

Appeal Letter 1: City of Perris, received March 20, 2023



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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

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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.

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cont.

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.

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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.

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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.

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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.

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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.

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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.

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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.

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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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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

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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.

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cont.

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.

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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

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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.

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cont.

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).

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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.

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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.

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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.

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

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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.

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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.

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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

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would be compatible with this 5% residential use.

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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).

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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.

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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.

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Respectfully,

ALESHIRE & WYNDER, LLP



Stephen R. Onstot
Partner

Attachments: Exhibits A and B

Response to Appeal 1: This comment introduces the appeal letter, and states that the commenter is writing on behalf of the City of Perris. This comment presents an objection to the City of Menifee's Planning Commission for the decision to approve the Mitigated Negative Declaration for Plot No. PLN21-0290. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 2: This comment notes the reasoning for the appeal is following the improper approval of the plot plan due to non-compliance with the California Environmental Quality Act. 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 Appeal 3: 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 this year, 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 Appeal 4: This comment notes that the City of Perris has submitted two letters to the City of Menifee previously. An Initial comment letter was submitted on October 14, 2021 and a subsequent comment letter was sent on March 6, 2023, identifying similar concerns to the ones raised in this appeal. The comment states that the responses provided by Menifee to the March 6th comment letter failed to adequately address the issues raised in the letter. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 5: This comment states that the City of Perris is submitting the appeal due to several un-addressed impacts in the IS/MND including residential neighborhoods in the City of Perris, public safety concerns from non-alignment of

Barnett Avenue and Ethanac Road, and increased truck traffic on Ethanac road. The comment does not contain any information or explanation requiring changes to the MND. No further response is warranted.

Response Appeal 6: 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. Conditions have been modified to also preclude the provision of cold storage within the proposed buildings. 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 Appeal 7: 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 Appeal 6, 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 Appeal 8: This comment states that the City of Menifee response to comments 2.3 and 2.4 in the previous letter does not contain an adequate condition indicating that cold storage would not be permitted for the project. The comment identifies Community Development Condition 4a specifically, stating the condition only affects the types of trucks and trailers that would be allowed to access the project site rather than prohibit the use of any portion of the buildings for refrigerated/cold storage use. Thus, the comment concludes that modeling prepared for the project does not accurately analyze trip generation rates or energy demand.

Condition 4a states that TRU's are not allowed as part of the approval and that environmental analysis shall be required by the tenant/property owner prior to establishment and operation of TRU's. Conditions have been modified to also preclude the provision of cold storage within the proposed buildings. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 9: 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.

As stated above in Response to Appeal 6, 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, the project would not generate more traffic and therefore operational air emissions as there would be no cold storage uses allowed. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 10: 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 proposed project does not include fire pumps or emergency generators. Therefore, the analysis provided is adequate and accurately reflects the proposed project. However, out of an abundance of caution, an emissions analysis including the operational use and testing of two diesel fire water pumps for the two proposed buildings was conducted and included as Attachment A. As shown in Attachment A, two diesel fire pumps would generate 3.77 MTCO₂E annually. When added to the emissions totals presented in the IS/MND, this negligible increase in emissions would not result in any change to the findings or conclusions related to air quality or greenhouse gas emissions. Therefore, the project would result in less than significant air quality and greenhouse gas (GHG) impacts. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 11: Continuing from the statement in appeal 10, it 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, including fire pumps and generator. The comment also states that the project analysis should 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 (GVSP) 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.

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. However, out of an abundance of caution HRA evaluation was conducted with consideration of potential diesel particulate health risk to potential future residential land uses per the GVSP at 374 feet from the nearest trucking operations to the southern right of way boundary on Ethanac Road. The potential health risks at the future GVSP residential uses would be 0.36 in one million for operations, 1.51 in one million for construction, and 1.68 in one million for combined construction and operational activity. As summarized, none of these risk values exceed the applicable SCAQMD threshold of 10 in one million. The HRA modeling sheets are provided in Appendix A. The project would result in less than significant health risk impacts on potential future residential development to the north and is compatible with the GVSP.

It should be noted that the project site is currently zoned for business park and industrial uses within the City of Menifee and that the proposed project is an industrial use that is consistent with the site's zoning within the City of Menifee. The commenter is asserting that although the residentially zoned site within the GVSP is vacant, and although no residential projects have been approved or even submitted to the City of Perris for consideration, the MND should have used a future baseline and assumed the site as occupied with residential uses and further should assess the cumulative impacts of industrial projects on a currently vacant parcel. The MND and supplemental HRA analysis provided herein demonstrate using the appropriate SCAQMD methodology for HRAs, that the proposed project would have less than significant impacts on residentially zoned areas in the GVSP and also with the existing nearest sensitive receptors. Therefore, the impacts are less than significant and no additional changes to the MND are necessary and preparation of an EIR is also not warranted. No further response is warranted.

Response to Appeal 12: This comment states that Menifee's response to comments, specifically comment 2.5, does not consider that diesel fire water pumps and emergency generators are needed for the proposed project's two buildings. The comment notes that this conflicts with California Fire Code, CA Code of Regulations Title 24 Part 9, stating where provided, fire pumps for fire protection systems shall be installed in accordance with section 913 of the CA Fire Code and NFPA 20. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 13: This comment reiterates that it is expected that stationary diesel engines would be required for each of the proposed buildings in the project and that they are required to be operated and tested on a regular basis based on the requirements of NFPA.

Response to Appeal 14: This comment states that operation and testing of diesel engines and fire water pumps would increase air pollutant emissions, diesel particulate health risk impacts, energy demand, and GHG emissions that have not been considered or evaluated in the IS/MND.

The proposed project does not include fire pumps or emergency generators. Therefore, the analysis provided is adequate and accurately reflects the proposed project. However, out of an abundance of caution, an emissions analysis including the operational use and testing of two diesel fire water pumps for the two proposed buildings was conducted

and included as Attachment A. As stated above in Response to Appeal 10 and 11, even with incorporation of a fire pump, the project would result in less than significant air quality, GHG, and health risk impacts. Additionally, the inclusion of fire pumps would result in less than significant energy impacts. 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 Appeal 15: This comment states that construction related air quality impacts associated with required off-site roadway improvements have not been evaluated in the IS/MND since the realignment of Barnett Road is required to provide safe and adequate operations of the Case Road/Barnett Road intersection with Ethanac Road.

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.

Response to Appeal 16: This comment reiterates the previous statements that the IS/MND has not adequately evaluated potential air quality (particulate health risks), energy, and GHG impacts associated with the realignment of Case Road and that these impacts must be evaluate prior to adoption of the document.

As stated above in Response to Appeal 15, realignment of Case Road is not proposed or required as part of the project. Therefore, the analysis provided in the IS/MND is adequate, accurately reflects the proposed project, and properly evaluates air quality, GHG, and energy impacts.

Response to Appeal 17: This comment reiterates that each of the proposed buildings as part of the project would be expected to require a diesel fire water pump and emergency generator that is tested and operated on a regular basis. Additionally, the comment states that the project could generate more traffic than is assumed in the IS/MND if

refrigeration occupies portions of the buildings. The comment states that the IS/MND should revise the energy evaluation to address these additional energy demands.

As stated above in Response to Appeal 6, 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. However, even with the inclusion of two fire pumps, the project would result in less than significant impacts on energy as shown in Attachment A. Therefore, the energy 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 Appeal 18: This comment states that further mitigation and analysis relating to cold storage is needed. The comment reiterates that the project's conditions of approval do not prohibit the use of refrigerated/cold storage uses nor does it contain any prohibition that would extend to any future tenants. Additionally, the comment reiterates that diesel for water pumps and backup generators is needed for the project and the realignment of Barnett Road is required to provide safe and adequate operations of the Case Road/Barnett Road intersection with Ethanac Road. Impacts relating to energy demand and use have not been evaluated in the IS/MND based on the previous statements and the project's energy analysis must be updated to address these issues.

As stated above in Response to Comment Appeal 6, 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.

Additionally, the proposed project does not include fire pumps or emergency generators. However, out of an abundance of caution, modeling was conducted to show the potential future use of two fire pumps. As shown in Attachment A, the project would result in less than significant impacts on energy with the inclusion of a fire pump. Therefore, the energy analysis provided is adequate and accurately reflects the proposed project.

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 conditions to pay fair share costs for future improvements at the Ethanac Road and Barnett Road intersection proportional to the project-specific impacts. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 19: The comment reiterates the need to include and consider the regular operation and testing of diesel fire water pumps and backup generators for the two proposed buildings in the project. The comment also states that the project could generate more traffic than what was assumed in the IS/MND if refrigerated uses occupy any proportions of the buildings. Considering these additional sources would result in greater operation GHG emissions than what was identified in the IS/MND. The comment states that the project fails to provide property mitigation for cumulative impacts of westerly industrial developments proposed in the area and thus must update the project's energy analysis to account for these issues.

The proposed project does not include fire pumps or emergency generators. Therefore, the analysis provided is adequate and accurately reflects the proposed project. However, out of an abundance of caution, an emissions analysis including the operational use and testing of two diesel fire water pumps for the two proposed buildings was conducted and included as Attachment A. As stated above in Response to Appeal 10, even with incorporation of a fire pump, the project would result in less than significant GHG impacts. Further, CEQA Guidelines Section 15130(f) describes that the effects of GHG emissions are by their very nature cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis. Additionally, CEQA Guidelines Section 15064(h)(3) states that a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides requirements to avoid or lessen the cumulative problem. Because the project would comply with the approved AQMD 2017 Scoping Plan Update, the project would not result in a significant cumulative impact. 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 Appeal 20: This comment reiterates that the GHG analysis in the IS/MND is inadequate and inaccurate and that Response to Comment 2.7 from the City of Menifee does not contain prohibitions regarding refrigerated/cold storage uses. Similarly, the GHG analysis must account for emissions due to fire water pump emergency generators as those are required.

As stated above in Response to Appeal 6, 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. However, out of an abundance of caution, an emissions analysis including the operational use and testing of two diesel fire water pumps for the two proposed buildings was conducted and included as Attachment A. As stated above in Response to Appeal 10, even with incorporation of a fire pump, the project would result in less than significant GHG impacts. Therefore, the GHG 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 Appeal 21: This comment reiterates that the realignment of Barnett Road is required to provide safe and adequate operations of the Case Road/Barnett Road intersection with Ethanac and Barnett. Thus, impacts relating to construction GHG emissions with the required off-site roadway improvements have not been evaluated in the IS/MND.

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. Therefore, the GHG 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 Appeal 22: This comment states that GHG emissions impacts evaluated in the IS/MND utilizing and based on the SCAQMD's thresholds of significance are inadequate as they do not evaluate the sources previously mentioned in appeal 19, 20, and 21. The comment states that with these sources considered the project would exceed the 3,000 MTCO₂e threshold of significance.

As stated above, the GHG 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 Appeal 23: This comment states that the IS/MND has not demonstrated that the project will generate GHG emissions that do not exceed the SCAQMD threshold of significance and an EIR should be prepared.

As stated above, the GHG 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 and preparation of an EIR is not required.

Response to Appeal 24: This comment notes that the HRA is identified as MND 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.

Upon review of the City of Perris GVSP, the GVSP provides residentially zoned areas north of Ethanac Road; however, as discussed in Response to Appeal Comment 11, the MND and supplemental HRA analysis provided herein demonstrate using the appropriate SCAQMD methodology for HRAs, that the proposed project would have less than significant impacts on residentially zoned areas in the GVSP and also with the existing nearest sensitive receptors. Therefore, the impacts are less than significant and no additional changes to the MND are necessary and preparation of an EIR is also not warranted. No further response is warranted.

Response to Appeal 25: This comment reiterates that the IS/MND analysis fails to consider the two (or more) diesel fire water pump and emergency generators that would be operated and tested on a regular basis. The comment states that the IS/MND HRA needs to be revised to evaluate the emissions from all diesel sources at the project site, including the fire water pumps and generators.

The proposed project does not include fire pumps or emergency generators. Therefore, the analysis provided is adequate and accurately reflects the proposed project. However, out of an abundance of caution, an emissions analysis including the operational use and testing of two diesel fire water pumps for the two proposed buildings was conducted and included as Attachment A. As stated above in Response to Appeal 11, even with incorporation of two fire pumps, the project would result in less than significant health risk impacts. 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 Appeal 26: This statement reiterates that City of Menifee's response to comment 2.5 is in direct conflict with NFPA 20 and thus the HRA must be revised to include the emissions associated with operation and testing of diesel engines for the fire water pump emergency generators.

Out of an abundance of caution, an emissions analysis including the operational use and testing of two diesel fire water pumps for the two proposed buildings was conducted and included as Attachment A herein. As stated above in Response to Appeal 11, even with incorporation of two fire pumps, the project would result in less than significant health risk impacts. 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 Appeal 27: This comment reiterates that the sensitive receptors with the closest proximity to the site and possibly exposed to the greatest health risk would be the new residents of the GVSP area, north of Ethanac Road. These residents are not present yet but will be constructed soon.

As stated in Response to Appeal 24, 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. Furthermore, the driveway and parking lot that are nearest to the GVSP are for passenger vehicles only – trucks are prohibited on that driveway. However, out of an

abundance of caution HRA evaluation was conducted with consideration of potential diesel particulate health risk to potential future residential land uses per the GVSP at 374 feet from the nearest trucking operations to the southern right of way boundary on Ethanac Road. The potential health risks at the future GVSP residential uses would be 0.36 in one million for operations, 1.51 in one million for construction, and 1.68 in one million for combined construction and operational activity. As summarized, none of these risk values exceed the applicable SCAQMD threshold of 10 in one million. The project would result in less than significant health risk impacts on potential future residential development to the north. As stated above, the health risk 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 Appeal 28: This comment states that the information in the City of Menifee's response to comment 2.8 is problematic and incorrect. Response 2.8 states that the City of Menifee has not been notified or aware of any project-specific development currently approved directly north of the project site. Additionally, the response states that the distance from the project to the nearest future potential residential lot line would be a minimum of 700 feet. Please see Response to Comment Appeal 27 which discusses the health risk assessment at the nearest residentially zoned area in the City of Perris. The comment does not contain any information requiring changes to the MND or resulting in the need for the preparation of an EIR. No further response is warranted.

Response to Appeal 29: This comment provides background on the GVSP area and its residentially zoned properties near the project Site. The comment notes that these residentially zoned properties have been designated for residential use since adoption of the GVSP and have been approved to be developed with multi-family developments. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 30: This comment states that although the multi-family development area near the project site is not under construction at the present time, residentially designated land uses in the GVSP should be considered a sensitive receptor during the lifetime of the project. The commenter states that the residential area would be less than 200 feet from the project site and acknowledges that the closest residential receptor could be close to 550 feet from the nearest truck operations. The comment states that it was the responsibility of Menifee or consultants on their behalf to obtain information regarding the location of sensitive receptors approved in the GVSP area. This

comment also states that the IS/MND and response to comment 2.5 ignores potential impacts to these approved sensitive receptors.

The project site is currently zoned for business park and industrial uses and the proposed project is an industrial use that is consistent with the site's zoning within the City of Menifee. The commenter is asserting that although the residentially zoned site within the GVSP is vacant, and although no projects have been approved or even submitted to the City of Perris for consideration, the MND should have used a future baseline and assumed the site as occupied with residential uses. In response to this comment and out of an abundance of caution, additional HRA analysis was conducted with consideration of potential diesel particulate health risk to potential future residential land uses per the GVSP as discussed in Response to Comment Appeal 27. The proposed project would result in less than significant health risk impacts on potential future residential development to the north. The comment does not contain any information requiring changes to the MND or resulting in the need for the preparation of an EIR. No further response is warranted. No further response is warranted.

Response to Appeal 31: This comment states that the HRA needs to be revised to evaluate the potential diesel particulate health risks to the approved sensitive receptors within the GVSP and be presented to the City of Perris before approval of the IS/MND. The comment also notes that the residential land use with the greatest potential exposure in the HRA is a much greater distance than that of the residential area in the GVSP. Additionally, the comment notes that the response from the City of Menifee that the information regarding the GVSP future residential residents does not require changes to the MND is not supported by facts.

As stated in Response to Appeal 27, additional HRA analysis was conducted with consideration of potential diesel particulate health risk to potential future residential land uses per the GVSP, which determined that the proposed project would result in less than significant health risk impacts on potential future residential development to the north. The modeling sheets are provided in Attachment A for the City's review. The comment does not contain any information requiring changes to the MND or the circulation of an EIR. No further response is warranted.

Response to Appeal 32: This comment states that the noise study in the IS/MND needs to be revised in order to adequately identify and mitigate noise impacts from the project resulting from construction and operation due to proximity of the project site to

approved residential development in the GVSP. The comment states that the Noise Study did not assess potential operational impacts to the approved residential uses within the GVSP, although the closest residential area would be less than 200 feet from the project site, and the nearest sensitive receptor would be as close to 550 feet from the nearest truck operations.

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. However, out of an abundance of caution noise modeling was conducted with consideration of potential noise impacts to potential future residential land uses per the GVSP at 374 feet from the northern project site boundary. As shown in Attachment A, at 374 feet from the northern project site boundary, the future GVSP uses to the north of the project site are expected to experience a daytime exterior noise level of 37.7 dBA Leq and a nighttime exterior noise level of 37.6 dBA Leq. The project exterior noise levels would satisfy the City of Perris and City of Menifee exterior noise standards. In addition, the future GVSP residential uses to the north would not be directly exposed to the loading dock noise source activities from the project with the warehouse building structure acting as noise barrier separating the future GVSP residential from the loading dock noise source activities. The project would result in less than significant noise impacts on potential future residential development to the north. Therefore, the noise 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 Appeal 33: This comment states that the intersection of Barnett Road and Ethanac Road will not function safely and satisfactory due the existing configuration of the intersections of Barnett Road and Case Road at Ethanac Road. Specifically, trailer trucks have limited distance to make necessary lane changes from I-25 off-ramp to Case Road and then to Barnett Road. Additionally, the left turn pocket provides limited stacking for trailer trucks to make safe left turn movements. This would cause congestion, extended backup, and queuing, causing unsafe vehicular movements.

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. As described in the Traffic Impact Assessment (TIA) prepared for the project (Appendix O of the IS/MND), the project would install a “Keep Clear” pavement marking approximately 85 feet beyond the stop line of the 50 feet left turn pocket at Barnett Road/Ethanac Road. This would ensure that the westbound lane traffic does not block traffic waiting to make a southbound turn given the staggered nature of this intersection. Based on the level of service (LOS) analysis completed for the TIA, future traffic conditions would result in a satisfactory LOS for the Ethanac/Barnett intersection with implementation of proposed improvements.

Additionally, the TIA utilized the Signal Timing Sheets provided by the City of Perris to analyze the intersection of Barnett and Case Road/Ethanac Road. The signal timings are set up to have the intersections operate as one, allowing the southbound through trips, which there are very few, to be coordinated with the westbound left turn from Ethanac Road to Barnett Road. Timing sheets show adequate clear time for anticipated peak hour volumes to make left turns without the effect of stacking along Ethanac Road. Additionally, with the proposed improvements identified in the TIA, the vehicles making westbound left turns from Ethanac Road to Barnett Road would have adequate storage space to queue on Ethanac Road west of Case Road. The signal timing at the intersection incorporates additional clearance time for the turning movement due to the offset intersection; however, there is adequate storage space between Case Road and Barnett Road for one truck in the rare event that a truck is unable to make the turn movement onto Barnett Road prior to the changing of the signal.

The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 34: 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 Appeal 6, 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. Additionally, as described above, future conditions would not result in unsafe left turn conditions from westbound Ethanac Road to Barnett Road. 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 b) above 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 Appeal 35: This comment states that the proposed project does not address the public safety issue raised by Ethanac Road and Barnett Road intersection. Although the project contains mitigation and conditions to pay fair share costs for future improvements, it would not alleviate the impacts on Perris, as a responsible agency, and should coordinate with the City of Perris for mitigation, conditions, or payments of costs.

As discussed in Response to Appeal 3, 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. As described in the TIA prepared for the project (Appendix O of the IS/MND), future traffic conditions would result in a satisfactory LOS for all analyzed intersections with implementation of proposed improvements. Additionally, It should be noted that the ultimate planned configuration of Ethanac Road is that of a six-lane roadway. The roadway expansion would help reduce the delay experienced at the intersections of I-215 SB Ramps/NB Ramps and Ethanac Road. Fair share fees would be paid towards implementation of planned construction of the I-215 and Ethanac Road Interchange and improvement at Ethanac Road between Case Road and I-215 SB Ramps. The comment does not contain any information requiring changes to the TIA or MND. No further response is warranted.

Response to Appeal 36: This comment reiterates that the project applicant must coordinate with the City of Perris and be in compliance with City of Perris requirements. The comment states that the project should be 100 percent responsible for cost of design and construction of aligning Barnett Road and Ethanac Road with chase Road and shall abide by Caltrans standards. Additionally, the project applicant must be responsible for all other construction Road improvements in coordination with Riverside County Transportation Department (RTC) in regard to the Project Study Report (PSR)/Project Development Support (PDS) prepared by RTS in cooperation with Caltrans.

As stated above in Response to Appeal 34 and 35, the project does not warrant realignment of Case Road and further coordination efforts with Caltrans and Riverside County Transportation Department (RCTC) is not required. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 37: The comment states that the IS/MND does not identify all the aforementioned roadway improvements required of the project and does not evaluate potential environmental impacts associated with the implementation of those

improvements. Therefore, the project would require CEQA analysis pursuant to Section 15003(h) of the State CEQA guidelines. Additionally, the IS/MND should be revised to identify all required roadway improvements and identify the City of Perris as a responsible agency for such improvements. Construction and implementation of roadway improvements should also be evaluated as potential impacts in the IS/MND. Analysis should also be based on standards, regulations, and policies from the City of Perris General Plan for the purpose of avoiding or mitigating an environmental affect.

As stated above in Response to Appeal 34 and 35, the project does not warrant realignment of Case Road. 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. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 38: This comment states that 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.

The proposed 45-foot driveway on Ethanac Road similar in design to the driveway existing to the gas station located on the north side of Ethanac Road. Furthermore, a review of the Transportation Injury Mapping System (TIMS) indicates only one collision in the last 5 years at the existing driveway. Furthermore, the accident was caused by one party traveling in the wrong direction and not by the location or design of the driveway.

Response to Appeal 39: This states that the IS/MND improperly analyzed the traffic impacts of the project. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 40: 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 Appeal 41: 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 IS/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. The City's General Plan's EDC land use designation inclusion of five percent residential is reflective of anticipated overall development planned within the larger EDC land use designation area and is not a project site-specific requirement allowed by right within the EDC-NG zone. The EDC-NG zone within the EDC General Plan land use designation is intended for more intensive industrial and business park type uses. 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 Appeal 42: This comment states that response 2.13 did not address the requirement that five (5) percent of the land use in the City of Menifee Economic Development Corridor Northern Gateway is designated as residential uses or how the project is compatible with the five (5) percent use. The comment states that consistency with applicable land use designation, plans, and policies was not enough analysis for this IS/MND.

As stated above in Response to Appeal 41, the commenter incorrectly assumes that the inclusion of the General Plan EDC land use designation extends to the City's EDC-NG zone. The project would not be required to address consistency with anticipated residential land uses within the EDC land use designation since residential land uses are not permitted by right in the EDC-NG zone, but is permitted in other EDC zones, which would accomplish the overall General Plan EDC residential land use goals. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 43: This comment reiterates that the IS/MND did not consider sensitive receptors located north of the project site, specifically, residentially zoned areas within the GVSP and in the City of Perris.

As discussed above in Response to Appeal 10, 11, and 32, the GVSP residential land use designation is too speculative and does not warrant inclusion into the IS/MND as a reasonably foreseeable future planned development. However, out of an abundance of caution, additional analysis was completed to analyze potential future emissions, health risk, and noise impacts as a result of the project on potential future residential development north of the project site (see Attachment A). As discussed in the previously provided responses, the project would not result in significant impacts on potential future residential land uses. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 44: This comment states that response 2.14 was inadequate and did not clarify whether the project complies with the City of Menifee Industrial Good Neighbors policies.

As discussed in the city staff report, the project complies with the City of Menifee Industrial Good Neighbor Policies. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Appeal 45: This comment states that in light of deficiencies in the project's IS/MND as explored above the City of Perris asks that the Menifee City council reverses its decision and denies the proposed plan. The comment does not contain any information requiring changes to the MND. No further response is warranted.