



## **CITY OF MENIFEE**

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SUBJECT: Motte Business Center Appeal

MEETING DATE: February 21, 2024

TO: Mayor and City Council

PREPARED BY: Brett Hamilton, Senior Planner

REVIEWED BY: Cheryl Kitzerow, Community Development Director

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Adopt a resolution denying Appeal No. PLN23-0249 and upholding the Planning Commission's certification of an Environmental Impact Report, approval of Tentative Parcel Map No. 38432 (PLN22-0114), and Plot Plan No. PLN22-0115 for Motte Business Center Project generally located at the southwest corner of Ethanac Road and Antelope Road.

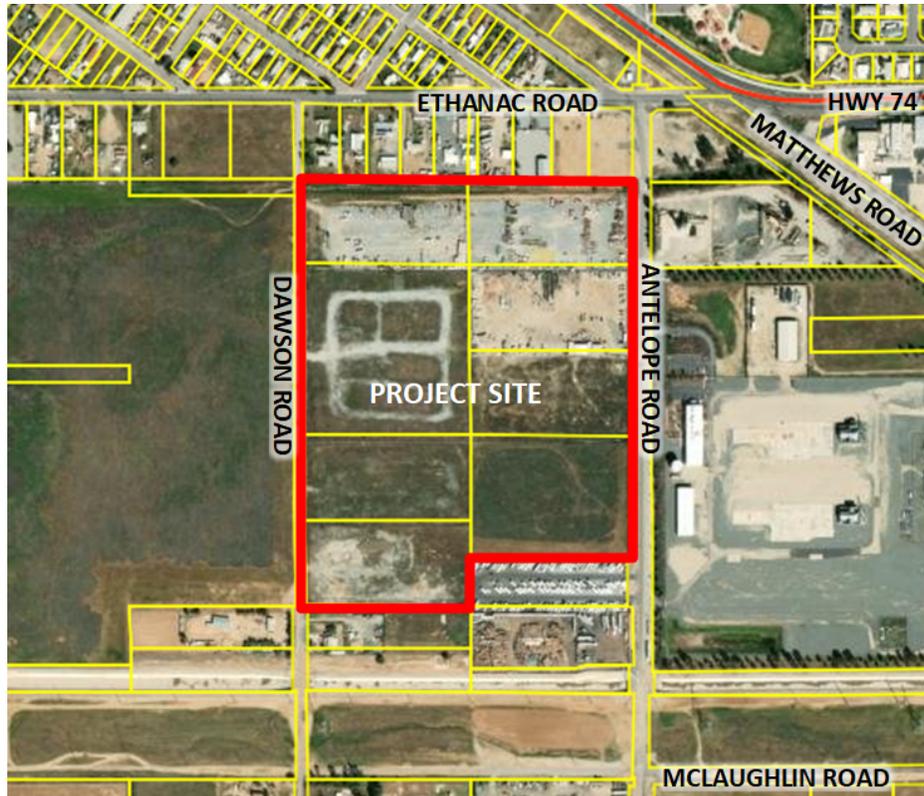
### **DISCUSSION**

On December 13, 2023, the Planning Commission held a duly noticed public hearing and voted 4-1 (Long) to approve Tentative Parcel Map ("TPM") No. 38432 and Plot Plan ("PP") No. PLN22-0115 known as Motte Business Center ("Project"), along with the related environmental analysis. On December 22, 2023, the City received an application from the City of Perris to appeal the Planning Commission's decision.

TPM No. 38432 (PLN22-0114) and PP No. PLN22-0115 were approved by the Planning Commission for the construction of one concrete tilt-up building totaling 1,138,638 square feet which includes 10,000 square feet of office, 928,638 square feet of ground floor warehouse and 200,000 square feet of mezzanine space on an approximately 43.94 net-acre project site. The proposed building has a structural height of approximately 50 feet and includes 616 automobile parking spaces, 284 truck trailer parking spaces, and 128 dock doors. The Project would include on-site landscaping and along the entire project frontage within the Dawson Road and Antelope Road rights-of-way. The TPM proposes to combine eight parcels (Assessor Parcel Numbers (APNs): 331-150-036, 331-150-037, 331-150-039, 331-150-040, 331-150-041, 331-150-042, 331-150-044, 331-150-045) into one parcel for a total of 46.33 gross acres and 43.94 net-acres.

### Location

The Project is generally located southeast of Interstate 215/Ethanac Road interchange in the City of Menifee, County of Riverside, State of California. The Project is generally bounded by Business Park and Heavy Industrial properties, a Riverside County Flood Control channel, Southern California Edison utility corridor, and McLaughlin Road to the south; commercial, non-conforming residential uses and Ethanac Road to the north; Antelope Road to the east; and Dawson Road to the west and consists of eight parcels (APNs: 331-150-036, -037, -039, -040, -041, -042, -044, -045).



### Appeal

The City of Perris filed an appeal of the Planning Commission's December 13, 2023 approval of TPM No. 38432 (PLN22-0114) and PP No. PLN22-0115, claiming that there are deficiencies in the Final Environmental Impact Report (EIR), specifically under the following areas:

- a. Cumulative Impacts
- b. Transportation Impacts
- c. Air Quality Impacts
- d. Alternatives Analysis

In response to the City of Perris appeal letter, staff, in conjunction with our California Environmental Quality Act (CEQA) consultant, have prepared responses. A summary of the responses (in *italics*) is provided below with more detailed responses included in the attached Perris Appeal Comments and Responses. In addition, a supplemental traffic analysis was performed by Kimley-Horn and the summary of those results is included as part of the detailed responses in the attached Perris Appeal Comments and Responses. The supplemental analysis

did not identify any new significant environmental impacts, a substantial increase in severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts. As such, the Draft EIR is in full compliance with CEQA and recirculation is not warranted.

### **1. Cumulative Impacts.**

- a. The City of Perris Notice of Preparation (NOP) comment letter requested that the Traffic Study and EIR analyze impacts of all projects within a 1.5-mile radius of the proposed Project site.

*Both the Traffic Study and EIR analyzed the cumulative impacts of all known projects within a 1.5-mile radius as requested by the City of Perris. As such, the City of Menifee fully complied with the City of Perris's requests stated in their NOP comment letter.*

- b. The City of Perris states that not receiving comments on the cumulative projects within Perris does not relieve the City of Menifee or the Project from any obligations arising from CEQA.

*The Traffic Study analyzed, mitigated, and disclosed all environmental impacts associated with the Project itself, as well as all cumulative projects identified in the Traffic Study pursuant to the CEQA Guidelines. Both project related and cumulative project impacts were fully disclosed throughout the Draft EIR. Therefore, the City of Menifee fully met the requirements of CEQA and City of Menifee standards with respect to both the Draft EIR and the Project Traffic Study.*

### **2. Transportation Impacts.**

- a. The City of Perris mentions that a Traffic Impact Analysis (TIA) prepared by RK Engineering was referenced in previous comment letters to the City of Menifee. They assert that the RK Engineering TIA demonstrates adverse environmental impacts caused by increased truck traffic along Ethanac Road.

*The Project Traffic Study was prepared by Kimely-Horn who is contracted with the City of Menifee. We have no record of receiving a separate TIA prepared by RK Engineering.*

- b. The City of Perris acknowledges that automobile delay is no longer considered an environmental impact for purposes of CEQA. However, they state that the City of Menifee did not adequately analyze, and provide conclusions supported with substantial evidence, the Project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation.

*The Draft EIR prepared for the Project fully disclosed all impacts associated with the Project itself, in addition to cumulative impacts. All air quality impacts (both Project-specific and cumulatively) were fully analyzed and disclosed in Chapter 4.2*

*of the Draft EIR. As identified in Chapter 4.2, no significant and unavoidable impacts would occur with mitigation. Similarly, all noise impacts (both Project-specific and cumulatively) were fully analyzed and disclosed in Chapter 4.11 of the Draft EIR. As identified in Chapter 4.11, no significant and unavoidable impacts would occur with mitigation. The Draft EIR also fully analyzed safety related impacts in Chapter 4.8 of the Draft EIR. The Traffic Study prepared for the Project is adequate and contains substantial evidence to conclude there are no Level of Service (LOS) effects with the addition of recommended improvements, and fully adheres to CEQA. The recommended required improvements noted in the Project Traffic Study would improve safety conditions in the study area, including the City of Perris study intersections. The recommended improvements include the addition of turn lanes, traffic signalization, and the widening of Ethanac Road, which would reduce queue lengths and provide adequate sight distance along Ethanac Road and adjacent intersections.*

- c. The City of Perris states that the traffic study should have used their significance criteria thresholds to evaluate level of service impacts at City of Perris intersections, based on their most current standards. Further, they claim that the traffic analysis is flawed, not credible and therefore does not constitute substantial evidence.

*The Project Traffic Study included an analysis of both City of Menifee intersections as well as intersections within the City of Perris. 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 so that all roadway segments and intersection improvements are analyzed similarly and against the same baseline. Utilizing this methodology does not invalidate the Traffic Study nor does it make the traffic analysis flawed. The existing Traffic Study prepared for the Project was prepared by credible technical experts using standards recognized in the industry and was provided as part of the CEQA process as substantial evidence that the Project would not create LOS effects with the addition of recommended improvement as noted in the Project Traffic Study.*

*Based on review and comparison 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 would cause the intersections to operate at an acceptable LOS. The improvements would more than offset the project-related additional delay, and would address the City of Perris significance criteria. As such, the conclusions of the LOS analysis using both City of Perris standards and City of Menifee standards would result in similar*

*conclusions, although the methodology is somewhat different. Recommended improvements would remain the same using either methodology.*

- d. The City of Perris recommended that the traffic study utilize the 11<sup>th</sup> Edition ITE Trip Generation Manual and South Coast Air Quality Management District (SCAQMD) editions when analyzing passenger car and truck splits for project trip generations rather than the City of Fontana Truck Trip Generation Study. In addition, they requested that updated project trip generation calculations be provided to compare the volume forecasts to determine if different results may occur.

*The Project Traffic Study utilizes The City of Fontana Truck Trip Generation Study, which 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. 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 (10<sup>th</sup> Edition Supplement), which is comparable to the passenger car/truck splits in the ITE Trip Generation Manual (11<sup>th</sup> Edition), as requested by the City of Perris. Nevertheless, in order to address this comment, as suggested by the City of Perris, the passenger car/truck split and truck mix for the proposed project have been reviewed based on the ITE Trip Generation Manual (11<sup>th</sup> 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. A copy of the resulting trip generation estimates is provided in the full response to comments (Attachment No. 4). Based on the supplemental traffic analysis, the recommended improvements outlined in the Project Traffic Study would remain the same, and the study intersections would operate at an acceptable Level of Service. The use of ITE 11<sup>th</sup> 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.*

- e. The City of Perris states that even though they did not respond with comments on the scoping agreement, the City of Menifee did not follow up.

*The Traffic Scoping Agreement for the proposed Project was sent to the City of Perris for review and input on January 13, 2023 via email. City of Perris Planning Manager Patricia Brenes acknowledged receipt of the Traffic Scoping Agreement on January 13, 2023 via email but did not provide any comments. Because no comments were provided by the City of Perris, the City of Menifee elected to proceed with the Traffic Study for the Project based on the assumptions in the*

*Traffic Scoping Agreement. The City of Perris asserts that the City of Menifee should have followed up with the City of Perris to confirm that they did not have any comments on the Traffic Scoping Agreement. Similar to the City of Perris, City of Menifee staff coordinates with multiple agencies on a daily basis, and as such, once the initial request for comments on the Traffic Scoping Agreement was sent, the City of Menifee expects that the City of Perris would provide any comments they may have. Nevertheless, the City of Perris' comment does not raise any substantial evidence of any new or more severe environmental impacts.*

- f. The City of Perris claims that the Project directly impacts the intersection of Encanto Drive at Ethanac Road (#7) and the intersection of Sherman Road at Ethanac Road (#9), and therefore should be 100% responsible for all necessary improvements to mitigate impacts. In addition, they comment that the Project Traffic Study's use of overall intersection delay for an unsignalized intersection is not appropriate and is against traffic engineering practices. Lastly, the City of Perris asserts that the impacts caused by the Project at the above-mentioned intersections create potentially significant traffic safety issues that would require mitigation.

*Based on the Project Traffic Study and the City of Menifee significance criteria, the Project-related effect at the above cited intersections would be considered a cumulative effect. The reported delay value (the value noted on the LOS Summary tables in the Traffic Study) for unsignalized intersections is based on the single approach movement with the highest delay, which in this case would be the northbound left-turn movement for both intersections #7 and #9 as the northbound left-turning vehicles have to wait for an acceptable gap in traffic on Ethanac Road. Reference to the overall intersection delay was to note that while the side street approaches operate at a deficient LOS based on the highest delay approach, the overall intersection delay would be acceptable. Any queuing that occurs on the side streets are contained on the minor intersection approaches and do not impact the progression of traffic on the main arterials. The proposed project would not create significant traffic safety impacts and the recommended improvements in the Project Traffic Study would help improve traffic safety.*

- g. The City of Perris is unclear on what improvements are needed at certain intersections, who would be responsible for the improvements, fair share cost percentages, and the need for additional detail on funding mechanisms to make the required intersection improvements. In addition, the Project Traffic Study must show how the improvements will improve delays.

*Table 11 "Summary of Intersection Operation – Recommended Improvements" of the Project Traffic Study outlines recommended improvements and cites how those improvements would improve delay. The recommended improvements noted in the MBC 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. The Project Traffic Study identifies two intersections partially located in the City of Perris that have fair share contributions. These intersections are Trumble Road at Ethanac Road (7.4%) as well as Sherman Road at Ethanac Road (10.8%). There are also portions of Ethanac Road within the City of Perris that would require widening. Roadway improvements and fair share contributions would need to be completed and paid for prior to the issuance of a certificate of occupancy. For additional information, see the response to comment 2f.*

- h. The City of Perris states that the EIR fails to disclose significant environmental impacts for reasons set forth in their previous comments.

*The Draft EIR prepared for the proposed Project fully discloses to the public and decision makers all environmental impacts, as required by CEQA. The Draft EIR provides mitigation measures and alternatives that avoid and/or reduce impacts, as noted throughout the Draft EIR. As previously discussed, the Traffic Study, attached to the Draft EIR as Appendix K, fully discloses all impacts of the Project and recommended improvements needed for both Vehicle Miles Travelled and LOS. Based on the City of Perris's concerns, as noted above, additional LOS analysis was conducted using City of Perris standards. With proposed project trip generation estimated based on the SCAQMD methodology and the recommended improvements noted in the Project Traffic Study, the study intersections within or adjacent to the City of Perris would operate at an acceptable LOS. Therefore, the recommended improvements would remain the same.*

*As noted earlier, automobile delay is no longer considered an environmental impact. With regards to traffic safety impacts, the proposed project would not create significant traffic safety impacts and the recommended improvements in the MBC Traffic Study would help improve traffic safety, as noted in Response to Comment 2b.*

*The Traffic Study prepared for the Project fully meets the requirements of CEQA and the City guidelines for traffic studies. The Traffic Study does not need to be revised based on the aforementioned information. The City of Perris's comments have been fully addressed. As previously stated, even utilizing the City of Perris's LOS methodology, the improvements needed to both Perris facilities and Menifee facilities would remain the same. As such, the Traffic Study included as Appendix K to the Draft EIR is fully sufficient as a disclosure document.*

### **3. Air Quality Impacts.**

- a. The City of Perris states that the City of Menifee responses to the SCAQMD letter were insufficient.

*The comment incorrectly states that the SCAQMD found numerous deficiencies in the Draft EIR's air quality analysis. The SCAQMD incorrectly identified a discrepancy between the truck trips reported on page 19 of the Air Quality Assessment. As described in the Final EIR, Air Quality assessment page 19 correctly notes that 526 truck trips were modeled, which is consistent with the number of truck trips modeled and shown in the CalEEMod outputs. The Draft EIR and supporting Air Quality Assessment do not use 562 trips, as suggested by the SCAQMD comment. The Final EIR responses explained that a conservative truck percentage and trip generation rate was used so that emissions would not be underestimated. Additionally, implementation of the SCAQMD suggested mitigation measures were not required because the Draft EIR did not identify an impact nexus to the mitigation.*

*As discussed in the Draft EIR and the Final EIR, different trip generation rates were intentionally selected for the Air Quality Assessment and the Traffic Study to conservatively capture a worst-case scenario for each study. Truck emissions are a greater contributor to air quality emissions than passenger cars. Therefore, the Air Quality Assessment used a trip generation with a higher number of daily truck trips, while the Traffic Study used a trip generation with a higher number of total daily vehicles.*

*As described above, the use of the suggested trip generation and SCAQMD truck trips would not change the significance determinations in the Draft EIR and would not require new or modified mitigation measures.*

#### **4. Alternatives Analysis.**

- a. The City of Perris states that in addition to the required "No Project" alternative, the EIR contains only two other alternatives which is insufficient since the City of Menifee fails to consider alternatives that would avoid or substantially less significant impacts of the project.

*The alternatives analyzed in the Draft EIR were chosen to avoid and/or reduce the proposed Project's impacts. Both Alternative 2 and Alternative 3 reduce many impacts when compared to the Project (refer to Table 6-3 in Chapter 6, Alternatives, of the EIR). Neither the Public Resources Code nor the State CEQA Guidelines require a specific number of alternatives to be evaluated, rather only those alternatives necessary to foster informed decision-making. As defined in CEQA Guidelines Section 15126.6(f), the rule of reason limits alternatives analyzed to those that would avoid or substantially lessen one or more of the significant effects of a project. Of those alternatives, an EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. As such, the alternatives analysis contained within the Draft EIR fully comply with CEQA.*

### **Environmental Determination**

The Planning Commission adopted Resolution No. PC23-611 which was prepared for the Project (State Clearinghouse No. 2022120083), and mitigations measures were provided under the categories of Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas (GHG) Emissions, Hazards and Hazardous Materials, and Hydrology and Water Quality. The EIR determined 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 required adoption of a Statement of Overriding Considerations. Following the Project's approval, a Notice of Determination (NOD) was filed with the Riverside County Clerk's Office on December 14, 2023.

The 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 February 11, 2024, for the February 21, 2024, City Council hearing. A public notice was published in *The Press Enterprise* and notices were mailed to property owners and non-owner residents within 400 feet of the Project site. The proper public notice was posted on-site, and in addition, all relevant agencies and those requesting notification were notified of the public hearing.

### **STRATEGIC PLAN OBJECTIVE**

Thriving Economy

### **FISCAL IMPACT**

There is no fiscal impact associated with the recommended action.

### **ATTACHMENTS**

1. Resolution
2. City of Perris Appeal Letter
3. Perris Appeal Comments and Responses
4. December 13, 2023, Planning Commission Staff Report Package
5. Public Hearing Notice