

December 22, 2023

VIA HAND DELIVERY

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

Re: APPEAL OF MENIFEE PLANNING CASES TENTATIVE PARCEL MAP (TPM 38432) PLN22-0114 AND PLOT PLAN NO PLN22-0115 - MOTTE BUSINESS CENTER PROJECT - LOCATED SOUTH OF ETHANAC ROAD, WEST OF ANTELOPE ROAD, AND EAST OF DAWSON ROAD (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)

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's Planning Commission's December 13, 2023 decision (1) approving Planning Cases PLN22-0114 and Plot Plan No. PLN22-0115 to permit the construction and operation of the Motte Business Center in the City of Menifee ("Menifee") totaling approximately 1,138,638 square feet on approximately 43.94 acres of land located south of Ethanac Road, west of Antelope Road, and east of Dawson Road ("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 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, 928,638 square feet of ground floor warehouse, and 200,000 square feet of mezzanine space. The building proposes a structural height of approximately 50 feet and includes 616 automobile parking spaces, 284 truck trailer parking spaces, and 128 dock doors.

The Project is located southeast of Green Valley Specific Plan ("GVSP") in Perris, where a multi-family development has been approved for construction. 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.

01006.0001/947856.1

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 1-215 Freeway. In addition, there are six residential tracts comprised of 1,241 residential units, which were in construction in phases this year, which will continue into 2024. 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 these two roadways.

On January 13, 2023, Perris submitted to Menifee an initial comment letter identifying many of the same concerns at issue in this appeal. On November 13, 2023, Perris submitted a comment letter to Menifee commenting on the Draft EIR for the Project, again identifying many of the same concerns at issue in this appeal that were not addressed after Perris' January 13 letter. Menifee provided a response to Perris' November 13 comment letter as part of the Final Environmental Impact Report ("Menifee Response"); however, the concerns raised by Perris in the November 13 comment letter were not adequately addressed by the Menifee Response. Therefore, on December 13, 2023, Perris submitted a letter to Menifee objecting to the Final Environmental Impact Report and Project approvals. The January 13, 2023 letter, November 13, 2023 letter along with Menifee's Response, and December 13, 2023 letter 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 un-addressed impacts on the City of Perris' 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. Insufficient Analysis of Cumulative Impacts.

The Project needs to address the cumulative impacts of all projects within a 1.5-mile radius of the proposed site to analyze, mitigate, and disclose all environmental impacts from the Project pursuant to the California Environmental Quality Act ("CEQA").

Traffic Study

Perris' November 13 letter commented that the Project's traffic consultant failed to contact the City of Perris to confirm which cumulative projects within Perris should be included

in the Traffic Study. Menifee Response¹ F9 stated that Perris failed to provide comments in its initial January 13 letter with regard to the cumulative projects within the City of Perris to be included as part of the Project's Traffic Study; however, this does not relieve Menifee or the Project from any obligations arising from CEQA.

B. Insufficient Analysis of Transportation Impacts.

Perris raised multiple concerns in its November 13 letter regarding the insufficiency of the EIR's Traffic Study as the Project analyzes multiple intersections within the City of Perris. Further, a Traffic Impact Analysis prepared by RK Engineering, that is referenced in Perris' previous comment letters, demonstrates adverse environmental impacts caused by increased truck traffic along Ethanac Road that are not properly reflected in the Project Traffic Study.

Level of Service Standards 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 remains a useful tool in determining whether automobile and truck trips generated by a project results in reasonable foreseeable direct or cumulatively significant traffic safety impacts. The EIR concludes the project will not result in any significant transportation impacts, without mitigation. For the reasons below, Perris does not believe those conclusions are supported with an adequate Traffic Impact Study, and therefore are not supported with substantial evidence.

Perris' November 13 letter commented that as the traffic study analyzes City of Perris intersections, the City of Perris significance criteria thresholds should also be included and used to evaluate impacts at City of Perris intersections. Menifee Response F4 asserted that, based on a review of Perris' significance criteria and applicable intersections located within the City of Perris, the Project's recommended improvements included in the Traffic Study would cause the intersections to operate at an acceptable Level of Service ("LOS").

However, Perris noted in its December 13 letter that Response F4 references outdated City of Perris LOS standards for the Proposed Project. The most current version of Perris' LOS

¹ All references to numbered Responses refer to the Menifee Response to Perris' November 13 letter.

standards, which are the appropriate standards of review, could cause changes to the results of the analyses. The City of Perris intersections should be reviewed using the most current Perris LOS standards. Because Menifee failed to utilize Perris' current LOS standards, the traffic analysis is flawed, not credible and therefore does not constitute substantial evidence.

Project Trip Generation

Perris' November 13 comment letter recommended that the traffic study utilize the latest ITE and SCAQMD editions when analyzing passenger car and truck splits for project trip generations, rather than the outdated City of Fontana Truck trip Generation Study utilized by the Traffic Study. This would impact the level of service at study area intersections, especially during the AM peak hour.

Menifee Response F7 stated that difference in the Proposed Project's trip generation may be considered nominal when analyzed under the latest ITE and SCAQMD editions, rather than the outdated City of Fontana Truck trip Generation Study utilized by the Traffic Study. However, Perris noted in its December 13 letter that Menifee should show the project trip generation calculation based on ITE 11th Edition/SCAQMD, and compare these two different volume forecasts to determine if different results may occur using the more recent truck percentage information. Because Menifee failed to utilize the most current information available, again, the traffic analysis is flawed, not credible and therefore does not constitute substantial evidence.

Additionally, the City of Menifee also stated that they had submitted a scoping agreement to the City of Perris for review on January 13, 2023. Even if Perris did not initially respond with comments on the scoping agreement, there is no evidence that Menifee followed up with Perris even once to seek Perris' input.

Summary of Intersection Operations

As noted in the Perris November 13 letter, the Project directly impacts intersection #7 (Encanto Drive at Ethanac Road) and intersection #9 (Sherman Road at Ethanac Road) in the City of Perris. A direct impact implies that 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. However, Menifee Response F8 notes that both Intersections #7 and #9 were considered to have a cumulative effect, as opposed to a direct project effect. Any improvements to portions of intersections 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 Perris December 13 letter noted that in determining the cumulative impact of the two intersections, the Traffic Study's use of overall intersection delay for an unsignalized intersection is not appropriate and against traffic engineering practices. Perris again asserts that the Project directly impacts the intersections, and a direct impact implies that 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. Furthermore, these impacts to intersections create potential traffic safety issues associated with the interface between vehicles and trucks. As such, this should have been identified as a potentially significant traffic safety impact for which mitigation was required.

Summary of Intersection Operation Opening Year 2025 Cumulative Plus Project

Perris' November 13 comment letter noted that the Traffic Study indicates that several intersections in the vicinity of the City of Perris, including intersections #5, #6, #7, #8 and #9, are not meeting level service standards and indicates that the project has a cumulative impact at these locations. The study further indicated what improvements are needed at those intersections and an accompanying project fair-share cost percentage. However, 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 F10 stated that the implementation of improvements is based on direct discussion between City staff and the Applicant via the Conditions of Approval process. Further, the project is conditioned on traffic-related improvement requirements, including those related to the intersections, prior to Certificate of Occupancy. Further, the response states that 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.

However, the Perris December 13 letter re-iterated that the Project Traffic Study must show how these improvements will improve delays at the City of Perris previously identified intersections, which Menifee Response F10 does not address. Further, the Project shall be 100% responsible for all necessary improvements to mitigate the impacts at any directly impacted study intersections, such as intersections #7 and #9 as discussed in further detail above.

In summary, the purpose of an environmental impact report is to disclose to the public and decision makers the significant environmental impacts of a Project and mitigation measures and alternatives to the project that would avoid or substantially lessen those impacts. Unfortunately, the traffic analysis in this EIR fails as a disclosure document for the reasons set

forth above. Therefore, the traffic analysis should be revised in light of Perris' comments and recirculated for public review.

C. Insufficient Analysis of Air Quality Impacts.

In its correspondent dated November 9, 2023 the South Coast Air Quality Management District identifies numerous deficiencies in the EIR's air quality analysis including inconsistent use of trip generation rates and vehicle fleet mix between the air quality studies and the traffic studies. Perris echoes these concerns. In its responses to the Air District's comments, Menifee explains away the discrepancies claiming they were done in order to ensure a conservative "worst case" analysis for both traffic and air quality impacts. However, relegating this explanation to a footnote does not engender great confidence in the rationale for utilizing different assumptions for the traffic study and air quality studies.

D. Inadequate 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)) The EIR identified significant an unavoidable impacts related Air Quality and GHG according to the discussion of Alternatives 2 and 3. However, the Table ES-1 states that all Air Quality Impacts are less than significant. Be that as it may, in addition to the required "No Project" alternative, the EIR contains only two other alternatives, Alternative 2 – the Reduced Building Alternative (15 Percent Reduction) and Alternative 3 -Building Square Footage Reduction with Additional Trailer Parking.

The analysis of Alternative 2 states that it would lessen the Air Quality and GHG impacts but not to levels of less than significant. However, there is no discussion that this alternative "substantially lessens" either the Air Quality or the GHG significant impacts. Furthermore, the analysis then utilizes a standard different that that set forth in CEQA Guidelines, section 15126.6 regarding meeting project objectives. The standard is "feasibly attain most of the basic objectives of the project." However, the analysis states Alternative 2 does not maximize the City's benefits realized or achievement of the Project Objectives when compared to the proposed Project. This is not the standard for determining the adequacy of an alternative and represents procedural error.

The analysis of Alternative 3 suffers from the same defects as the analysis of Alternative 2.

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The EIR is required to contains 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 the Project Plan 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.

Respectfully,

ALESHIRE & WYNDER, LLP



John W. Fox

JWF

Attachment: Exhibit A

EXHIBIT A



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

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

January 13, 2023

Brett Hamilton, Senior Planner
City of Menifee
Community Development Department
Planning Division
29844 Haun Road
Menifee, CA 92586

SUBJECT: CITY OF PERRIS COMMENTS ON NOTICE OF PREPARATION - TRUMBLE ROAD / DAWSON ROAD/ ANTELOPE ROAD – 1.1 MILLION SQUARE FOOT MOTTE BUSINESS CENTER - MENIFEE PLANNING CASES TPM-38432 (PLN22-0114) AND MAJOR PLOT PLAN (PLN22-0115) – LOCATED SOUTH OF ETHANAC ROAD BETWEEN DAWSON ROAD AND ANTELOPE ROAD (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)

Dear Mr. Hamilton:

The City of Perris appreciates the opportunity to comment on the “Motte Business Center” (“Proposed Project”) proposal to construct a tilt up industrial building totaling 1,138,638 square feet on a 43.94 acre project site, located generally south of Ethanac Road between Dawson Road and Antelope Road, within the City of Menifee.

The City provides the below comments in light of the Project’s proximity to the City of Perris:

1. **California Environmental Quality Act (CEQA).** The Project needs to address the cumulative impacts of all 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).

2. **Transportation**

Prior to further proceedings, to ensure consistency, the right-of-way widths and alignments of Ethanac Road shall be coordinated with the roadway designation as classified per City of Perris General Plan. The correlation will determine the extent of roadway improvements on Ethanac Road.

Listed below is City of Perris roadway designations for Ethanac Road:

- a. Ethanac Road is classified as an Expressway (184'/134') with a 14 foot wide raised landscaped median.
 - b. A Traffic Impact Analysis (TIA) shall be submitted for review. The analysis shall evaluate the percentage of impacts to roadways and intersections in City of Perris where fair share contribution for mitigating the impacts can be appropriated. The Study shall specifically analyze the required number of travel lanes on Ethanac Road, evaluate the widths and lengths of acceleration and deceleration lanes and turn lane pockets and the extent of improvements and controls on Ethanac Road.
 - c. The developer/property owner shall be advised that Riverside County Transportation Department, in cooperation with Caltrans, has proceeded with a Project Study report (PSR)/Project Development Support (PDS) for the I-215/Ethanac Road Interchange Improvements, of which may impact the development of the referenced project. The developer/property owner should contact Azan Junaid with Riverside County Transportation Department for information regarding the PSR/PDS.
3. **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, extension 355, if you have any questions or would like to discuss the above concern in further detail.

Sincerely,



Patricia Brenes
Planning Manager

Cc: Clara Miramontes, City Manager
Wendell Bugtai, Assistant City Manager
Robert Khuu, City Attorney
Kenneth Phung, Director of Development Services
Stuart McKibbin, City Engineer



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November 13, 2023

Brett Hamilton, Senior Planner
City of Menifee
Community Development Department
Planning Division
29844 Haun Road
Menifee, CA 92586

SUBJECT: CITY OF PERRIS COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT PREPARED FOR PLANNING CASES TPM-38432 (PLN22-0114) AND MAJOR PLOT PLAN (PLN22-0115) -- PROPOSED 1.1 MILLION SQUARE FOOT MOTTE BUSINESS CENTER -- LOCATED SOUTH SIDE OF ETHANAC ROAD BETWEEN DAWSON ROAD AND ANTELOPE ROAD (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)

Dear Mr. Hamilton:

The City of Perris appreciates the opportunity to comment on the Draft Environmental Impact Report prepared for the "Motte Business Center" ("Proposed Project") proposal to construct a tilt up industrial building totaling 1,138,638 square feet on a 43.94-acre project site, located generally south of Ethanac Road between Dawson Road and Antelope Road, within the City of Menifee.

Given the Project's proximity to the City of Perris, consider the following comments:

1. **California Environmental Quality Act (CEQA).** The Project needs to address the cumulative impacts of all 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). Based on the cumulative projects list provided in Section 3.2 - Cumulative Projects List, the following comments are provided:
 - a. The cumulative projects list provided in Table 3-1 – List of Cumulative Projects does not include the 1.1 million square foot warehouse facility on approximately 60 acres, proposed west of Murrieta Road, east of Bryers Road, and south of Ethanac Road. Without the inclusion of this project, Perris is concerned the cumulative impact analysis is inadequate. Please clarify if this project has been withdrawn or if it has changed and is listed with different square footage.

2. Transportation

- a. **Page 5, Figure 3: Existing Lane Configuration and Traffic Control.** As shown in Figure 3, the project site is located just south of Ethanac Road and impacts intersections within (or adjacent to) the City of Perris including intersections #5, #6, #7, #8 and #9 along Ethanac Road. The study also included intersections #1, #2, #3, and #4 along SR-74 also within (or adjacent to) the City of Perris. These intersections and roadway segments are of concern to the City of Perris since potential improvements have been identified along these roadways and intersections. All recommended improvements for City of Perris intersections/roadway segments shall be reviewed and confirmed by City of Perris Engineering Department.
- b. **Page 6, Level of Service Standards and Measure of Significance.** Since the traffic study analyzes City of Perris intersections, the City of Perris significance criteria/thresholds should also be included and used to evaluate impacts at City of Perris intersections.
- c. **Page 15, Table 1: Summary of Intersections Operation - Exiting Conditions.** An additional column should be added to all LOS tables clarifying which jurisdiction each intersection is located in. For all City of Perris intersections, the City of Perris significance criteria/thresholds shall be utilized.
- d. **Page 17, Project Trip Generation & Page 18, Table 3: Summary of Project Trip Generation.** Recommend using the latest version of the passenger car and truck splits from the ITE 11th edition be utilized for the project trip generation. The latest ITE 11th edition trip generation manual indicates that for ITE Trip Code 155 (High Cube Fulfillment Center – non-sort) the daily truck splits should be 12.7%, the AM truck splits should be 13.3% and the PM peak hour truck splits should be 6.3%.

Furthermore, the truck type splits should be based on the splits provided by SCAQMD (without cold storage). The City of Fontana Truck Trip Generation Study (2003) is outdated and newer information is provided via ITE and SCAQMD. As such, City of Perris does not support the use of the Fontana Truck Trip Generation Study splits.

This would impact the level of service at study area intersections, especially during the AM peak hour.

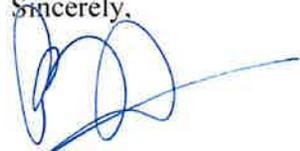
- e. **Page 23, Table 4, Summary of Intersection Operations - Existing Plus Project.** As indicated in Table 4, even with the currently assumed truck splits the project has a direct impact to intersection #7 (Encanto Drive at Ethanac Road) and intersection #9 (Sherman Road at Ethanac Road). A direct impact implies that 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.
- f. **Page 26, Figure 10: Location of Cumulative Projects & Page 27 Table 6: Summary of Cumulative Projects.** The traffic consultant did not reach out to the City of Perris to confirm

which cumulative projects should be included. The City of Perris should confirm the list of cumulative projects in the City of Perris.

- g. **Page 33 and Page 35, Table 9: Summary of Intersection Operation Opening Year 2025 Cumulative Plus Project.** This evaluation indicates that several intersections in the vicinity of the City of Perris including intersections #5, #6, #7, #8 and #9 are not meeting level service standards and the project has a cumulative impact at these locations. The study indicated what improvements are needed at those intersections and an accompanying project fair-share cost percentage. However, 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.
 - h. **Page 43, Table 13, Summary of Project Fair Share Opening Year 2025 Cumulative Plus Project.** The project directly impacts both intersection #7 (Encanto Drive at Ethanac Road) and intersection #9 (Sherman Road at Ethanac Road). As such, the project shall be 100% responsible for implementing the improvements or identifying other applicable funding sources.
 - i. **General.** The City of Perris is concerned about the project's impact to queuing/progression along Ethanac Road at the I-215 interchange because of the potential for creating unsafe and hazardous driving conditions. A simulation analysis should be conducted to identify any queuing deficiencies, and if applicable, improvements should be identified.
3. The developer/property owner shall be advised that Riverside County Transportation Department, in cooperation with Caltrans, has proceeded with a Project Study report (PSR)/Project Development Support (PDS) for the I-215/Ethanac Road Interchange Improvements, of which may impact the development of the referenced project. The developer/property owner should contact Azan Junaid with Riverside County Transportation Department for information regarding the PSR/PDS.
 4. **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.

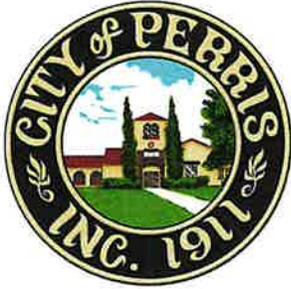
The City of Perris reserves the right to provide further comments on other environmental topics analyzed in the Draft EIR as the project moves forward in the process. We appreciate the opportunity to comment on this project and related EIR. Please feel free to contact me at (951) 943-5003, extension 355, if you have any questions or would like to discuss the above concern in further detail.

Sincerely,



Patricia Brenes
Planning Manager

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



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
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December 13, 2023

Jeff Ladue, Chair
Chris Thomas, Vice-Chair
Ben Diederich, Planning Commissioner
Joe Long, Planning Commissioner
Randy Madrid, Planning Commissioner
Menifee Planning Commission
29844 Haun Road
Menifee, CA 92586

SUBJECT: ITEM 9.1 - CITY OF PERRIS' OBJECTIONS TO THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR TPM-38432 (PLN22-0114) AND MAJOR PLOT PLAN (PLN22-0115) — PROPOSED 1.1 MILLION SQUARE FOOT MOTTE BUSINESS CENTER — LOCATED SOUTH SIDE OF ETHANAC ROAD BETWEEN DAWSON ROAD AND ANTELOPE ROAD (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)

Dear Honorable Chair Ladue, Vice-Chair Thomas, and Members of the Menifee Planning Commission:

The City of Perris objects to the Environmental Impact Report prepared for TPM-38432 (PLN22-0114) AND MAJOR PLOT PLAN (PLN22-0115) and objects to TPM-38432 (PLN22-0114) and Major Plot Plan (PLN22-0115), also known as the "Motte Business Center" ("Proposed Project") proposal. This letter is in addition to, and incorporates herein by this reference, the comment letter sent by the City of Perris dated November 13, 2023. The City of Perris has reviewed the Proposed Project, including Menifee's responses to the City of Perris' letter dated November 13, 2023, and has found those responses to be inadequate. Based upon the forgoing, the City of Perris objects to the Proposed Project as follows:

1. Transportation

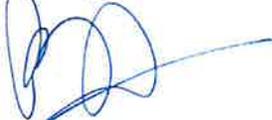
- a. **Comment not Addressed - Page 6, Level of Service Standards and Measure of Significance.** The City of Menifee is referencing outdated City of Perris LOS standards for the Proposed Project. The most current version is attached for reference which could cause changes to the results of the analyses.

- b. **Comment not Addressed - Page 15, Table 1: Summary of Intersections Operation - Exiting Conditions.** Please refer to response 1.a. above.
- c. **Comment not Addressed - Page 17, Project Trip Generation & Page 18, Table 3: Summary of Project Trip Generation.** The City of Perris agrees with the City of Menifee response that the difference in the Proposed Project's trip generation may be considered nominal. However, their response should show the project trip generation calculation based on ITE 11th Edition/SCAQMD, and compare these two different volume forecasts to determine if different results may occur using the more recent truck percentage information. The City of Menifee also stated that they had submitted a scoping agreement to the City of Perris for review on January 13, 2023. The City of Perris has no record of receiving the Scoping Agreement.
- d. **Comment not Addressed - Page 23, Table 4, Summary of Intersection Operations - Existing Plus Project.** The LOS criteria for unsignalized intersections always reports the side street approach delay. Using the overall intersection delay for an unsignalized intersection is not appropriate and against traffic engineering practices. As concluded in our initial comment letter dated November 13, 2023, the Proposed Project directly impacts intersection #7 (Encanto Drive at Ethanac Road) and intersection #9 (Sherman Road at Ethanac Road). A direct impact implies that 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.
- e. **Comment not Addressed - Page 23, Table 4, Summary of Intersection Operations - Existing Plus Project.** The City of Menifee stated that they had submitted a scoping agreement to the City of Perris for review on January 13, 2023. However, the City of Perris has no record of receiving the Scoping Agreement.
- f. **Comment not Addressed - Page 26, Figure 10: Location of Cumulative Projects & Page 27 Table 6: Summary of Cumulative Projects.** The traffic consultant for the Proposed Project should have reached out to the City of Perris to confirm which cumulative projects should be included. The City of Perris has no record showing that a cumulative list of projects was requested.
- g. **Comment not Addressed - Page 33 and Page 35, Table 9: Summary of Intersection Operation Opening Year 2025 Cumulative Plus Project.** The City of Menifee responses list several improvements that will be conditioned for the Proposed Project prior to Certificate of Occupancy. The traffic study needs to show how these improvements will improve delays at the City of Perris previously identified intersections. The Proposed Project shall be 100% responsible for all necessary improvements to mitigate the impacts at any directly impacted study intersections.
- h. **Comment not Addressed - Page 43, Table 13, Summary of Project Fair Share Opening Year 2025 Cumulative Plus Project.** Please refer to response 1.g. above.

In summary, the City of Perris is concerned about the Proposed Project's impact to queuing/progression along Ethanac Road at the I-215 interchange because of the potential for creating unsafe and hazardous driving conditions. A simulation analysis should be conducted to identify any queuing deficiencies, and if applicable, improvements should be identified.

Please feel free to contact me at (951) 943-5003, extension 355, if you have any questions or would like to discuss the above concerns in further detail.

Sincerely,



Patricia Brenes
Planning Manager

Attachment – City of Perris LOS Standards and Traffic Criteria for Traffic Studies

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

City of Perris LOS Standards and Traffic Criteria for Traffic Studies

LOS Standards

Maintain the following target Levels of Service:

- 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

To determine whether the addition of project-generated trips (or alternative-generated trips) results in a project traffic impact, and thus requires improvements, the analysis shall evaluate traffic impacts of the project based on the following criteria:

- A project-related traffic impact 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 a.m. or p.m. 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 impact 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 a.m. or p.m. peak hour project trips causes the intersection delay to increase by 2 seconds or more.
- A cumulative impact 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 a.m. or p.m. 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 impact is considered an indirect traffic impact 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 a.m. or p.m. peak hour project trips and causes the intersection delay to increase by 2 seconds or more.