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June 20, 2024

Via Hand Delivery

City of Menifee
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Via Email

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Stephanie Roseen, Acting City Clerk
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Cheryl Kitzerow, Community
Development Director
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Re: Appeal of Home2Suites Project (SCH No. 2024050664; Plot Plan No. PLN23-0069, and Conditional Use Permit No. PLN23-0070)

Dear Honorable City Council Members, Ms. Manwaring, Ms. Roseen, and Ms. Kitzerow:

On behalf of Californians Allied for a Responsible Economy ("CARE CA"), we submit this appeal of the City of Menifee ("City") Planning Commission's June 12, 2024 approval of the Home2Suites Project (SCH No. 2024050664; Plot Plan No. PLN23-0069, and Conditional Use Permit No. PLN23-0070) ("Project"). CARE CA's appeal includes the Commission's approval of an Initial Study/Negative Declaration and a resolution approving a Plot Plan and Conditional Use Permit.

The Project proposes to develop a 4-story, 65,463 square foot hotel, consisting of 106-rooms in Menifee, County of Riverside, California. The Project site is bound to the south by La Piedra Road, to the east by Antelope Road, to the north by Newport Road, and to the west by Interstate 215 (I-215) and consists of an approximate 2.01-acre parcel (Assessor Parcel Number 364-010-015).

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CARE CA hereby appeals all actions taken by the Commission with regard to the Project. The reasons for this appeal are set forth herein and in the attached comments, which CARE CA submitted on June 3, 2024 during the public review period of the Negative Declaration.¹ We incorporate by reference the attached comments and exhibits, which are in the City's record of proceedings for the Project.²

CARE CA's comments demonstrate that the IS/ND prepared for the Project is significantly flawed and does not comply with the requirements of the California Environmental Quality Act ("CEQA").³ Moreover, substantial evidence supports a fair argument that the Project may result in potentially significant health risk, noise, public utilities, and aesthetics impacts. As a result, the City must prepare an environmental impact report ("EIR"), as opposed to a Negative Declaration, that adequately analyzes the Project's potentially significant impacts and incorporates all feasible mitigation measures to minimize the impacts. Due to the Project's significant impacts and reliance on an inapplicable environmental document, the City cannot make the requisite findings to approve the Project's Plot Plan and Conditional Use Permit.⁴

At the June 12, 2024 Planning Commission meeting, City staff made available a letter containing responses to CARE CA's comments ("Responses").⁵ The Responses were not made available to the public prior to the meeting. CARE CA has since reviewed the Responses in conjunction with its experts, and concluded that the Responses do not resolve any of the legal and evidentiary issues raised in CARE CA's comments. The Responses are flawed, unsupported, and do not meaningfully address the substantial evidence presented in CARE CA's comments regarding the Project's unmitigated impacts on health risk, noise, public utilities, and aesthetics. As a result, substantial evidence in the record still supports a fair

¹ **Attachment A:** Letter from Adams Broadwell, Joseph & Cardozo to City re: Home2Suites Project (SCH No. 2024050664; Plot Plan No. PLN23-0069, and Conditional Use Permit No. PLN23-0070) (June 3, 2024).

² We reserve the right to supplement these comments at later hearings and proceedings on the Project. Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

³ Public Resources Code section 21000 *et seq.*

⁴ Menifee Development Code, Sections 9.40.070, 9.80.070.

⁵ Letter from City re: Home2 Suites, Final Negative Declaration, Response to Comment Letter (June 12, 2024).

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argument that the Project may result in potentially significant environmental impacts which require preparation of an environmental impact report (“EIR”).

In sum, the Commission abused its discretion and failed to proceed in the manner required by law by approving the Project in reliance on a deficient CEQA document and without substantial evidence to support the approval findings.⁶ CARE CA respectfully requests that the City Council uphold this appeal, vacate the Planning Commission approvals, and remand the Project to staff to prepare an EIR.

I. Standing to Appeal

The City Code provides that appeals may be submitted by any interested person, in writing, and must include the specific grounds for the appeal.⁷ This appeal is timely filed in compliance with the City Code, which provides that all written appeals, with payment of the appeal fee, must be submitted to the City Clerk no more than ten calendar days after adoption of the resolution or other notice of decision.⁸

CARE CA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. The coalition includes Menifee residents Fermin Espejo, Maurice Garrett, and William McGuire, and the District Council of Ironworkers and Southern California Pipe Trades DC 16, along with their members, their families, and other individuals who live and work in the City of Menifee.

Individual members of CARE CA live in the City of Menifee, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project’s environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CARE CA advocates for protecting the environment and the health of their communities’ workforces. CARE CA seeks to ensure a sustainable construction

⁶ Code Civ. Proc § 1094.5(b); *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.

⁷ Menifee Code of Ordinances, § 2.20.150.

⁸ Menifee Code of Ordinances, § 2.20.150(A).

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industry over the long-term by supporting projects that offer genuine economic and employment benefits, and which minimize adverse environmental and other impacts on local communities.

In addition, CARE CA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

II. Conclusion

CREED LA respectfully requests that the City set a hearing on this appeal, and that the City Council uphold this appeal and vacate the Planning Commission's approval of the Project.

Sincerely,



Aidan P. Marshall

Attachments

APM:acp