

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.