP PANEL, PAINT BAND, SYSTEM WALLS, SYSTEM PANEL, BRICK
- ② CONCRETE, TILT-UP PANEL, PAINT BAND, SYSTEM WALLS, SYSTEM PANEL, BRICK, COOPER
- ③ CONCRETE, TILT-UP PANEL, PAINT BAND, SYSTEM WALLS, SYSTEM PANEL, BRICK, COOPER
- ④ CONCRETE, TILT-UP PANEL, PAINT BAND, SYSTEM WALLS, SYSTEM PANEL, BRICK, COOPER
- ⑤ GLAZING
- ⑥ MULLIONS
- ⑦ METAL, CANOPY
- ⑧ WOOD SOFC
- ⑨ FORMWORK

KEYNOTES - ELEVATIONS

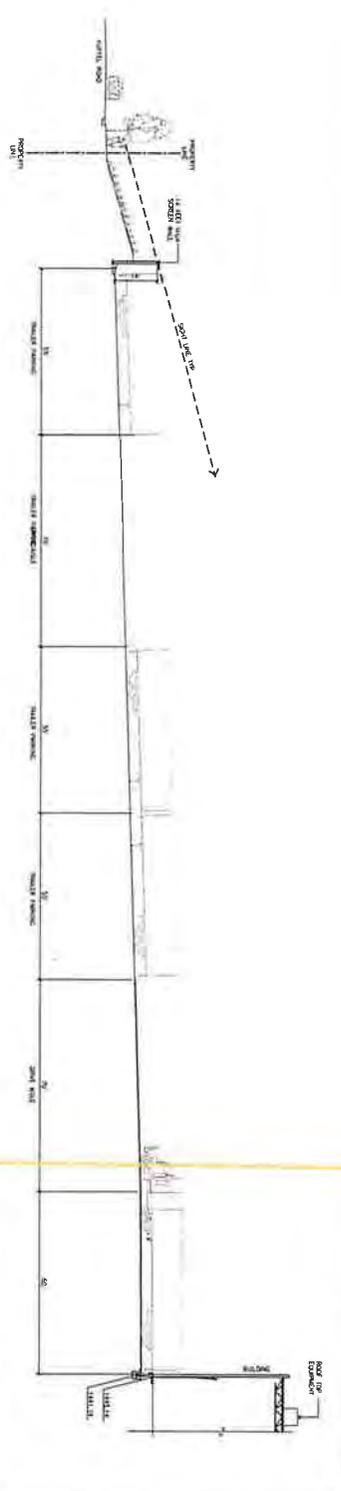
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GLAZING LEGEND

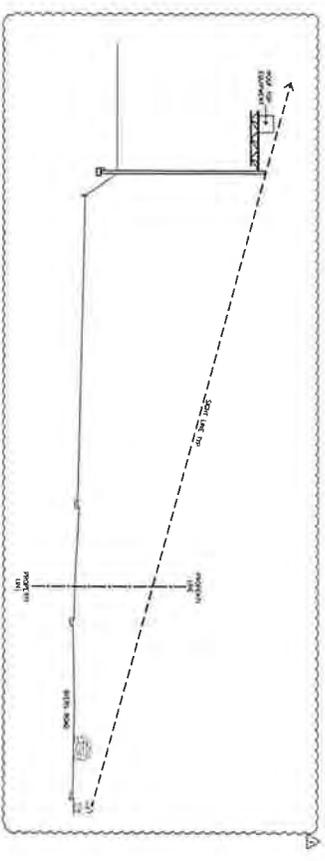
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GENERAL NOTES - ELEVATIONS

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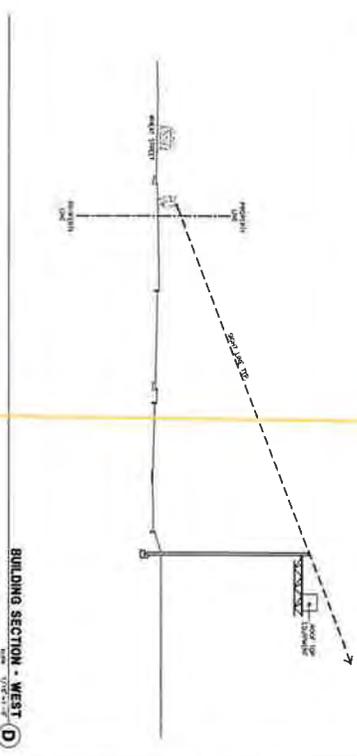
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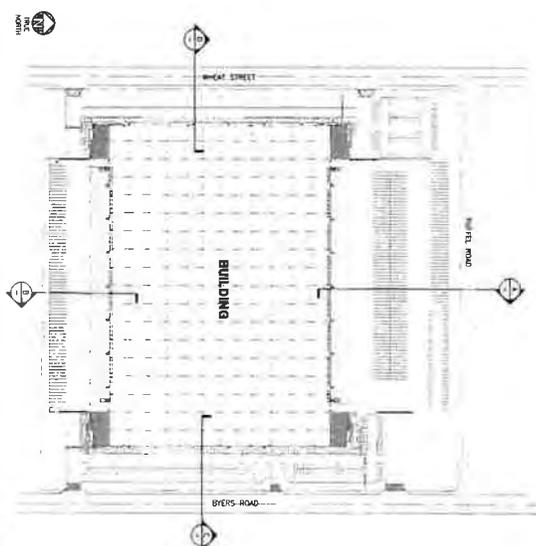
BUILDING SECTION - EAST **C**



BUILDING SECTION - SOUTH **B**



BUILDING SECTION - WEST **D**



KEY PLAN **E**

HPA
Architecture

1801 13th Street, NW
Atlanta, GA 30332
Tel: 404-525-0771
Fax: 404-525-0551
www.hpaarchitecture.com

OWNER:

CARSTONE
Atlanta

Project:
CADO
Merifree

1345 PARKWAY AVENUE
DUNWOODY, GA 30099
ATLANTA, GA 30338

CONSULTANTS:

CIVIL
MECHANICAL
ELECTRICAL
PLUMBING
LANDSCAPE
ARCHITECTURE
STRUCTURAL

Project Number:	2015
Drawn By:	SK
Date:	08/12/22
Revision:	01/22/22
Revision:	02/22/22

DAB-A42

Sheet



HIP A
Technologies

Owner:
CAPSTONE
ADVISORS

Project:
CADO
Menifee

Consultants:
WEBB and Associates
MECHANICAL
PLUMBING
ELECTRICAL
LANDSCAPE
ARCHITECTURE
ENGINEERING

Title: SITE ACCESSORIES PLANSET

Project Number: 2076
Drawn by: SH
Date: 07/1/2021
Revision: 01/1/2022

Sheet:
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WASTE RECEPTACLE
QCP CORP.
CALIFORNIA SQUARE OS-CAL2634W-C21
FRENCH GRAY, GRAY LID.



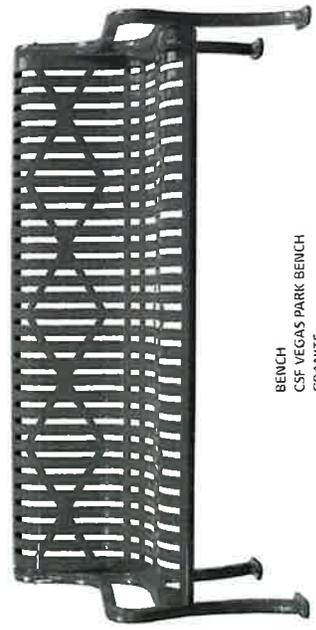
WALKWAY LIGHTS
OCEANWALK SQUARE BOLLARD
LED, SILVER METALLIC



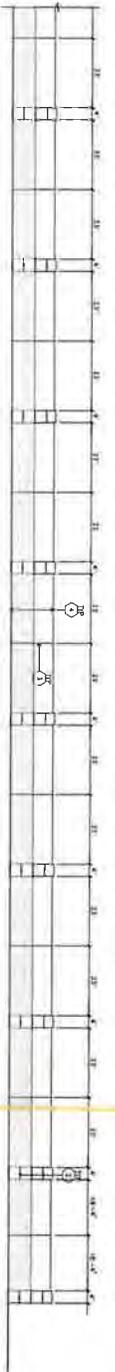
BIKE RACK
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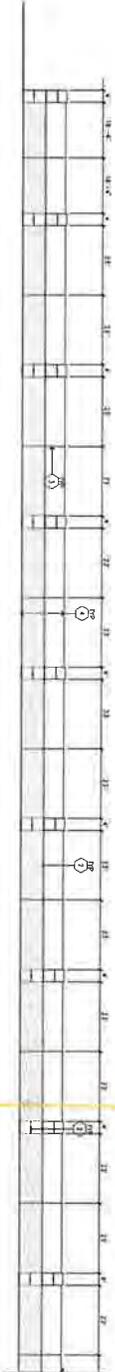
GROUP TABLE WITH
UMBRELLA (NOT SHOWN)
QCP CORP
NATURAL GRAY FINISH



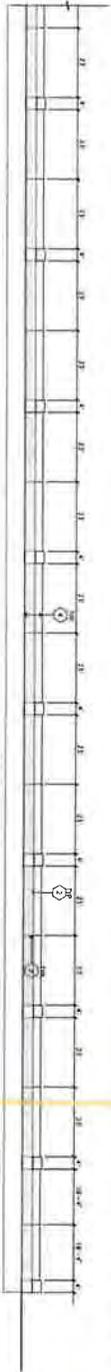
BENCH
CSF VEGAS PARK BENCH
GRANITE



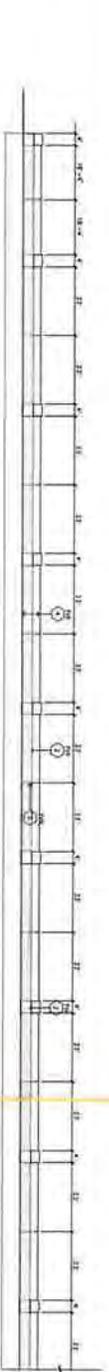
SCREEN WALL ELEVATION A (NORTH ELEVATION) **A**



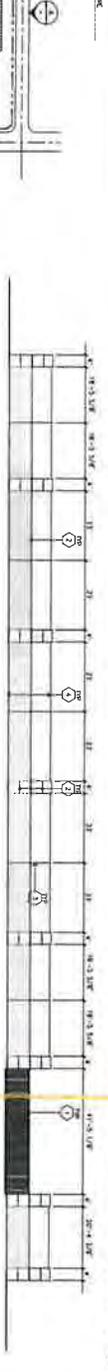
SCREEN WALL ELEVATION B (NORTH ELEVATION CONT.) **B**



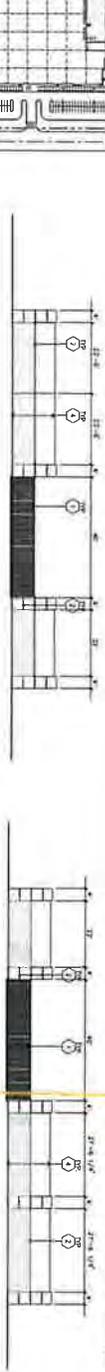
SCREEN WALL ELEVATION C (SOUTH ELEVATION) **C**



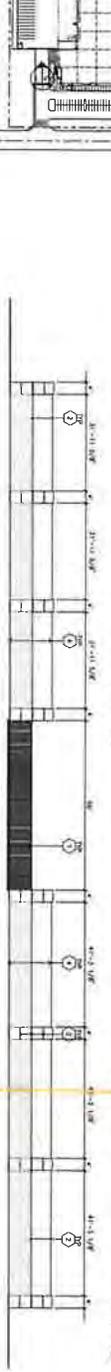
SCREEN WALL ELEVATION D (SOUTH ELEVATION CONT.) **D**



SCREEN WALL ELEVATION E (NORTHWEST) **E**

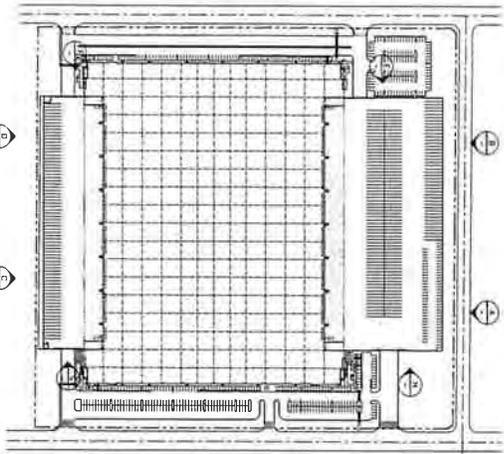


SCREEN WALL ELEVATION F (SOUTHWEST) **F**



SCREEN WALL ELEVATION G (SOUTHEAST) **G**

- KEYNOTES - ELEVATIONS**
- 1. 8" x 8" VUL. GRC. CURT. WALL. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.
 - 2. 8" x 8" VUL. GRC. CURT. WALL. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.
 - 3. 8" x 8" VUL. GRC. CURT. WALL. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.
 - 4. 8" x 8" VUL. GRC. CURT. WALL. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.
 - 5. 8" x 8" VUL. GRC. CURT. WALL. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.
- COLOR SCHEDULE - ELEVATIONS**
- 1. CONCRETE. 11'-0" HIGH. MAIN BRICK. SCREEN WALLS. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.
 - 2. CONCRETE. 11'-0" HIGH. MAIN BRICK. SCREEN WALLS. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.
 - 3. CONCRETE. 11'-0" HIGH. MAIN BRICK. SCREEN WALLS. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.
 - 4. CONCRETE. 11'-0" HIGH. MAIN BRICK. SCREEN WALLS. 2" x 4" INSULATION. 1/2" GRC. CURT. WALL.



KEY PLAN **J**



13011 Serrano Ave. #100
 Irvine, CA 92618
 Tel: 949-453-0811
 Fax: 949-453-0811
 www.hpaarchitecture.com



1545 PARADISE AVENUE
 DUBLINO CA 95008
 ATTY: LARRY KAMEN

Project:
CADO
 Menifee

AUTPTEL ROAD AND WHEAT STREET
 MENIFE, CA

Consultants:

CIVIL	WESB and Associates
STRUCTURAL	
Mechanical	
PLUMBING	
LANDSCAPE	SKA
RENDERING	
3DS SCHEM	

Type: **SIGHT LINE DIAGRAMS**

Project Number: 2013
 Date: 03/11/2013
 Drawn By: 0201/0225
 Revision:

Sheet:
DAB-A4.4

HPANEM000-09.jpg

Doc ID:
8831 Kuchner Avenue - Site #102
0001 CA
ID: 857-983-1770
www.panorama3d.com

Owner:

Captlene_Logo.jpg

105 SHERBOURNE AVENUE
MENIFEE, CA 92554
TEL: 760-267-2003
ATTN: MARK HADEN

Project:
CADO
Menifee

4411 FELICIA ROAD, SUITE 100
MENIFEE, CA

Consultants:

CIVIL ENGINEERING ASSOCIATES
10155 W. 15TH AVENUE
EUREKA, CA 95501
TEL: 707-441-1111

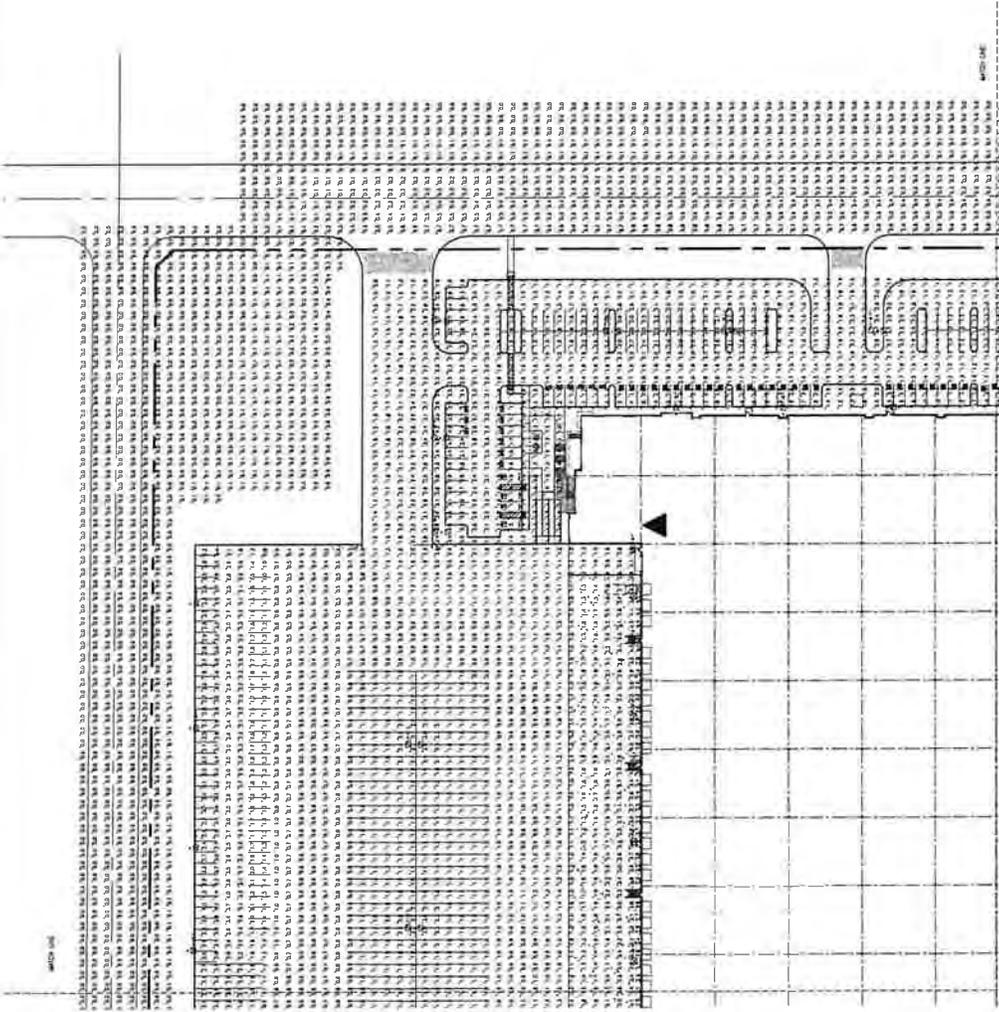
Title: SITE PHOTOMETRIC STUDY

Project Number: 2005
Drawn by: SH
Date: 03/10/2007
Revision:

Sheet
FC-1B

System	Code	Color	Symbol	Description
1	VAS	Blue	Circle with cross	Vertical Axis
2	VAC	Green	Square with cross	Vertical Axis
3	VVI	Red	Triangle with cross	Vertical Axis
4	SA1	Blue	Circle with dot	Site Area 1
5	SA2	Green	Square with dot	Site Area 2
6	SA3	Red	Triangle with dot	Site Area 3
7	SA4	Blue	Circle with dot	Site Area 4
8	SA5	Green	Square with dot	Site Area 5

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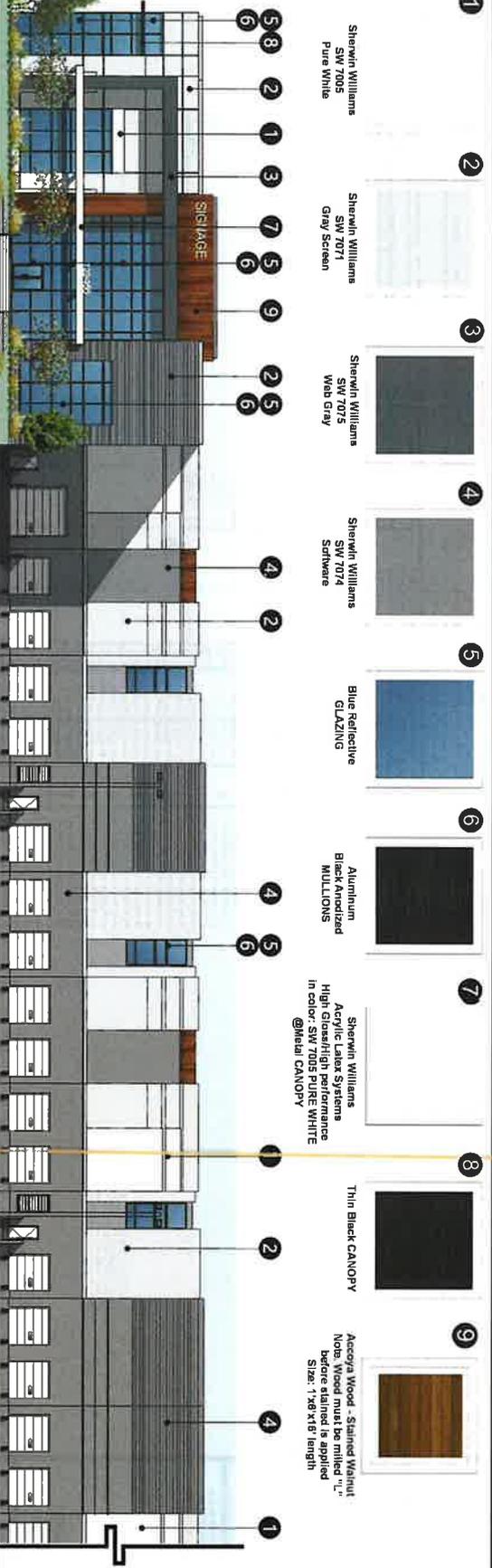


SITE PHOTOMETRIC STUDY
SCALE: 1" = 40' @ 200' X 200' SCALE DRAWING DATE: 03/10/2007

North Elevation



West Elevation



1 Sherwin Williams
SW 7025
Pure White

2 Sherwin Williams
SW 7074
Gray Screen

3 Sherwin Williams
SW 7025
Web Gray

4 Sherwin Williams
SW 7074
Softwave

5 Blue Reflective
GLAZING

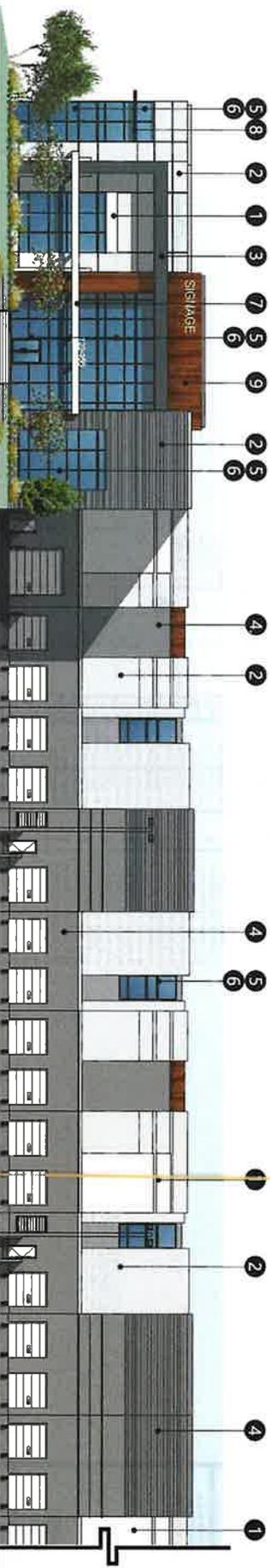
6 Aluminum
Bead
MILLIONS

7 Sherwin Williams
Acrylic High Performance
In color: SW 7025 PURE WHITE
@Metal CANOPY

8 Thin Black CANOPY

9 Acroya Wood - Stained Walnut
Note: Wood must be milled "L"
Size: 1 1/2" x 1 1/2" length

Enlarged View of North Elevation



Job No. 20075.00

CONCEPTUAL COLORED ELEVATIONS AND MATERIAL BOARD - 40" CLEAR

11.16.2022

BYERS ROAD
CITY OF MENIFEE, CALIFORNIA



IN THE CITY OF MENEFEE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
PLOT PLAN NO. PLN 21-0370
 LOCATED IN SECTION 17, T. 5 S., R. 9 M. 5 B.M.

GENERAL INFORMATION

1. ALL IMPROVEMENTS SHALL BE PER SCHEDULE "D" SUBDIVISION ORDINANCE
2. THIS MAP SHOWS MAP BOOK PAGE 01166D, NO. 1, D.
3. THIS MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND
4. PROJECT IS NOT WITHIN A SPECIFIC PLAN.
5. PROJECT IS NOT WITHIN A COMMUNITY DEVELOPMENT DISTRICT
6. THERE IS AN EXISTING WELL ON THE PROPERTY THAT IS PROPOSED TO BE ABANDONED.
7. THERE IS AN EXISTING WELL ON THE PROPERTY THAT IS PROPOSED TO BE ABANDONED.
8. TOPOGRAPHY FLOORED BY INLAND AERIAL SURVEYS, INC.
9. REQUIREMENTS TO PROPERTY LINES SHALL CONFORM TO ORDINANCE
10. ALL SLOPES ARE 3:1 UNLESS OTHERWISE NOTED
11. LAND IS SUBJECT TO VERTICALLY EXHAUSTED WATER RIGHTS
12. EXISTING SUBSURFACE SEPTIC TANK IS PROPOSED TO BE REMOVED
13. THERE ARE EXISTING STRUCTURES ON THE SITE TO BE REMOVED
14. THE PROJECT SHALL COMPLY WITH NPDES REQUIREMENTS AS REQUIRED BY THE FEDERAL CLEAN WATER ACT
15. FLOOD ZONE IN AREA OF LOW FLOODING PER FEMA PANEL 06065C008H

UTILITY PROVIDERS

WATER: EASTERN MUNICIPAL WATER DISTRICT
 SEWER: EASTERN MUNICIPAL WATER DISTRICT
 GAS: SOUTHERN CALIFORNIA GAS COMPANY
 ELECTRIC: SOUTHERN CALIFORNIA GAS COMPANY
 CABLE TV: SOUTHERN CALIFORNIA GAS COMPANY
 TELEPHONE: SOUTHERN CALIFORNIA GAS COMPANY

EASEMENT NOTES

1. AN EASEMENT FOR THE CONVEYANCE AND MAINTENANCE OF ELEVATING PUMP SHALL BE GRANTED TO THE CITY OF MENEFEE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BY THE SOUTHERN CALIFORNIA GAS COMPANY.

PROJECT DATA

BUILDING AREA: 10,000 SF
 OFFICE: 10,000 SF
 TOTAL AREA: 10,000 SF
 AREA INCLUDING ROOFTOP DECKS: 10,000 SF
 TOTAL: 10,000 SF
 OFFICE: 1,000 SF
 TOTAL: 1,000 SF
 40 STALLS
 360 STALLS

EXISTING PROVISIONS

STANDARD AUTO (R140)
 STANDARD AUTO (R140)
 TOTAL: 144 STALLS

EARTHWORK ESTIMATE

RAW CUT: 52,000 C.Y.
 FILL: 182,000 C.Y. (IMPORT)

LEGEND

PROJECT BOUNDARY
 EX FENCE
 PROP GRADE BREAK
 NEAR CENTERLINE
 PROP EDGE OF PAVEMENT
 CURB AND GUTTER
 EXISTING
 G16
 EX
 FF
 FS
 PROPOSED
 RIGHT OF WAY
 TOP OF CURB
 RW
 TC

PROF CONCRETE PAVEMENT
 PROF DECORATIVE PAVEMENT

SHEET INDEX

SHEET 1
 SHEET 2
 SHEET 3-4
 SHEET 5



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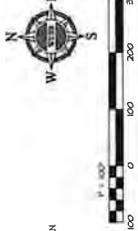
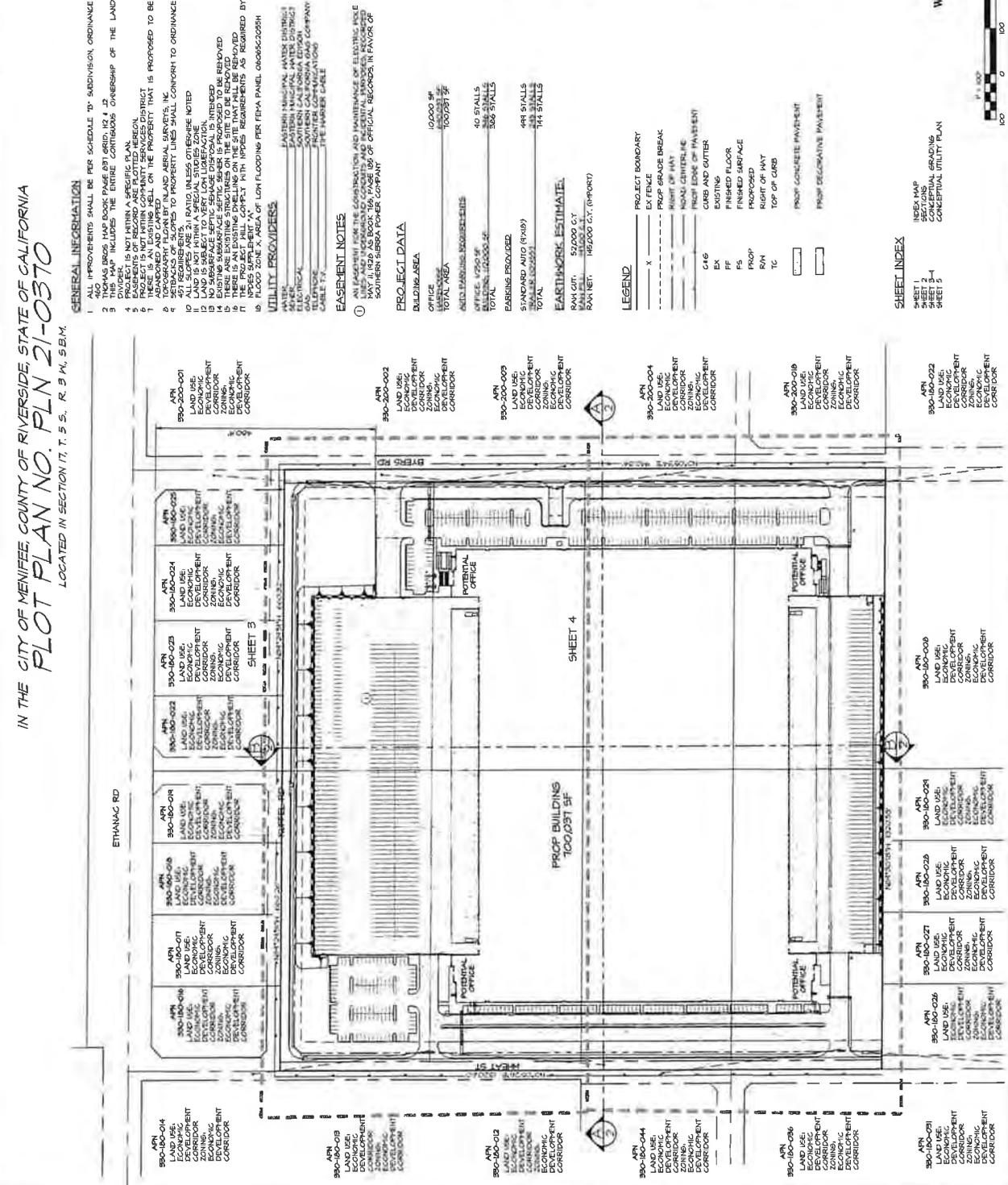
LEGEND

PROJECT BOUNDARY
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 PROP GRADE BREAK
 NEAR CENTERLINE
 PROP EDGE OF PAVEMENT
 CURB AND GUTTER
 EXISTING
 G16
 EX
 FF
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 PROPOSED
 RIGHT OF WAY
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PROF CONCRETE PAVEMENT
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SHEET INDEX

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IN THE CITY OF MENIFEE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
TENTATIVE PARCEL MAP NO. 38139
 LOCATED IN SECTION 17, T. 5 S., R. 3 W., SBM

OWNER/APPLICANT
 CAPSTONE LLC
 12500 WILSON AVENUE
 CARLSBAD, CA 92008
 TEL: (760) 439-1000
 FAX: (760) 439-1022

ENGINEER
 ALBERT A. HEDBOM ASSOCIATES
 10000 WILSON AVENUE
 CARLSBAD, CA 92008
 TEL: (760) 439-1000
 FAX: (760) 439-1022

TOPOGRAPIH SOURCE
 TOPOGRAPIH FROM BY INLAND AERIAL
 SURVEYS, INC. ON 03/22/11

LAND USE
 ENGINEERING AND ARCHITECTURAL
 OFFICE USE, COMMERCIAL
 DEVELOPMENT ZONING, ECONOMIC
 DEVELOPMENT ZONING, ECONOMIC
 DEVELOPMENT ZONING (EDCZ)

ADJACENT PROPERTIES
 TO THE NORTH: LOT 11 OF RIVOLTA FARMS NO. 4 AS SHOWN BY MAP CALIFORNIA, PARCELS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 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NOTICE OF PUBLIC HEARING

TIME OF HEARING: 6:00 p.m. or as soon as possible thereafter.
DATE OF HEARING: November 6, 2024
PLACE OF HEARING: ***MENIFEE CITY COUNCIL CHAMBERS
29844 HAUN ROAD MENIFEE, CA 92586***

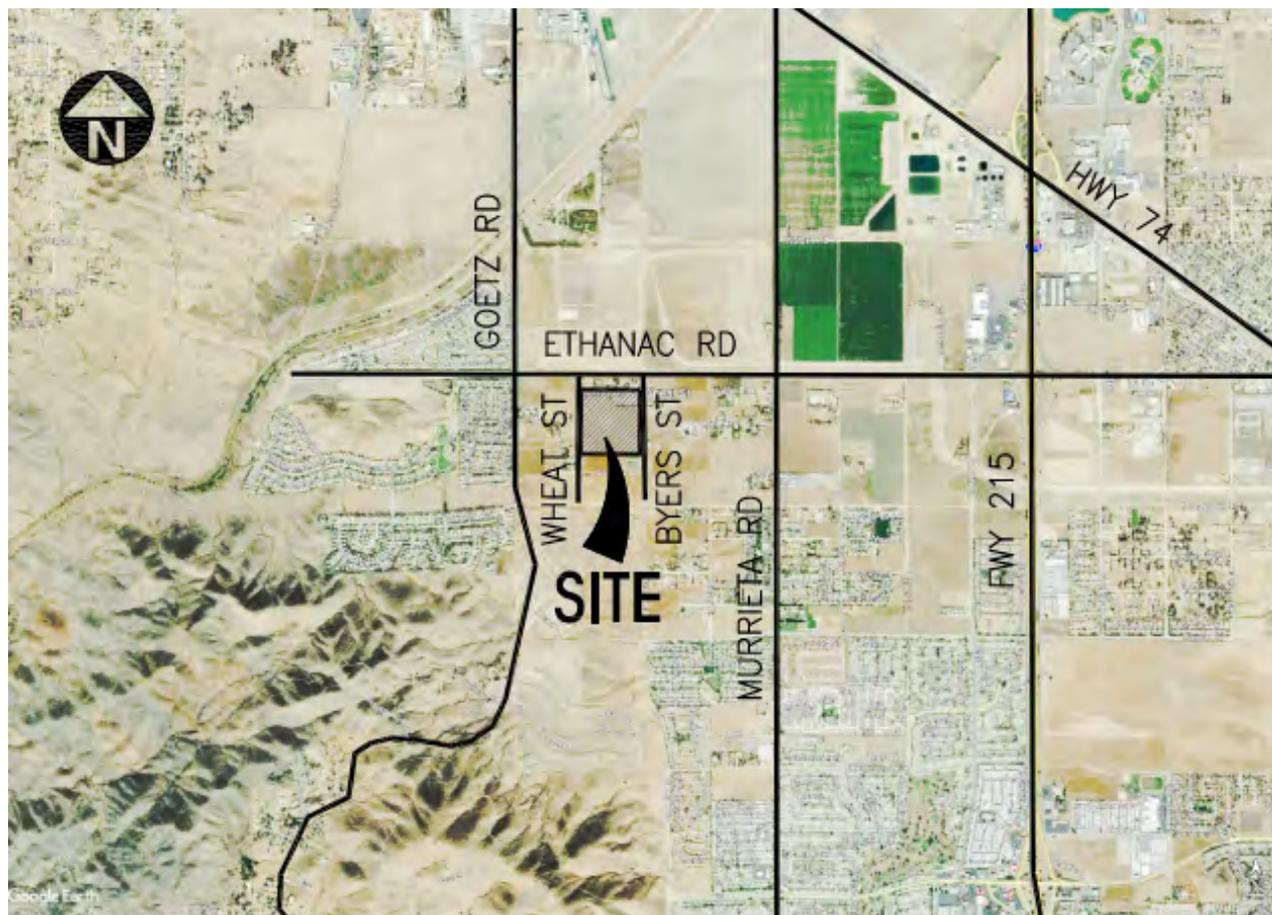
A **PUBLIC HEARING** has been scheduled, pursuant to the City of Menifee Municipal Code, before the **CITY OF MENIFEE CITY COUNCIL** to consider the project shown below:

Project Title:

Appeal Nos. PLN 24-0169 and Appeal No. PLN 24-0182 of the Planning Commission Decision for the “CADO Menifee Industrial Warehouse Project” (Tentative Parcel Map [TPM] No. 38139 [PLN 22-0041] and Plot Plan No. PLN 21-0370)

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).



General Plan Land Use and Zoning:

Economic Development Corridor – Northern Gateway (EDC-NG)

The City Council will consider the following project at a public hearing:

On August 14, 2024, the Planning Commission held a duly noticed public hearing and voted 3-1-1 to approve Tentative Parcel Map (TPM) No. 38139 (PLN 22-0041) and Plot Plan No. PLN 21-0370 – 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.

Tentative Parcel Map No. PLN 22-0041 proposes to consolidate eight (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).

Environmental Information: Additional environmental review of the appealed Project is not required. The Planning Commission adopted Resolution No. PC24-639 which was prepared for the Project (State Clearinghouse No. 2022040622), and mitigations measures were provided. The Environmental Impact Report (EIR) determined the Project could result in significant and unavoidable impacts under the category of Greenhouse Gas Emissions based on the analysis and findings in the Draft EIR and required adoption of a Statement of Overriding Considerations. Following the Project's approval, a Notice of Determination was filed with the Riverside County Clerk's Office and State Clearinghouse on August 16, 2024. The Environmental Impact Report can be found at the following web address: <http://www.cityofmenifee.us/325/Environmental-Notices-Documents>.

Any person wishing to comment on the proposed project may do so in writing between the date of this notice and the public hearing and be heard at the time and place noted above. All comments must be received prior to the time of public hearing. All such comments will be submitted to the City Council, and the City Council will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the City Council may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

For further information regarding this project, please contact Ryan Fowler at (951) 723-3740 or e-mail rfowler@cityofmenifee.us, or go to the City of Menifee's agenda web page at <http://www.cityofmenifee.us>. To view the case file for the proposed project contact the Community Development Department office at (951) 672-6777 Monday through Friday, from 8:00 A.M. to 5:00 P.M. Please send all written correspondence to:

CITY OF MENIFEE COMMUNITY DEVELOPMENT DEPARTMENT
Attn: Ryan Fowler, Principal Planner
29844 Haun Road
Menifee, CA 92584