

## **Brett Hamilton**

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**From:** Thomas Giedroyce  
**Sent:** Saturday, September 17, 2022 12:40 PM  
**To:** Brett Hamilton  
**Cc:** Dean Deines; Bill Zimmerman; Lesa Sobek; Matthew Liesemeyer; Bob Karwin  
**Subject:** Hearing Notice

Regarding the Menifee Commerce Center public hearing scheduled for September 28, 2022.

I just saw the two signs posted on Trumble Road about the public hearing today Saturday 9/17.

The city has to do better than put signs up on the side of Trumble Road by the flood control channel. It is a seldom used, pot holed, half paved road which if the project is built will become a major traffic route affecting the people who live in the area.

The residents who live in the vicinity of Trumble Road including the Stone Gate and Talvera housing developments adjacent to the location deserve better notification and a chance to participate in the hearing. And there are many people living in the area.

I can assure you most of the residents never use the section of Trumble Road where the signs are posted. It is difficult to drive on, often has trash dumped on or beside it, and nails and screws are often on the road. It is a back road. Not a main road.

In other words, the people who live around the area who will be affected by the proposed hearing have a right to be better informed. Their property and way of life will be affected.

I suggest putting notice signs up beside the mailbox clusters used throughout the area to make sure the residents know what's going on and have a chance to respond.

I also suggest moving the hearing to a later date in the future until additional signs are up so there is ample time for the residents to be notified.

To do anything less is inadequate and unfair to people that have property and life style interest in the vicinity.

Thank you for your consideration. Please provide a copy of this message to the Planning Commission and reply to me about this matter.

Sincerely,  
Thomas Giedroyce  
27310 Airstream Way, Menifee 92585

## **Brett Hamilton**

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**From:** Thomas Giedroyce  
**Sent:** Monday, September 19, 2022 7:56 AM  
**To:** Brett Hamilton  
**Cc:** Bill Zimmerman  
**Subject:** Public Notice - Commerce Center

Good Morning Brett,

I know for a fact there is a protected plant called the Tar Flower that grows in the field underneath the Edison power lines adjacent to the land in question.

I know this because I am the person who has been in contact with Edison about them doing weed abatement on their right of way for years.

Each year before the weed abatement crews arrive a team of specialists come and rope off the plants to make sure they are not disturbed.

It stands to reason since the land in question is right beside the Edison property there is a good possibility the Tar Flower may be on it.

Therefore before anyone zones, re-zones, or even puts shovel to the land the California Department of Fish and Wildlife needs to be contacted to make sure their scientists approve anything be done on it to protect this endangered plant.

Thank you.

Sincerely,  
Thomas Giedroyce

## Brett Hamilton

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**From:** Thomas Giedroyce  
**Sent:** Saturday, September 24, 2022 12:12 PM  
**To:** Brett Hamilton  
**Subject:** Menifee Commerce Center

Dear Brett,

I have several concerns about the proposed change in zoning.

The buildings are enormous and will be out of place. Their presence and the activity around them will have an impact on the quiet lifestyle of area residents.

Its important to realize people moved here and invested in their homes because they like the way things are. They did not invite change and will not benefit from the proposed change. It will not create jobs or provide goods and services to area residents.

My number one concern is exhaust and air pollution from truck traffic that would be operating 24/7 in and around the buildings and roads. I am concerned about the long and short-term affect it will have on children and adults with respiratory health conditions. Environmental health of the people living nearby and close to the buildings and roads is of top concern.

Other concerns include, increased traffic, noise and light pollution all of which affect the quality of life including property values and mental health.

To those residents of the city who do not live near the proposed development imagine if it were in your back yard. The city may profit from tax revenue but at the expense of its residents in the north end of town.

Please provide a copy of this E-mail to the Planning Commission for the 9/28/22 public hearing.

Sincerely,

Thomas Giedroyce  
27310 Airstream Way  
Menifee, CA. 92585

## Brett Hamilton

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**To:** Stephanie Roseen  
**Subject:** RE: Planning Commission Meeting 09-28-22 Menifee Commerce Center Project EIR  
Public Hearing Item # 9.3

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**From:** steven piepkorn <[dirp12@hotmail.com](mailto:dirp12@hotmail.com)>  
**Sent:** Monday, September 26, 2022 3:51 PM  
**To:** Stephanie Roseen <[sroseen@cityofmenifee.us](mailto:sroseen@cityofmenifee.us)>  
**Subject:** Planning Commission Meeting 09-28-22 Menifee Commerce Center Project EIR Public Hearing Item # 9.3

You don't often get email from [dirp12@hotmail.com](mailto:dirp12@hotmail.com). [Learn why this is important](#)

**[CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It may Concern

Attached to this email and below are public comments on behalf of Golden State Environmental Justice Alliance. The attachment contains further comments than below and is not duplicative of the below comments. These comments are submitted to the Planning Commission to be included in the record for the Planning Commission's consideration regarding Menifee Commerce Center EIR at the Planning Commission meeting September 28, 2022. Public hearing Item 9.3

Please confirm receipt of this email.

### Public Comment

Good evening, my name is Steven Piepkorn and I'm with the Golden State Environmental Justice Alliance. We submitted a comment letter to the Draft Environmental Impact report. Our letter identified several deficiencies with the EIR.

During these turbulent times, we as citizens expect and deserve our local government's elected and appointed officials to protect us from environmental and social injustice, to aid in the preservation and rehabilitation of the environment in which we all share, and to ensure accountability and responsibility in regard to the environmental decisions they may make.

We stand by our comment letter, and believe the EIR is flawed and must be redrafted and recirculated for public review. In closing we call on this commission to be a leader on the aforementioned issues, and be the first line of defense for our citizenry and environment. Only by working together can we continue to be excellent stewards of our environment, outstanding stewards to our citizens and each other. Thank You.

Please confirm receipt of this email.

Thank You,

Steven Piepkorn



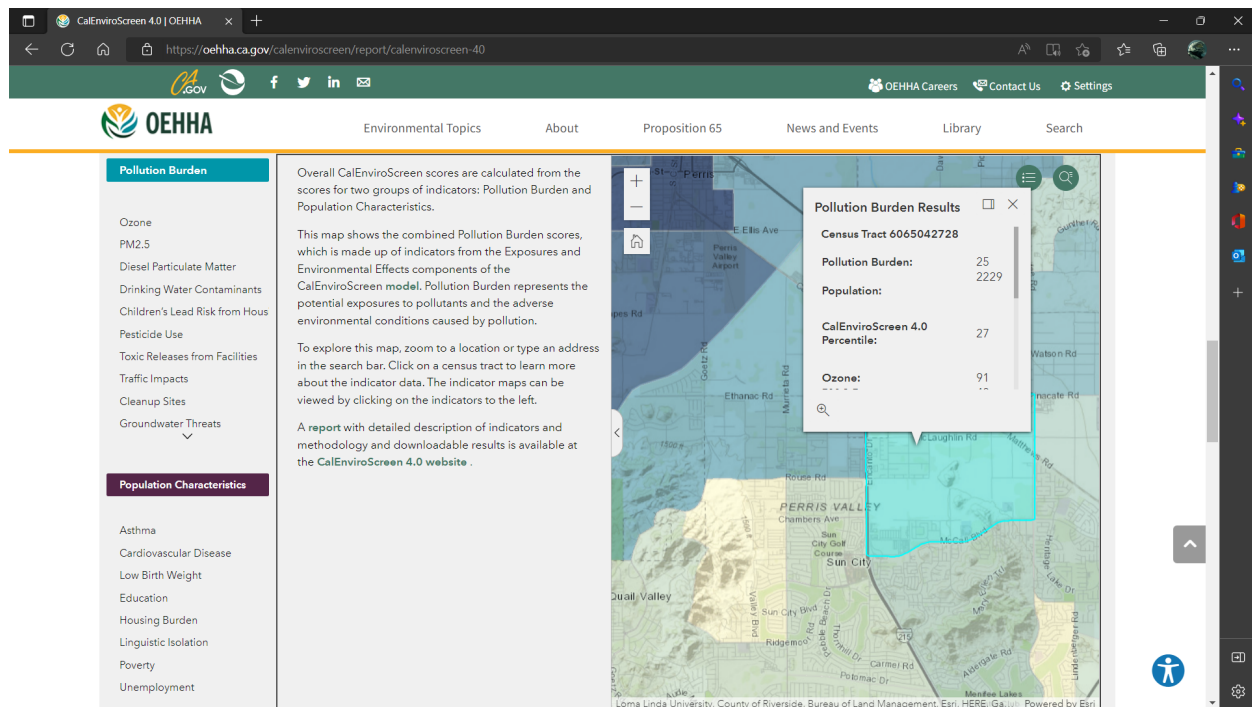
To: City of Menifee Planning Commission  
From: Golden State Environmental Justice Alliance  
Subject: Menifee Commerce Center Project EIR

### **CalEnviroScreen 4.0 Information**

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores. CalEnviroScreen ranks communities based on data that are available from state and federal government sources. CalEnviroScreen is updated and maintained by The Office of Environmental Health Hazard Assessment, on behalf of the California Environmental Protection Agency.

### **CalEnviroScreen Data on Menifee Commerce Center Project EIR Location/Area**

The above listed project sits in census tract **6065042728**. Overall, when compared to other census tracts, the project site census tract is in the 27th percentile regarding pollution. As far as pollution burden is concerned, this census tract is in the 25th percentile. In terms of Ozone, this census tract is in the 91st percentile, Particulate Matter 2.5 49th percentile, Diesel Particulate Matter 32nd percentile, Toxic Releases 23rd percentile and Traffic 72nd percentile.



## Conclusion

Consider the above referenced information when making this important decision. Realize that you and the citizens of this area face some of the **WORST POLLUTION** and **TRAFFIC** in the entire state of California.

It is the responsibility of the City's elected and appointed officials to make environmentally responsible development decisions. Based on the CalEnviroScreen data, this is more than sufficient evidence of the further air quality impacts that the citizenry of Menifee and its surrounding area will continue to encounter with further development of another warehouse/distribution center. We are not against development, as we believe it is necessary for further economic growth in our current society. Development needs to be conducted with the highest of expectations to ensure the local population does not suffer further air quality burdens.

We stand by our comments and believe the EIR is flawed and must be redrafted and recirculated for public review.

Respectfully Submitted,

*Steven Piepkorn*

Steven Piepkorn  
GSEJA

**Source -**

<https://experience.arcgis.com/experience/11d2f52282a54cee6184203/page/Draft-CalEnviroScreen-4.0/>

**Glossary of Terms**

Ozone - Amount of daily maximum 8-hour Ozone concentration

Particulate Matter 2.5 - Annual mean PM 2.5 concentrations

Diesel Particulate Matter - Diesel PM emissions from on-road and non-road sources

Toxic Releases - Toxicity-weighted concentrations of modeled chemical releases to air from facility emissions and off-site incineration.

Traffic -Traffic density, in vehicle-kilometers per hour per road length, within 150 meters of the census tract boundary.



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA E-MAIL:

September 28, 2022

[bhamilton@cityofmenifee.us](mailto:bhamilton@cityofmenifee.us)

Brett Hamilton, Senior Planner

City of Menifee Community Development Department

29844 Haun Road

Menifee, California 92586

## **Final Environmental Impact Report (FEIR) for the Proposed Menifee Commerce Center Project (Proposed Project) (SCH No.: 2021060247)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Menifee is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments on Rule 2305 - Warehouse Actions and Investments to Reduce Emissions (WAIRE) - are meant as guidance for the lead agency and should be incorporated into the Final CEQA document.

### South Coast AQMD Staff's Summary of Project Information

Based on the draft EIR, the Proposed Project consists of construction and operation of 72 acres and up to approximately 1,640,130 square feet of e-commerce and warehouse space within two buildings.<sup>1</sup> Once operational the Proposed Project is anticipated to generate a maximum of approximately 470 to 508 truck trips per day.<sup>2</sup> The nearest sensitive receptor is located approximately 25 feet north of the Proposed Project site.<sup>3</sup> During the operation phase the Proposed Project is projected to have significant and unavoidable regional air quality impacts for nitrogen oxide (NOx) emissions, most of which will come from mobile sources.<sup>4</sup> The Proposed Project is located near the southwest corner of Ethanac Road and Dawson Road in the City of Menifee, Riverside County, California 92585.<sup>5</sup> Construction of the Proposed Project will occur in one phase, starting in the first quarter of 2023 with an anticipated completion in the 4<sup>th</sup> quarter of 2024.<sup>6</sup>

### South Coast AQMD Staff's Comments on the FEIR

As stated in our comment letter on 7/6/21<sup>7</sup> and 6/8/21,<sup>8</sup> South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions.<sup>9</sup> According to the MATES V Carcinogenic Risk Interactive Map, the area surrounding the Proposed Project has an estimated cancer risk of 306 in one million.<sup>10</sup> Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed

<sup>1</sup> Draft EIR. Project Description. Page 2-6.

<sup>2</sup> Ibid. Page 2-6 through 2-7.

<sup>3</sup> Ibid. Air Quality. Page 4.2-28.

<sup>4</sup> Ibid. Page 4.2-20 through 4.2-21.

<sup>5</sup> Ibid. Project Description. Page 2-1.

<sup>6</sup> Ibid. Greenhouse Gas Emissions. Page 4.7-1.

<sup>7</sup> <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2021/july/RVC210615-06.pdf>

<sup>8</sup> <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2021/june/RVC210518-01.pdf>

<sup>9</sup> South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

<sup>10</sup> South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://arcgis.com).



Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule WAIRE Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of NO<sub>x</sub> and particulate matter (PM), including diesel PM, from mobile sources that are associated with warehouse activities. These emission reductions will reduce public health impacts for communities located near warehouses. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities.

Since the Proposed Project consists of development of approximately 1,640,130 square feet of warehouse uses (with both buildings totaling more than 100,000 square feet each of indoor warehouse floor space),<sup>11</sup> the Proposed Project's warehouse owners and future operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation.<sup>12</sup> Such information should be incorporated into the Final CEQA document. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or [waire-program@aqmd.gov](mailto:waire-program@aqmd.gov). For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.<sup>13</sup>

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Evelyn Aguilar, Air Quality Specialist, at [eaguilar@aqmd.gov](mailto:eaguilar@aqmd.gov), should you have any questions or wish to discuss the comments.

Sincerely,

*Sam Wang*

Sam Wang

Program Supervisor, CEQA-IGR

Planning, Rule Development & Implementation

SW:EA

RVC220916-01

Control Number

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<sup>11</sup> Draft EIR. Project Description. Page 2-6 through 2-7.

<sup>12</sup> South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

<sup>13</sup> South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

October 7, 2022

## Advocates for the Environment

A non-profit public-interest law firm  
and environmental advocacy organization



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

Via U.S. Mail and email to bhamilton@cityofmenifee.us

re: Comments on Final Environmental Impact Report for Menifee Commerce Center Project,  
SCH No. 2021060247

Dear Mr. Hamilton:

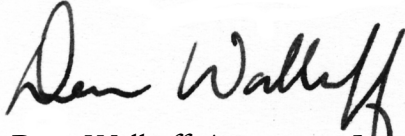
Advocates for the Environment submits the comments in this letter regarding the Final Environmental Impact Report (**FEIR**) for the Menifee Commerce Center Project (**Project**).

The City's Response to Advocates for the Environment's comments in the FEIR (starting at page 2.0-47) misinterprets our comment on the DEIR. We do not argue that the City's choice of a 3,000-metric-ton greenhouse-gas (**GHG**) threshold violates CEQA. Instead, we argue that, because the EIR concludes that the Project's GHG emissions will be significant, the Project's fair share of GHG emissions must be mitigated. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) For direct impacts, CEQA requires all feasible mitigation. For cumulative impacts, the requirements are more stringent—the Project's "fair share" of emissions must be mitigated. For GHG impacts, the fair share is equivalent to the totality of the Project's GHG emissions; in other words, CEQA requires mitigation to net zero, even if that level is below the threshold of significance.

In the response D-13, the FEIR states that, in the *Golden Door* case, "the court determined the purchase of carbon offset credits did not meet CEQA's criteria for a valid mitigation measure." This statement misconstrues the holding in that case. The narrow holding in *Golden Door* was limited to the facts of the case, regarding a specific mitigation measure which incorporated by reference the cap-and-trade program stringency, which extends beyond CEQA mitigation requirements. Here, the lead agency is not bound by such a restriction to cap-and-trade offsets, so it may purchase or implement any offsets that are allowable by CEQA. And CEQA allows offsets to be used to mitigate a project's emissions, and offsets are just as accepted as other methods of mitigation (CEQA Guidelines § 15126.4 (c).)

Offsets are feasible as mitigation for this Project, and CEQA requires that the Project's GHG impacts be mitigated to a fair-share level, i.e. to net zero, either via offsets or other feasible mitigation measures.

Sincerely,

A handwritten signature in black ink, reading "Dean Wallraff". The signature is fluid and cursive, with the first name "Dean" and last name "Wallraff" clearly distinguishable.

Dean Wallraff, Attorney at Law  
Executive Director, Advocates for the Environment