



March 20, 2023

City of Menifee
City Clerk

VIA HAND DELIVERY

MAR 20 2023

Received

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

Re: **APPEAL OF PLOT PLAN NO. PLN21-0290 – ETHANAC AND BARNETT SPECULATIVE WAREHOUSES – LOCATED SOUTH OF ETHANAC ROAD AND WEST OF BARNETT ROAD (APNS: 331-060-036 AND 331-060-021)**

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 March 8, 2023 decision approving Plot Plan No. PLN21-0290 and adoption of a Mitigated Negative Declaration ("MND").

INTRODUCTORY STATEMENT

The City of Perris ("Perris") submits this appeal following the Planning Commission's improper approval of the plot plan noted above due to non-compliance with the California Environmental Quality Act ("CEQA") regarding the environmental impacts of the proposed Ethanac/Barnett Warehouses in the City of Menifee ("Menifee") totaling approximately 251,133 square feet on approximately 13.89 acres of land located south of Ethanac Road and west of Barnett Road ("Project"). The Project is located east of the existing Monument Ranch residential development in Perris and approximately 200 feet south 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.

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 I-215 Freeway. In addition, there are six residential tracts comprised of 1,241 residential units, which are anticipated to be constructed in phases this

year. Therefore, no industrial development in the City of Perris is allowed to utilize Ethanac Road or Goetz Road as a truck route due to the sensitivity of residential land uses along these two roadways.

On October 14, 2021, Perris submitted to Menifee an initial comment letter identifying many of the same concerns at issue in this appeal. In addition, on March 6, 2023, Perris submitted to Menifee another comment letter also identifying many of the same concerns at issue in this appeal. Both the October 14, 2021, and March 6, 2023, letters are attached hereto as Exhibit A and incorporated herein by this reference. Menifee provided responses to Perris' March 6, 2023, letter, ("Menifee Response"); however, the Menifee Response failed to adequately address the issues raised in Perris' March 6, 2023, letter.

Therefore, City of Perris submits this appeal due to the inadequacy of the Initial Study/Mitigated Negative Declaration ("IS/MND") and the Project's un-addressed impacts on the City of Perris' residential neighborhoods, public safety concerns with the non-alignment of Barnett Avenue and Ethanac Road, and increased truck traffic on Ethanac Road. Specifically, the City of Perris appeals as set forth below.

STATEMENT OF ISSUES APPEALED

The following are the bases for the City of Perris' appeal of the Planning Commission's March 8, 2023, approval of Plot Plan No. PLN21-0290:

I. Deficiencies in the IS/MND

A. Inadequate Project Description.

The Notice of Intent ("NOI") to Adopt a Mitigated Negative Declaration describes the Project as the Ethanac and Barnett Speculative Warehouse(s). Likewise, the Vehicle Miles Traveled ("VMT") Analysis provided in Appendix N and the Traffic Impact Analysis provided in Appendix O describe the Project as the construction of two speculative buildings. However, the NOI for the IS/MND does not specifically state whether the buildings would be restricted to non-refrigerated uses or refrigerated uses could occupy the buildings. This is important because the two warehouse types create different operating characteristics (i.e., trip generation, vehicle trip fleet mix, and energy demand). For example, the average daily trip rate for a warehouse use identified in the Project VMT Analysis is 1.71 trips per 1,000 square feet. The daily trip rate for a high-cube cold storage warehouse (ITE Land Use Code 157) is 2.21 per 1,000 square feet. A high-cube cold storage warehouse also generates many more 4+axle trucks (0.407 per 1,000 square feet or 19.2%) than a standard warehouse (17.2%). They also result in different air pollutant and greenhouse gas emissions, as well as operational noise levels. Thus, because the non-refrigerated uses have not been completely addressed, the traffic, air pollutant, greenhouse gas emissions, and operational noise level analyses upon which the IS/MND is based are flawed.

Unless the IS/MND and all Project approvals specifically state that the buildings would be restricted to non-refrigerated uses, they should be revised after evaluating the potential impacts associated with the operation of the buildings as refrigerated facilities. Alternatively, a condition of approval is recommended prohibiting the use of any portion of the building for refrigerated/cold storage use and prohibiting the presence and operation of Transport Refrigeration Units ("TRUs") on-site, and further environmental analysis and recirculation of the IS/MND would be required if there is a potential for refrigerated/cold storage within the buildings and/or the presence and operation of TRUs on site. This is particularly important to the City of Perris because the sensitive receptors that would be located closest to the Project will be within the Green Valley Specific Plan area to the immediate north of Ethanac Road. As discussed below, the building operations would determine whether any residents of the City of Perris could be exposed to substantial health risks from diesel particulate emissions. Appropriate Mitigation Measures will be recommended upon Perris' concurrence with the technical studies and analysis in the IS/MND.

Although Response to Comments 2.3 and 2.4 of the Menifee Response¹ states that the Project does not anticipate cold storage and that the Project would be conditioned as such, the conditions of approval do not contain a condition indicating that refrigerated/cold storage is not permitted for the Project. Specifically, Community Development Department Condition No. 4a only states that TRUs are not allowed as part of this approval and that additional environmental analysis shall be required by the tenant and/or property owner prior to the establishment of the use and operation of TRUs. However, the condition only affects the types of trucks and trailers that would be allowed to access the Project site. The condition does not prohibit the use of any portion of the buildings for refrigerated/cold storage use. Therefore, the modeling prepared for the Project does not accurately analyze trip generation rates or energy demand.

B. Insufficient Analysis of Air Quality Impacts.

As discussed above, the Project will likely generate more traffic than what is assumed in the IS/MND if refrigerated/cold storage uses occupy any portions of the proposed buildings. This would result in greater operational air pollutant emissions than what is identified in the IS/MND.

Each of the two buildings would be expected to require a diesel fire water pump emergency generator. The emissions associated with the regular testing of these pumps should be included in the operational Project emissions.

The evaluation of diesel particulate health risk impacts is based only on the emissions generated by mobile sources at the Project site and experienced at nearby existing receptor locations. However, the analysis needs to be revised to evaluate the emissions from all diesel sources at the Project site, including the two (or more) diesel fire water pump emergency

¹ For the purpose of this letter, references to "Response to Comment ___" are in reference to the responses provided in the Menifee Response.

generators that are operated and tested on a regular basis. In addition, the sensitive receptors that would be located closest to the Project site and possibly exposed to the greatest health risk would be the new residents of the GVSP area to the immediate north of Ethanac Road. Although these receptors are not present right now, they will be constructed soon and present throughout the lifetime of this Project. The analysis in the IS/MND failed to evaluate the potential diesel particulate health risk impacts to these residents from all sources at the Project site. Additionally, the Mitigated Negative Declaration failed to assess cumulative impacts of all currently proposed industrial projects west of this Project. The Project fails to provide proper mitigation for cumulative impacts of industrial developments proposed in this area.

Menifee's Response to Comment 2.5 fails to take into account that diesel fire water pump emergency generators are needed for the two proposed buildings in the Project. Although Menifee's Response to Comment 2.5 states that the Project does not include fire pumps or emergency generators, this statement is in direct conflict with the California Fire Code (California Code of Regulations, Title 24, Part 9). Where provided, fire pumps for fire protection systems shall be installed in accordance with Section 913 of the California Fire Code and NFPA 20, known as the Standard for the Installation of Stationary Pumps for Fire Protection.

NFPA 20 requires that pumps be provided to ensure that systems will work as intended to deliver adequate and reliable water supplies during a fire emergency. NFPA 20 states that, where electric fire water pumps are utilized, the electrical system needs to be reliable or a backup power source (i.e., generator) must be provided. Because Southern California Edison and San Diego Gas & Electric shut down power lines during Santa Ana wind conditions, all local fire departments require a secondary power supply for electric fire water pumps. These secondary power supplies are typically powered by diesel engines, which are accordingly required to be operated and tested on a regular basis. As such, it is expected that stationary diesel engines would be required for each of the proposed buildings in the Project.

The operation and testing of this equipment will generate emissions and increase energy demand. Comments by the City of Perris state that the air pollutant emissions, diesel particulate health risk impacts, energy demand, and greenhouse gas (GHG) emissions associated with the required fire water pumps have not been evaluated in the IS/MND.

Further, as indicated in Section I(G) of this letter, the realignment of Barnett Road is required to provide safe and adequate operations of the Case Road/Barnett Road intersection with Ethanac Road. The impacts, including construction-related air quality impacts, associated with the required off-site roadway improvements have not been evaluated in the IS/MND.

Based on this information, the IS/MND has not adequately evaluated the potential air quality (including diesel particulate health risks), energy, and GHG impacts associated with the Project. These impacts must be properly evaluated prior to the adoption of the IS/MND.

C. Inadequate Analysis of Energy Impacts

As discussed above, each of the two buildings would be expected to require a diesel fire water pump emergency generator that is operated and tested on a regular basis. The Project could also generate more traffic than what is assumed in the IS/MND if refrigerated uses occupy any portions of the proposed buildings. The energy evaluation should be revised to address these additional energy demands.

Menifee's Response to Comment 2.6 states that cold storage uses are not permitted as part of the Project. As indicated in Section I(A) of this letter, the Project's conditions of approval do not contain any prohibition on the use of refrigerated/cold storage uses nor does it contain any such prohibition that would be extended to any future tenants. Based upon this, mitigation/analysis relating to cold storage is needed. Further, as indicated in Section I(D) of this letter, diesel fire water pump emergency generators are needed for the Project. And, as indicated in Section I(G) of this letter, the realignment of Barnett Road is required to provide safe and adequate operations of the Case Road/Barnett Road intersection with Ethanac Road. The impacts, including construction-related energy demand and use, associated with the required off-site roadway improvements have not been evaluated in the IS/MND. Therefore, the Project's energy analysis must be updated to account for these issues.

D. Inadequate Analysis of Greenhouse Gas Emissions ("GHG") Impacts

As discussed above, each of the two buildings would be expected to require a diesel fire water pump emergency generator that is operated and tested on a regular basis. The Project could also generate more traffic than what is assumed in the IS/MND if refrigerated uses occupy any portions of the proposed buildings. Each of these sources would result in greater operational GHG emissions than what is identified in the IS/MND. Additionally, the Mitigated Negative Declaration failed to assess cumulative impacts of all currently proposed industrial projects westerly of this Project. The Project fails to provide property mitigation for cumulative impacts of industrial developments proposed in this area.

Menifee's Response to Comment 2.7 is inadequate. As stated above, the Project's conditions of approval do not contain any prohibitions regarding refrigerated/cold storage uses; thus, the related GHG emissions impacts must be analyzed. Similarly, the GHG analysis must account for emissions due to the fire water pump emergency generators as those are required. Therefore, the analysis is inadequate and inaccurate.

Further, as indicated in Section I(G) of this letter, the realignment of Barnett Road is required to provide safe and adequate operations of the Case Road/Barnett Road intersection with Ethanac Road. The impacts, including construction-related GHG emissions impacts, associated with the required off-site roadway improvements have not been evaluated in the IS/MND.

The evaluation of GHG emissions impacts in the IS/MND is based on the SCAQMD's 3,000 MTCO₂e threshold of significance. The IS/MND identifies that the Project would generate 2,985.38 MTCO₂e of GHG emissions per year. Each of the sources discussed above would result in greater operational GHG emissions than what is identified in the IS/MND. As such, these sources, which were not evaluated in the IS/MND, may be capable of generating at least 14.7 MTCO₂e of GHG emissions per year. This would cause the Project to exceed the 3,000 MTCO₂e threshold of significance.

Based on this information, the IS/MND has not demonstrated that the Project will, in fact, generate GHG emissions that do not exceed the SCAQMD threshold of significance. As such, there is a fair argument that the impact of the Project would be significant. An EIR should be prepared to evaluate this impact of the Project.

E. Inadequate Health Risk Assessment

The Health Risk Assessment (HRA) is incorrectly identified as Appendix B. It should be identified as Appendix C on the list of Appendices and the references made throughout the IS/MND. Furthermore, the HRA considered impacts to the existing residential subdivision to the south, located in the City of Menifee, but failed to analyze impacts to the recently approved residential development located within the City of Perris, located approximately 200 feet north of the site across Ethanac Road.

In the original comments by Perris on the IS/MND, Perris stated that the evaluation of diesel particulate health risk impacts is based only on the emissions generated by mobile sources at the Project site and experienced at nearby existing receptor locations. However, Perris also stated that the analysis needs to be revised to evaluate the emissions from all diesel sources at the Project site, including the two (or more) diesel fire water pump emergency generators that would be operated and tested on a regular basis.

As discussed above, Menifee's Response to Comment 2.5 states that the Project does not include diesel fire water pumps or emergency generators. However, pursuant to the above, Menifee's statement is in direct conflict with NFPA 20. The Health Risk Assessment must be revised to include the emissions associated with the operation and testing of the diesel engines for the fire water pump emergency generators.

Additionally, in its original comments, Perris stated that the sensitive receptors that would be located closest to the Project site, and possibly exposed to the greatest health risk, would be the new residents of the GVSP area to the immediate north of Ethanac Road. Although these receptors are not present right now, they will be constructed soon and present during the lifetime of the Project.

Menifee's Response to Comment 2.8 is likewise problematic. Response to Comment 2.8 states that Menifee has not been notified and is not aware of any project-specific development currently approved directly north of the Project site. The response also states that the distance from the Project to the nearest potential future residential lot line would be a minimum of 700 feet based on the siting of the Project, proposed open space within the GVSP and Ethanac Road right-of-way. The information in Menifee's Response is incorrect.

First, Perris approved the GVSP on March 5, 1990. Since approval of the GVSP in 1990, the Perris Crossings retail center was built and is in full operation in the southeast corner (3150 Case Rd, Perris, CA 92571) of the GVSP area. Residentially zoned properties within the GVSP along Ethanac Road near Case Road have been designated for residential use since adoption of the GVSP and have been approved to be developed with multi-family development.

Second, while the multi-family development area located closest to the Project site is not under construction at the present time, this is an approved land use that will be occupied with sensitive receptors during the lifetime of the Project. The residential area would be less than 200 feet from the Project site and the nearest receptor could be as close as 550 feet from the nearest truck operations within the Project site. Rather than speculating as to the development that is approved within the GVSP as stated in Response to Comment 2.5, it is Menifee's responsibility, or the responsibility of the consultants working on behalf of Menifee, to contact Perris to obtain information regarding the location of sensitive receptors approved for this area of Perris, which was not pursued. For example, the GVSP is available for review on the City of Perris website at <https://www.cityofperris.org/home/showpublisheddocument/2629/637217272577300000> and should have been utilized to identify the approved sensitive receptors in the vicinity that would be affected by the Project. That did not occur for this Project, and the IS/MND completely ignores potential impacts to these approved sensitive receptors.

According to the Health Risk Assessment, the residential land use with the greatest potential exposure to Project operational-source DPM emissions is Location R8, which is located approximately 1,092 feet south of the Project site. This is much greater than the distance (less than 200 feet) from the nearest residential area within the GVSP to the Project site. Therefore, the assumption in Menifee's response that the City of Perris' comment does not contain any information requiring changes to the MND is not supported by any factual data. The Health Risk Assessment must be revised to evaluate the potential diesel particulate health risks to the approved sensitive receptors within the GVSP, and the results of the revised analysis must be presented to the City of Perris prior to adoption of the IS/MND.

F. Inadequate Analysis of Noise Impacts

A Noise Study was not prepared to evaluate nearby sensitive receptors such as residential homes. However, the analysis does not assess potential operational impacts to the approved residential uses within the GVSP. While the multi-family development area located closest to the

Project site is not under construction at the present time, this is an approved land use that will be occupied with sensitive receptors during the lifetime of the Project. The closest residential area would be less than 200 feet from the Project site, and the nearest receptor could be as close as 550 feet from the nearest truck operations within the Project site. The noise study needs to be revised in order to adequately identify and mitigate noise impacts from the Project resulting from construction and operation due to the proximity of the Project sites to the approved residential development in the GVSP discussed above.

G. Inadequate Analysis of Transportation Impacts

The intersection of Barnett Road and Ethanac Road will not function safely and satisfactorily due to the existing confound and staggered configuration of the intersections of Barnett Road and Case Road at Ethanac Road. There is limited distance for the trailer trucks to make the necessary lane change from the I-215 southbound off-ramp to Case Road and then to the left turn lane at Barnett Road. The left turn prockete provides limited stacking for trailer trucks to make a safe left turn movement. The slow-moving trailer trucks and the changing of the lanes will cause congestion, extended backup, and queuing, causing unsafe vehicular movements. The queuing shall be fully analyzed. Also, the length of the left turn lane from Case Road to Barnett Road is inadequate for a trailer truck.

As discussed above, the Project could also generate more traffic than what is assumed in the IS/MND if refrigerated/cold storage uses occupy any portions of the proposed buildings. Overall, the Project failed to adequately analyze traffic impacts and should be revised for compliance with the following:

1. A Scoping Agreement should be submitted to the City of Perris for review and comments.
2. Traffic Impact Analysis (TIA) should be submitted for public review. The TIA should analyze truck impacts at the intersection of Ethanac Road and Barnett Road and determine the width and length of the turn lane pocket(s) on Ethanac Road at Barnett Road. Barnett Road, as currently designed, does not provide safe and adequate access to westbound Ethanac Road. City of Perris prior comments had requested that the TIA analyze Barnett Road at Ethanac Road so that it be aligned with Case Road and improved to ultimate design for an efficient full-turn signalized intersection. The intersection shall be concrete paved, per Caltrans standards, to withstand truck traffic. The TIA did not take these prior comments into consideration and, as proposed, poses unsafe access onto Ethanac Road for trucks and passenger vehicles. The TIA should be revised to show the realignment of Barnett Road at Ethanac Road. A Scoping Agreement should be submitted to the City of Perris for review and comments prior to revising the TIA per the

attached Exhibit B.

3. To ensure consistency, the right-of-way width and alignment 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 and intersection improvements at the intersection of Ethanac Road and Barnett Road to accommodate the traffic impacts related to the Project's truck and passenger vehicle trips. The TIA should include the City of Perris roadway designations for Ethanac Road and Case Road as listed below.
 - (a) Ethanac Road is classified as a 184-foot Expressway with a 14-foot wide raised landscaped median.
 - (b) Case Road is classified as a 94-foot Secondary Arterial with a 14-foot wide raised landscaped median.

Menifee's Response to Comment 2.10 incorrectly states that there is no nexus in the proposed realignment of Barnett Road with Case Road. As stated above, the Project has impacts on the safe access to westbound Ethanac Road, which requires the realignment of Barnett Road with Case Road, which is a public safety concern generated by the proposed Project. Further, although the Project contains mitigation and conditions to pay fair share costs for future improvements to the Ethanac Road and Barnett Road intersection, those measures do not address the public safety issue raised and do not contain mitigation and conditions that would alleviate the impacts of the Project on Perris, given that the intersection of Ethanac Road and Barnett Road is predominately within Perris and, therefore, the City of Perris would be a Responsible Agency for such related improvements pursuant to CEQA and any mitigation, conditions, or payments for any costs should be coordinated with Perris (including any payment of fair share costs).

The Project must be conditioned such that the Project applicant is 100% responsible for the cost of design and construction of aligning Barnett Road at Ethanac Road with Case Road to ultimate design for an efficient full-turn signalized intersection. The intersection shall be concrete paved, per Caltrans standards, to withstand truck traffic. Further, the Project applicant must be responsible for the construction of the ultimate design improvements on Ethanac Road from the intersection of the realigned Case Road/Barnett Road and Ethanac Road to the northbound on and off ramp in coordination with Riverside County Transportation Department (RCTC). RCTC 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 this development application. The developer/property owner shall contact Azan Junaid with RCTC for coordination and information regarding the PSR/PDS. All of the above-mentioned design and construction must be coordinated with the City of Perris and in compliance with City of Perris requirements.

Further, these improvements will require further CEQA analysis. Pursuant to Section 15003(h) of the State CEQA Guidelines, "[t]he lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect." (*Citizens Assoc. For Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151) The IS/MND does not identify all of the roadway improvements that would be required for the Project and does not evaluate the potential environmental impacts associated with the construction and implementation of these improvements. The IS/MND should be revised to identify all of the required roadway improvements and identify the City of Perris as a responsible agency for such roadway improvements under CEQA (as the majority of such roadway improvements will be within Perris' jurisdiction). The IS/MND must also be revised to evaluate the potential impacts associated with the construction and implementation of these improvements. The analysis of the Project actions within the City of Perris must be based on the standards, regulations, and policies of the City of Perris. This would include an evaluation of project consistency with all applicable policies from the City of Perris General Plan that have been adopted for the purpose of avoiding or mitigating an environmental effect.

Additionally, the Project cannot have driveway access to the site on Ethanac Road due to limited frontage on a designated expressway that permits high-speed traffic.

As such, the IS/MND improperly analyzed the traffic impacts of the Project and does not address the impacts of the Project.

II. Notice to Property Owners within 1,400 feet

Due to nearby sensitive uses, it is requested that property owner notification within at least 1,400 feet of the Project site is provided to ensure that all individuals who may be impacted by the proposed industrial development are provided an opportunity to comment. The City of Menifee failed to notify sensitive residential receptors nearby.

III. The Project is Inconsistent with Surrounding Areas/SB 330 Compliance

The Project is incompatible with the residential development in both the City of Perris and Menifee, as properties on the north side of Ethanac Road are all designated for residential development. Further, the Project site is located in the City of Menifee Economic Development Corridor Northern Gateway, which is intended as an employment center where 5 percent of land is envisioned to be for residential uses. The IS/MND failed to analyze how this Project is compliant with the land uses intended for this area, including within Perris.

Although Menifee's Response to Comment 2.13 states that the IS/MND analyzed Project consistency with applicable land use designation, plans, and policies, it does not address the requirement that 5% of the land use in the City of Menifee Economic Development Corridor Northern Gateway is designated as residential uses. As such, it does not address how the Project

would be compatible with this 5% residential use.

With respect to impacts on surrounding land uses, it did not analyze the impact upon sensitive receptors within Perris. Specifically, it does not take into consideration the impact of the Project upon the residentially zoned areas within the GVSP. As indicated above and in its Response to Comments 2.5 and 2.8, Menifee admits that it did not take into account the sensitive receptors located north of the Project site (in particular, those within the GVSP).

IV. Failure to Comply with City of Menifee Industrial Good Neighbor Policies

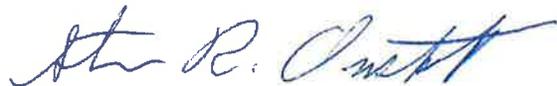
It needs to be clarified how, if at all, this Project complies with the City of Menifee Industrial Good Neighbor Policies. Menifee's Response to Comment 2.14 is inadequate in that it does not clarify whether the Project complies with the City of Menifee Industrial Good Neighbor Policies.

CONCLUSION

The City of Perris asks that the Menifee City Council reverse the decision and deny the Proposed Plan in light of the significant deficiencies in the Project and IS/MND described above. The City of Perris looks forward to working with the Menifee to facilitate the preparation and consideration of a Project and proper IS/MND that meets the requirements described above.

Respectfully,

ALESHIRE & WYNDER, LLP



Stephen R. Onstot
Partner

Attachments: Exhibits A and B

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

October 14, 2021

Russell Brown
City of Menifee
Planning Division
29714 Haun Road
Menifee, CA 92586

SUBJECT: City of Perris initial comments for the Ethanac / Barnett Warehouse Project - Menifee Planning Case Nos. Plot Plan No. PLN21-0290 and Change of Zone No. PLN21-0260 (i.e., the application filed with the Panattonie Industrial Island 3 for the Menifee North Economic Development Corridor Plan)

Dear Mr. Brown:

The City of Perris appreciates the opportunity to comment on the "Ethanac / Barnett Warehouse" ("Proposed Project") proposal to construct an industrial building totaling 253,050 sq. ft. on a 13.89 gross acre project site located generally at the southwest corner of Ethanac Road and Barnett Avenue within the City of Menifee. The Proposed Project is located just south of Ethanac Road adjacent to the Green Valley Specific Plan (GVSP) within Perris limits. 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.

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 I-215 Freeway. 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 this roadway.

There are two single-family residential tracts totaling 314 single-family dwelling units nearing construction completion along Ethanac Road. In addition, there are six residential tracts comprised of 1,241 residential units, which are anticipated to start next year in phases. The City is also anticipating a high-density residential project along the east side of Barnett Avenue.

The City is significantly concerned with the proposed Project as it is out of character with the surrounding residential areas in Menifee and the City of Perris. The City provides the below comments in light of the Project's proximity to the City of Perris residential neighborhood and concerns with potential truck traffic on Ethanac Road:

1. **California Environmental Quality Act (CEQA).** The Project needs to address the cumulative impact of all the proposed 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). Perris staff is aware of two proposed large-scale industrial projects (i.e., Panattoni Industrial Island 6 – 1.3M SF and Panattoni Industrial Island 3 – 1.1M SF) in the Menifee North Economic Development Corridor (Menifee North EDC) Plan that should be incorporated into the CEQA analysis. The CEQA document should particularly evaluate how the Project will address mitigating impacts of the Project on being close to residential land uses, land use compatibility, truck circulation, traffic impacts, and noise impacts. In addition, a health risk assessment, as further identified in this letter, is required.
2. **Land Use Inconsistency with Surrounding Areas / Change of Zone Application 21-0260 -** The proposed industrial development is incompatible with the residential development in both the City of Perris and Menifee on the south side of McLaughlin Road, north of Ethanac Road, and east of Barnett Avenue which is designated for residential development. The appropriate land use would be Business Park Development which is identified in the Menifee North EDC Plan, which would be more compatible with the residential land uses nearby. Therefore, the City is concerned with the change of zone application to create an industrial overlay to include development standards and a map amendment to add the boundary to the overlay which is being processed with the Panattoni Industrial Island 3 project that would apply to this property.
3. **Landscape Buffer** – Any Business Park Development adjacent to Ethanac Road and Barnett Avenue should have at least a 25-foot landscape buffer with mature trees to screen the visibility of the building to the residential area.
4. **Truck Circulation Route** – The developer should be required to prepare a Truck Circulation Plan. According to the site layout, truck access is proposed on Ethanac Road heading both east and westbound. Any truck access should be on Barnett Road and Ethanac Road east of Barnett Avenue to access the I-215 Freeway to limit proximity to residential land uses on the north side of Ethanac Road. In addition, it should be noted that the existing median on Ethanac Road is within Perris City limits and is not designed for truck queuing.

5. **Case Road and Barnett Avenue Alignment.** With the truck route noted above, Barnett Avenue and Case Road will need to align, as envisioned in the City's of Perris Circulation Element. Also, as the east side of Barnett Avenue is in the City of Perris, it should be built to a secondary arterial street designation of 94-ft right-of-way (r-o-w) to be consistent with the designation on Case Road.

6. **Traffic Impact Analysis/Truck Route.** The City of Perris has concerns related to traffic impacts to the Freeway interchange at I-215 and Ethanac Road. The Traffic Impact Analysis should include the following:
 - Evaluation of intersections/road segments in the City of Perris: Ethanac Road and Case Road/Barrett Avenue, and I-215 freeway and Ethanac Road (on-ramp and off-ramp).
 - Evaluate all truck routes and traffic counts during AM and PM peak times.
 - Incorporate a truck route enforcement plan as part of the TIA, which includes: on-site signage (provide a depiction of signage) of truck routes and truck driver/dispatcher education on truck routes.

Upon completion of the Draft Traffic Impact Analysis, please provide the City with a copy to review and comment.

7. **Noise.** An acoustical/noise analysis shall be prepared to mitigate noise impacts from the Project resulting from construction and operation in proximity to the residential development surrounding the site along Ethanac Road and Barnett Avenue.

8. **Health Risk Assessment Study.** A Health Risk Assessment is required under the *Sierra Club v. City of Fresno* case to evaluate health impacts on nearby residents.

9. **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, ext. 257, if you have any questions or would like to discuss the above concern in further detail.

Page 4 of 4

Sincerely,



Kenneth Phung
Director of Development Services

Cc: Clara Miramontes, City Manager
Eric Dunn, City Attorney
Stuart McKibbin, City Engineer

Letter 2: City of Perris Development Services Department Planning Division, received March 6, 2023



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
135 N. "D" Street, Perris, CA 92570-2200
TEL: (951) 943-5003 FAX: (951) 943-6379

March 6, 2023

Russell Brown
City of Menifee
Community Development Department
29844 Haun Road
Menifee, CA 92584

SUBJECT: CITY OF PERRIS COMMENTS - NOTICE OF HEARING AND NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR PLN21-0290 - ETHANAC AND BARNETT WAREHOUSES - LOCATED SOUTH OF ETHANAC ROAD AND WEST OF BARNETT ROAD (APNs: 331-060-036 AND 331-060-021)

Dear Mr. Brown:

The City of Perris appreciates the opportunity to comment on the environmental impacts of the proposed Ethanac/Barnett Warehouses in Menifee totaling approximately 251,133 square feet on approximately 13.89 acres of land to be located south of Ethanac Road and west of Barnett Road ("Proposed Project"). The Proposed Project is to be located east of the existing Monument Ranch residential development in Perris and approximately 200 feet south 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.

2.1

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 I-215 Freeway. In addition, there are six residential tracts comprised of 1,241 residential units which are anticipated to be constructed in phases this year. Therefore, no industrial development in the City of Perris is allowed to utilize Ethanac Road or Goetz Road as a truck route due to the sensitivity of residential land uses along these two roadways.

2.2

01006.0003/863656.0

The following comments are provided in light of concerns with the inadequacy of the Mitigated Negative Declaration (MND) document and the Project's proximity to the City of Perris residential neighborhood and the potential truck traffic on Ethanac Road:

2.2
cont.

1. California Environmental Quality Act (CEQA) Document.

Project Description

The Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration describes the project as the Ethanac and Barnett Speculative Warehouse(s). Likewise, the Vehicle Miles Traveled (VMT) Analysis provided in Appendix N and the Traffic Impact Analysis provided in Appendix O describe the project as the construction of two speculative buildings. However, the NOI, Initial Study/Mitigated Negative Declaration ("IS/MND") do not specifically state whether the buildings would be restricted to non-refrigerated uses or refrigerated uses could occupy the buildings. This is important because the two warehouse types create different operating characteristics (i.e., trip generation, vehicle trip fleet mix, and energy demand). For example, the average daily trip rate for a warehouse use identified in the project VMT Analysis is 1.71 trips per 1,000 square feet. The daily trip rate for a high-cube cold storage warehouse (ITE Land Use Code 157) is 2.21 per 1,000 square feet. A high-cube cold storage warehouse also generates many more 4+axle trucks (0.407 per 1,000 square feet or 19.2%) than a standard warehouse (17.2%). They also result in different air pollutant and greenhouse gas emissions, as well as operational noise levels. Thus, because the refrigerated/non-refrigerated uses have not been addressed, the traffic, air pollutant, greenhouse gas emissions, and operational noise level analyses upon which the IS/MND is based are flawed.

2.3

Unless the IS/MND and all Proposed Project approvals specifically state that the buildings would be restricted to non-refrigerated uses, it should be revised to evaluate the potential impacts associated with the possible operation of the buildings as refrigerated facilities. Alternatively, a Mitigation Measure is recommended prohibiting Transport Refrigeration Units (TRU) on site and further environmental analysis and recirculation of the IS/MND would be required should there be a need for TRUs on site. This is particularly important to the City of Perris because the sensitive receptors that would be located closest to the project will be within the Green Valley Specific Plan area to the immediate north of Ethanac Road. As discussed below, the building operations would determine whether any residents of the City of Perris could be exposed to substantial health risks from diesel particulate emissions. Appropriate Mitigation Measures will be recommended upon City's concurrence with the technical studies and analysis in the IS/MND.

2.4

Air Quality

As discussed above, the Proposed Project could generate more traffic than what is assumed in the IS/MND if refrigerated uses occupy portions of the proposed buildings. This would result in greater operational air pollutant emissions than what is identified in the IS/MND. In addition, the trucks traveling to and from the refrigerated uses would have truck refrigeration units (TRUs) which would be an additional source of air pollutants.

2.5

Each of the two buildings would be expected to require a diesel fire water pump. The emissions associated with the regular testing of these pumps should be included in the operational project emissions.

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The evaluation of diesel particulate health risk impacts is based on the emissions generated by mobile sources at the project site and experienced at nearby existing receptor locations. However, the analysis needs to be revised to evaluate the emissions from all diesel sources at the project site including the two (or more) diesel fire water pumps that are tested on a regular basis. In addition, the sensitive receptors that would be located closest to the project site and possibly exposed to the greatest health risk would be the new residents of the GVSP area to the immediate north of Ethanac Road. Although these receptors are not present right now, they will be present throughout the lifetime of this project. The analysis failed to evaluate the potential diesel particulate health risk impacts to these residents from all sources at the project site. Additionally, the Mitigated Negative Declaration failed to assess cumulative impacts of all currently proposed industrial projects westerly of this project. The project fails to provide proper mitigation for cumulative impacts of industrial developments proposed in this area.

2.5
cont.

Energy

As discussed above, each of the two buildings would be expected to require a diesel fire water pump that is tested on a regular basis. The Proposed Project could also generate more traffic than what is assumed in the IS/MND if refrigerated uses occupy portions of the proposed buildings. In addition, the trucks traveling to and from the refrigerated uses would have TRUs. The energy evaluation should be revised to address these additional energy demands.

2.6

Greenhouse Gas Emissions

As discussed above, each of the two buildings would be expected to require a diesel fire water pump that is tested on a regular basis. The Proposed Project could also generate more traffic than what is assumed in the IS/MND if refrigerated uses occupy portions of the proposed buildings. In addition, the trucks traveling to and from the refrigerated uses would have TRUs. Each of these sources would result in greater operational GHG emissions than what is identified in the IS/MND. Additionally, the Mitigated Negative Declaration failed to assess cumulative impacts of all currently proposed industrial projects westerly of this project. The project fails to provide property mitigation for cumulative impacts of industrial developments proposed in this area.

2.7

Health Risk Assessment

The Health Risk Assessment (HRA) is incorrectly identified as Appendix B. It should be identified as Appendix C on the list of Appendices and the references made throughout the IS/MND. Furthermore, the HRA considered impacts to the residential subdivision to the south, located in the City of Menifee, but failed to analyze impacts to the recently approved residential development, located approximately 200 feet north of the site across Ethanac Road.

2.8

Noise

A Noise Study was not prepared to evaluate nearby sensitive receptors such as residential homes. A noise study needs to be prepared in order to adequately mitigate noise impacts from the Project resulting from construction and operation due to the proximity of the project sites to the residential development in the immediate surrounding area, including areas within the City of Menifee and areas within the City of Perris along Ethanac Road.

2.9

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Transportation

As discussed above, the Proposed Project could also generate more traffic than what is assumed in the IS/MND if refrigerated uses occupy portions of the proposed buildings. Overall, the Proposed Project failed to adequately analyze traffic impacts and should be revised for compliance with the following:

- a) A Scoping Agreement should be submitted to the City of Perris for review and comments.
- b) Traffic Impact Analysis (TIA) should be submitted for public review. The TIA should analyze truck impacts at the intersection of Ethanac Road and Barnett Road and determine the width and length of the turn lane pocket(s) on Ethanac Road at Barnett Road. Barnett Road, as currently designed, does not provide safe and adequate access to westbound Ethanac Road. City of Perris prior comments had requested that the TIA analyze Barnett Road at Ethanac Road so that it be aligned with Case Road and improved to ultimate design for an efficient full turn signalized intersection. The intersection shall be concrete paved, per Caltrans standards, to withstand truck traffic. The TIA did not take these prior comments into consideration and as proposed, poses unsafe access onto Ethanac Road for trucks and passenger vehicles. The TIA should be revised to show the realignment of Barnett Road at Ethanac Road. A Scoping Agreement should be submitted to the City of Perris for review and comments prior to revising the TIA per the attached Exhibit A.
- c) To ensure consistency, the right-of-way width and alignment 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 and intersection improvements at the intersection of Ethanac Road and Barnett Road to accommodate the traffic impacts related to the project's truck and passenger vehicle trips. The TIA should include the City of Perris roadway designations for Ethanac Road and Case Road as listed below.
 - a. Ethanac Road is classified as an Expressway (184'/134') with a 14 foot wide raised landscaped median.
 - b. Case Road is classified as a Secondary Arterial (94'/70') with a 14 foot wide raised landscaped median.

2.10

CEQA Noticing and Review

The NOI to Adopt a Mitigated Negative Declaration includes the mailing list that was used for public review. Not included on this list is the State Clearinghouse. We checked the CEQAnet database and the IS/MND was not submitted to the State Clearinghouse.

Public Resources Code (PRC) § 21082.1 requires that an electronic form required by the Office of Planning and Research be submitted to the State Clearinghouse for review and comment for a draft EIR, proposed ND, or proposed MND for a project of this type..

2.11

The requirement to submit the draft EIR, proposed ND, or proposed MND for a project of this type to the State Clearinghouse for review and comment by state agencies is also specified in PRC § 21091(b).

Trustee agencies are state agencies that, while they do not have discretionary approval over a project, have jurisdiction by law over natural resources affected by a project that are held in trust for the prop of California (PRC § 21070). There are four trustee agencies defined in the State CEQA Guidelines (Section 15386): the Department of Fish and Game (now the Department of Fish and Wildlife or CDFW), the Department of Parks and Recreation, the State Lands Commission, and the University of California.

An agency is a trustee agency by virtue of its jurisdiction over natural resources affected by a project; not based on the extent of a project's effect on those natural resources. For example, an EIR or MND may conclude that a project has no significant impact on fish and wildlife of the state, yet the CDFW would still be a trustee agency if the project affects fish or wildlife.

The Proposed Project has the potential to affect wildlife at the project site and mitigation measures are identified in the MND to address potential impacts to the burrowing owl and nesting birds. As such, the CDFW is a trustee agency for the Proposed Project and is to be afforded the opportunity to review the General Biological Assessment and IS/MND. Pursuant to State CEQA Guidelines Section 15073(d), this review would need to occur through the State Clearinghouse.

2.11
cont.

Because the IS/MND was not submitted to the State Clearinghouse, the City has not complied with the public review requirements of PRC § 21082.1, PRC § 21091(b), and State CEQA Guidelines Section 15073(d), and a State trustee agency (the CDFW) has not been afforded the opportunity to review the IS/MND. The IS/MND must be submitted to the State Clearinghouse and the public review period must start over. The proposed initial study and mitigated negative declaration failed to comply with State CEQA requirements.

Please provide future notices prepared for the Proposed 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.

2. **1,400-Foot Property Owners Notification.** Due to nearby sensitive uses, it is requested that property owner notification within at least 1,400 feet of the Proposed Project site is provided to ensure that all individuals who may be impacted by the proposed industrial development are provided an opportunity to comment. The project failed to notify sensitive residential receptors nearby.

2.12

3. **Land Use Inconsistency with Surrounding Areas/SB 330 Compliance** - The proposed industrial development is incompatible with the residential development in both the City of Perris and Menifee as properties on the north side of Ethanac Road are all designated for residential development. Further, the Proposed Project site is located in the City of Menifee Economic Development Corridor Northern Gateway, which is intended as an employment center where 5 percent of land is envisioned to be for residential uses. The initial study failed to analyse how this project is compliant with the land uses intended for this area.

2.13

4. **Good Neighbor Guidelines** - In September 2022, the City of Perris adopted Good Neighbor Guidelines for siting new and modified industrial facilities. Please clarify if, and how, the

2.14

01006.0003/863656.1

Page 6 of 6

Proposed Project is in compliance with the City of Perris adopted Good Neighbor Guidelines and City of Menifee Industrial Good Neighbor Policies. For your reference, following is a link to the City of Perris Good Neighbor Guidelines <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-327>

2.14
cont.

- 5. **Drainage** - The plans, reports, and studies for the proposed storm drain pipe/connection from the project site on Evans Road to Romoland Channel should be conditioned to be reviewed and approved by City of Perris and Riverside County Flood Control and Water Conservation District (RCFCD); encroachment permits should be obtain from both entities.

2.15

The City of Perris thanks you for considering these comments. Please feel free to contact me at (951) 943-5003, ext. 355 or pbrenes@cityofperris.org, if you have any questions or would like to discuss the above concern in further detail.

Sincerely,



Patricia Brenes
Planning Manager

Enclosure – Exhibit A: Realignment of Barnett Road

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

Response to Comment 2.1: This comment introduces the comment letter, and states that the commenter is writing on behalf of the City of Perris. This comment provides a brief summary of the proposed Project and its location. The comment also summarizes the land use breakdown of the Green Valley Specific Plan (GVSP). The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.2: This comment notes that within the Green Valley Specific Plan, there are some industrial zones adjacent to the Perris Valley Airport north of the San Jacinto River; however, all development south of the San Jacinto River to Ethanac Road consists of residential and commercial uses. The comment also notes that 1,241 additional residential units are anticipated to be constructed in 2023. The comment describes that due to the existing sensitive residential uses, no industrial development in the city is allowed to utilize Ethanac Road or Goetz Road as a truck route. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.3: This comment notes that the Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration described the Project as speculative warehouses. Additionally, the comment notes that the Vehicle Miles Traveled Analysis also described the Project as speculative warehouses. The comment goes on to discuss that the NOI and Initial Study/Mitigated Negative Declaration did not specify whether the warehouses would include refrigerated uses. The comment concludes that because the MND did not consider refrigerated and non-refrigerated uses, the traffic analysis, air emissions analysis, greenhouse gas analysis, and operational noise analysis are flawed.

The proposed project does not anticipate the use of cold storage, and the project would be conditioned as such. Modeling prepared for the project accurately assumes trip generation rates based on the lack of proposed cold storage, as specified in the notes of Table T-1, Project Trip Generation of the MND. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.4: This comment states that the MND and all proposed Project approvals must specify that the buildings would be restricted to non-refrigerated uses, otherwise the document would need to be revised to evaluate the potential impacts associated with a potential future tenant utilizing refrigeration. The comment also provides an alternative which is to incorporate a Mitigation Measure that would prohibit Transport Refrigeration Units (TRU) on site unless further environmental analysis and recirculation of the MND occurred. The comment notes that the City of Perris is concerned with the use of refrigeration due to the sensitive receptors that would be located close to the Project. The comment states that building operations would determine whether sensitive receptors would be exposed to substantial health risks from diesel particulate emissions. The comment concludes by noting that the City would recommend appropriate mitigation measures upon agreement with the technical studies and analysis in the MND.

As stated above in Response to Comment 2.3, the project would be conditioned for the preclusion of cold storage uses. These conditions would be extended to any future site tenants unless additional environmental analysis is provided to assess additional impacts that could result from the use of cold storage. Therefore, analysis of cold storage and mitigation for the preclusion of cold storage uses would not be warranted. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.5: This comment reiterates that if the Project were to allow refrigerated uses to occupy the buildings, the Project could generate more traffic and therefore more operational air emissions than what is assumed in the MND. The comment also states that the use of TRUs would be an additional source of air emissions. The comment notes that the proposed buildings are anticipated to require a diesel fire water pump, thus the emissions associated with the regular testing of these pumps should be included on the operational Project emissions analysis. The comment goes on to state that the analysis in the MND needs

to be revised to evaluate the emissions from all diesel sources at the Project site included the two diesel fire water pumps. The comment also states that the Project analysis consider that during the lifetime of the Project, the nearest sensitive receptors to the Project site would be the new residents of the Green Valley Specific Plan area immediately north of Ethanac Road. The comment states that the MND did not fully evaluate the potential diesel particulate health risk to these future residences from all sources at the Project site. Additionally, the comment states that the MND did not fully consider cumulative impacts and mitigation associated with other proposed industrial projects in the area.

As stated above in Response to Comment 2.3, the project would be conditioned for the preclusion of cold storage uses. These conditions would be extended to any future site tenants unless additional environmental analysis is provided to assess additional impacts that could result from the use of cold storage. Therefore, analysis of cold storage and mitigation for the preclusion of cold storage uses would not be warranted. Additionally, the proposed project does not include fire pumps or emergency generators. Therefore, the analysis provided is adequate and accurately reflects the proposed project.

Further, upon review of the City of Perris GVSP, the GVSP provides for the future residential development north of Ethanac Road; however, the City of Menifee has not been notified and is not aware of any project-specific development approved 200 feet north of the proposed project. These findings are based on an extensive search on the City of Perris website, the State Clearinghouse, and communication with the City of Menifee, which did not yield evidence of any recently approved residential projects in the immediate vicinity of the project site. Further, based on review of the project site, the distance from the proposed project to the nearest potential future residential lot line would be a minimum of 700 feet based on the siting of the project, proposed open space within the GVSP, and Ethanac Road right-of-way. The HRA analyzes the nearest receptor location at 445 feet from the project site, and therefore, which is more conservative than the 700-foot distance that would be anticipated for future potential development north of the project site. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.6: This comment states that the energy analysis should be updated to consider energy usage associated with the two diesel fire water pumps, potential increase in traffic if refrigerated uses occupy the Project, and the TRUs associated with operation of a potential refrigerated use.

As stated above in Response to Comment 2.3, the project would be conditioned for the preclusion of cold storage uses. These conditions would be extended to any future site tenants unless additional environmental analysis is provided to assess additional impacts that could result from the use of cold storage. Therefore, analysis of cold storage and mitigation for the preclusion of cold storage uses would not be warranted. Additionally, the proposed project does not include fire pumps or emergency generators. Therefore, the analysis provided is adequate and accurately reflects the proposed project. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.7: This comment reiterates that the proposed buildings would each require a diesel fire water pump and that a potential future refrigerated use could generate more traffic (including TRUs) than what is analyzed in the MND. The comment states that each of those sources would result in greater GHG than what is identified in the MND. The comment also states that the MND did not fully analyze cumulative impacts and mitigation related to other proposed industrial projects.

As stated above in Response to Comment 2.3, the project would be conditioned for the preclusion of cold storage uses. These conditions would be extended to any future site tenants unless additional environmental analysis is provided to assess additional impacts that could result from the use of cold storage. Therefore, analysis of cold storage and mitigation for the preclusion of cold storage uses would not be warranted. Additionally, the proposed project does not include fire pumps or emergency generators. Therefore, the

analysis provided is adequate and accurately reflects the proposed project. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.8: This comment notes that the Health Risk Assessment (HRA) is identified as Appendix B when it should be listed as Appendix C on the list of Appendices as well as throughout the MND. The comment also notes that the HRA analyzed impacts to the residential uses to the south but did not analyze impacts to the recently approved residential developed located approximately 200 feet north of the site across Ethanac Road.

Additionally, the HRA was appropriately listed in the appendix list and referenced throughout the MND as Appendix B, which is correct. The appendices were mislabeled when uploaded to the City website and SCH; however, all information was provided and accurately included in the MND.

Further, as discussed in Response to Comment 2.5 above, the City of Menifee has not been notified and is not aware of any project-specific development currently approved directly north of the proposed project. Further, based on review of the project site, the distance from the proposed project to the nearest potential future residential lot line would be a minimum of 700 feet based on the siting of the project, proposed open space within the GVSP, and Ethanac Road right-of-way. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.9: This comment states that a noise study was not prepared to evaluate noise impacts on nearby sensitive receptors. The comment states that a noise study should be prepared in order to fully mitigate noise impacts from construction and operation of the Project to surrounding sensitive uses.

The project Draft MND analyzes potential noise impacts resulting from the project on pages 147 through 155. The analysis provided incorporates discussion from the Noise Study prepared for the project, which was included as Appendix M of the MND. The Noise Study includes potential impacts on sensitive noise receptors surrounding the project site. The Noise Study, and subsequent MND analysis, found that impacts would be less than significant. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.10: This comment reiterates that the Project would generate more traffic than what is analyzed in the MND if refrigerated uses were to occupy the proposed buildings.

Response: As stated above in Response to Comment 2.3, the project would be conditioned for the preclusion of cold storage uses. These conditions would be extended to any future site tenants unless additional environmental analysis is provided to assess additional impacts that could result from the use of cold storage. Therefore, analysis of cold storage and mitigation for the preclusion of cold storage uses would not be warranted.

The comment continues with a list of items that were not fully analyzed and thus should be revised. These include:

- a) Submittal of a Scoping Agreement to the City of Perris for review and comments

Response: The project completed the proper scoping process with the City of Menifee, which has approval authority over the project as the Lead Agency. Approval of the scoping agreement by the City of Perris is not required.

- b) Submittal of the Traffic Impact Analysis (TIA) for public review. The comment notes that the TIA should include analysis of truck impacts at the intersection of Ethanac Road and Barnett Road, including determination of the width and length of the turn pockets on Ethanac and Barnett Road. The comment

states that the current design of Barnett Road does not provide safe access to westbound Ethanac Road. The comment also states that the City of Perris had previously provided comments requesting that the TIA analyze Barnett Road at Ethanac Road so that it could be aligned with the design of Case Road. The comment notes that the intersection should be concrete paved in order to withstand truck traffic, per Caltrans standards. The comment states that the TIA did not consider the City's previous comments and therefore the design of Ethanac Road would be unsafe for trucks and passenger vehicles. The comment requests that the TIA be revised to show realignments of Barnett Road at Ethanac Road. The comment also requests that a Scoping Agreement be submitted to the City of Perris for review and comment prior to revision of the TIA.

Response: The TIA is based on PCE adjusted traffic counts and evaluates the PCE of the proposed project. Therefore, the TIA does include trucks in the LOS analysis. Furthermore, Section 6 of the Traffic Impact Analysis includes recommendations for geometric improvements to accommodate the safe access and circulation of trucks at the Ethanac Road and Barnett Road intersection.

The improvements proposed by the City of Perris at the intersection of Ethanac Road and Barnett Road represent a potential future City of Perris project. However, there is not a nexus to require the proposed development to construct or bear the full cost of implementation of the improvements. Furthermore, the timeline for implementation of the improvement is speculative and would occur after implementation of the proposed project. Therefore, it is not necessary to include realignment of the intersection of Ethanac Road and Barnett Road, as this project is not approved by either City or funded at this time. The project includes mitigation and condition to pay fair share costs for future improvements at the Ethanac Road and Barnett Road intersection proportional to the project-specific impacts.

- c) The comment states that the right-of-way width and alignment of Ethanac Road should be coordinated with the roadway designations from the City of Perris General Plan. The comment states that this coordination would determine the extent of roadway and intersection improvements needed at the intersection of Ethanac Road and Barnett Road. The comment states that the TIA should include the City of Perris roadway designations as follows:
 - a. Ethanac Road is classified as an Expressway (184'/134') with a 14 foot wide raised landscaped median
 - b. Case Road is classified as a Secondary Arterial (94'/70') with a 14 foot wide raised landscaped median

Response: The comment states that the City of Perris roadway classifications for Ethanac Road and Case Road should be considered in the realignment of the intersection and stated in the TIA. Please see the response to comment b regarding the intersection. Statement of the City's roadway classifications would not change the conclusions of the analysis presented in the TIA.

Therefore, the MND properly analyzed traffic impacts that could result from the project. Proper notification of the project was conducted pursuant to CEQA and the City of Menifee process as the Lead Agency. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.11: This comment states that the NOI to Adopt the MND used a mailing list that did not include the State Clearinghouse. The comment states that according to the CEQAnet database, the MND was not submitted to the State Clearinghouse. The comment states that PRC Section 21091(b) also required an MND be submitted to the State Clearinghouse. The comment continues by explaining that trustee agencies are state agencies that have jurisdiction by law over natural resources affected by a project that are held in trust for the prop of California (PRC Section 21070). The comment notes that the potential MND disclosed impacts related to wildlife and includes mitigation related to the protection of burrowing owl and

nesting birds, thus the CDFW is a trustee agency for the proposed Project and should be given the opportunity to review the Biological Resources Assessment prepared for the MND. The comment notes that pursuant to State CEQA Guidelines Section 15073(d), this review should occur through the State Clearinghouse.

The comment continues by stating that because the MND was not submitted to the State Clearinghouse, the City of Menifee has not complied with the public review requirements of PRC Sections 21082.1 and 21091(b) as well as State CEQA Guidelines Section 15073(d). The comment requests that the MND be submitted to the State Clearinghouse and that the public review period begin again so that the MND is in compliance with State CEQA Guidelines. The comment concludes by requesting that any future notices prepared pursuant to CEQA be provided to the City of Perris.

The project was uploaded to the State Clearinghouse for public circulation beginning February 4th and concluding March 6th. The posting can be accessed at: <https://ceqanet.opr.ca.gov/2023020108>. While CDFW has jurisdiction over biological resources within the state, there are no biological resources within the project site, as described on page 42 through 48. Based on substantial evidence, as disclosed in the General Biological Assessment (GBA) (Appendix C of the MND), the project site does not contain sensitive biological resources and the site is within the jurisdiction of the Multiple Species Conservation Habitat Plan (MSHCP). Mitigation measures were included pursuant to the MSHCP to ensure that impacts would not occur prior to construction. Therefore, the project was properly noticed and the public review period would not need to be conducted again. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.12: This comment requests that all property owners within 1,400 feet of the proposed Project be notified of the Project and be given the opportunity to comment. The comment states that the proposed Project did not notify nearby sensitive receptors. The proposed notification radius for mailings is recommended, but not required or substantiated by the commenter. The project was adequately notified based on the City's public notification process, which included a radius of 800 feet (an increase from the standard City 300-foot radius per the City of Menifee Municipal Code Section 9.30.080, Public Hearing and Notice), and pursuant to the requirements of CEQA. The comment does not contain any information requiring changes to the MND or necessitate additional public circulation. No further response is warranted.

Response to Comment 2.13: This comment states that the proposed Project is incompatible with the residential developments in both the City of Perris and the City of Menifee. Additionally, the comment states that the Project site is located within the City of Menifee Economic Development Corridor Northern Gateway, which is intended as an employment center where five percent of the land is planned to be for residential uses. The comment states that the MND did not adequately analyze how the Project is compatible with surrounding land uses.

The project MND analyzes project consistency with applicable land use designations, plans, and policies on page 140 through 145. The project is consistent with the underlying land use and zoning designation of EDC and EDC-NG, respectively, as approved within the City of Menifee's General Plan and zoning map. Additionally, the project would be consistent with applicable local plans and policies. The project is not within the City of Perris, nor does the project require land use approval from the City of Perris. Further, the project analyzes impacts on surrounding land uses throughout the MND within each topic section, such as Section 3 for air quality, Section 13 for noise, and so forth. Therefore, the MND adequately analyzes compatibility with surrounding land uses. The comment does not contain any information requiring changes to the MND. No further response is warranted.

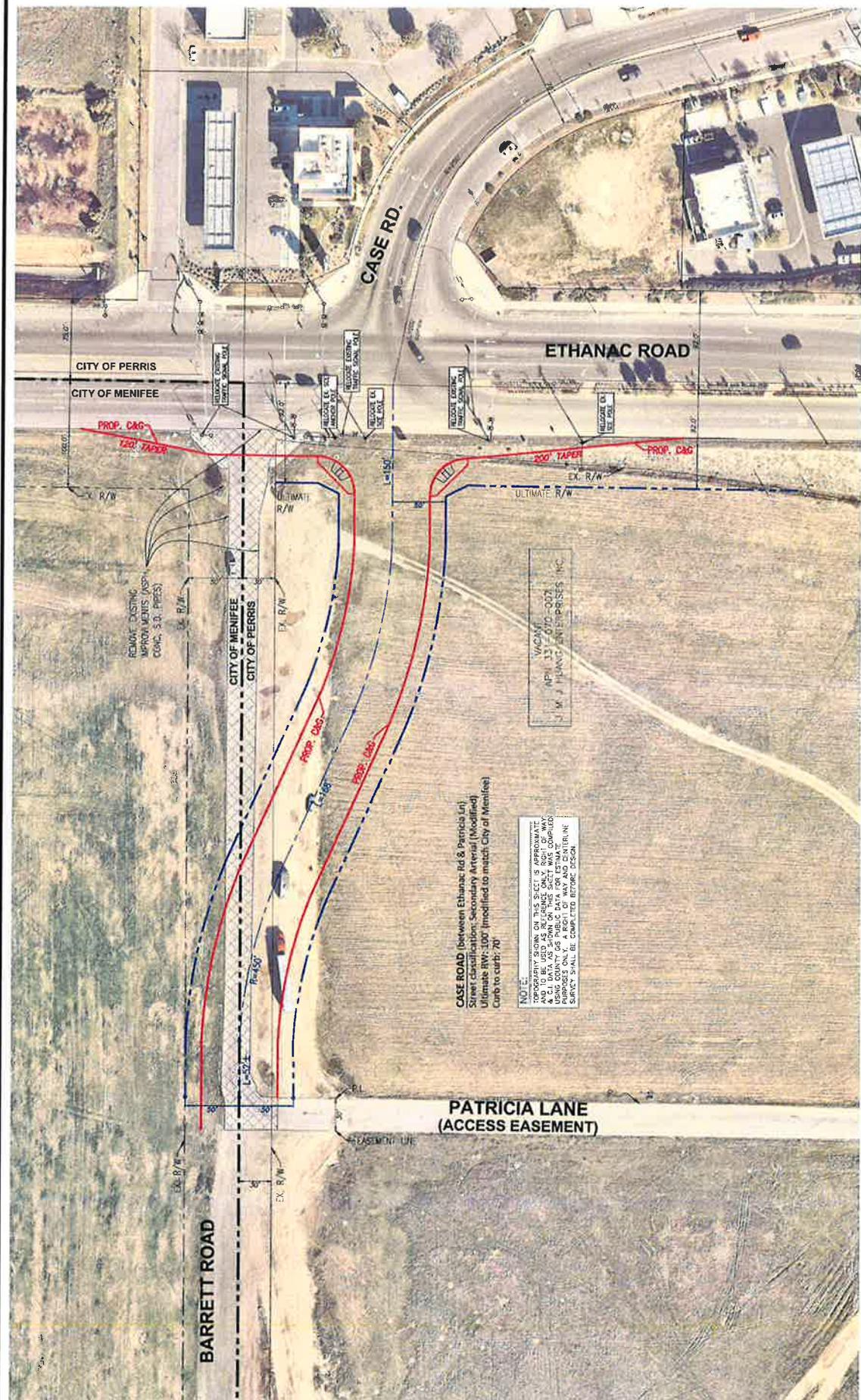
Response to Comment 2.14: This comment states that the City of Perris adopted Good Neighbor Guidelines in September 2022 and requests that the proposed Project provide clarification as to how it is in compliance with these guidelines. The comment also provides a link to the City of Perris Good Neighbor Guidelines.

The project is within the City of Menifee, and therefore, would not be required to comply with the City of Perris Good Neighbor Guidelines. Further, the guidelines include recommendations rather than requirements. Therefore, the project is consistent with applicable plans and policies of the City of Menifee. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 2.15: This comment states that the plans, reports, and studies prepared for the proposed storm drain connection from Evans Road to Romoland Channel should be conditioned to be reviewed by the City of Perris and Riverside County Flood Control and Water Conservation District (RCFCD) and that encroachment permits be obtained from both entities.

Thank you for your comment, the project applicant will coordinate with the City of Perris and RCFCD and will request appropriate encroachment permits and approvals prior to construction, as conditioned for the project. The comment does not contain any information requiring changes to the MND. No further response is warranted.

EXHIBIT B



CASE ROAD (between Ethanac Rd & Patricia Ln)
 Street classification: Secondary Arterial (Modified)
 Ultimate R/W: 100' (modified to match City of Menifee)
 Curb to curb: 70'

NOTE:
 TOPOGRAPHY SHOWN ON THIS SHEET IS APPROXIMATE
 AND IS BASED ON DATA FROM THE 2011 AERIAL
 PHOTOGRAPHY. ALL DATA ON THIS SHEET WAS OBTAINED
 USING COUNTY OF PUBLIC DATA FOR ESTIMATE.
 SURVEY SHALL BE COMPLETED BEFORE DESIGN.

		CITY OF PERRIS ETHANAC & CASE ROAD REALIGNMENT STUDY
APPROVED BY: _____ DATE: 8/14/17 PREPARED BY: _____ DATE: 8/14/17	24 S. D. ST., SUITE 100 PERRIS, CA 92405 951-943-8554 SEE SHEET 1	SHEET NO. 1 OF 4 SHEETS FILE NO. 20170402 JOB PR-1185 CITY OF PERRIS
	SCALE: AS SHOWN	BENCHMARK
DIG ALERT DIAL TOLL FREE 811 AT LEAST 106 DAYS BEFORE YOU DIG 	CHECKED BY: G.D.G. DRAWN BY: G.D.G. IN CHARGE: G.D.G. DATE: 8/14/17 CITY: PERRIS	SEAL