



## **CITY OF MENIFEE**

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SUBJECT: Appeal of the Planning Commission Decision for the  
Ethanac and Barnett Warehouse(s) Project

MEETING DATE: June 7, 2023

TO: Mayor and City Council

PREPARED BY: Russell Brown, Senior Planner

REVIEWED BY: Cheryl Kitzerow, Community Development Director

APPROVED BY: Armando G. Villa, City Manager

APPLICANT: City of Perris (Appellant)

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### **RECOMMENDED ACTION**

1. Adopt a resolution upholding the Planning Commission approval of an Initial Study / Mitigated Negative Declaration and Plot Plan (PLN21-0290) for Ethanac Barnett Warehouse(s) Project and deny Appeal No. PLN23-0058.

### **DISCUSSION**

#### **Planning Commission Decision**

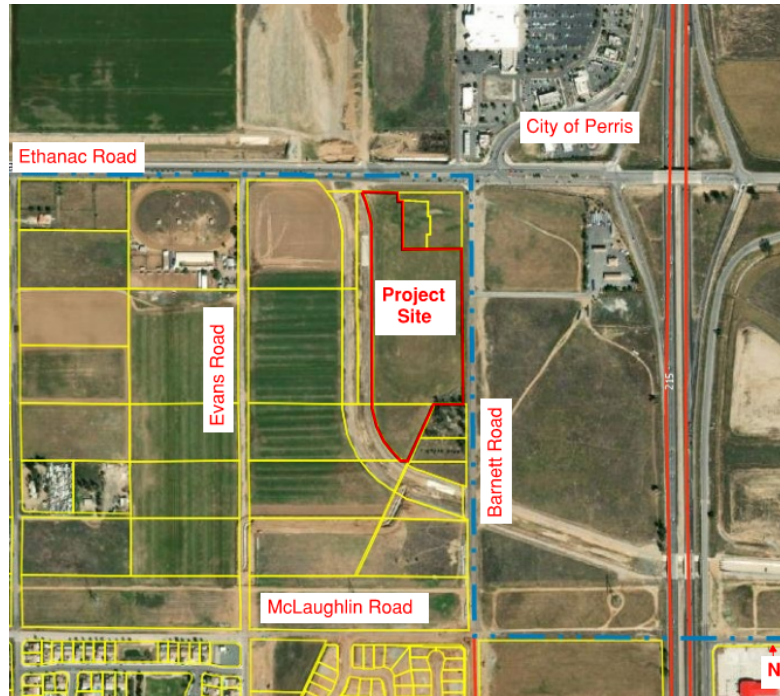
On March 8, 2023, the Planning Commission held a duly noticed public hearing and voted 4-0-1 to approve Plot Plan No. PLN21-0290 - Ethanac Barnett Warehouse(s) along with the related environmental analysis (Project). On March 20, 2023, the City received an application from the City of Perris to appeal the Planning Commission decision.

**Plot Plan No. PLN21-0290** was approved by the Planning Commission for the construction of two (2) concrete tilt-up buildings totaling approximately 251,133 square feet (sq. ft.) which includes approximately 206,019 sq. ft. of warehousing, 25,114 sq. ft. of manufacturing area and 20,000 sq. ft. of office area on a 13.89 gross acre project site. The buildings propose a maximum overall height of 42.5 feet, and each includes 15 dock doors and two (2) at grade level. Associated facilities and improvements of the Project site includes 414 proposed parking spaces, on-site landscaping, and related on-site and off-site street/road improvements. The Project currently proposes two (2) full-access driveways along Barnett Road and two (2) right-in/right-out shared driveways (one (1) along Ethanac Road and one (1) along Barnett Road) with the adjacent property to the northeast (known as Ethanac Square).

## Location

The project site is located south of Ethanac Road, west of Barnett Road and Interstate 215, north of McLaughlin Road and east of Evans Road and the Line-A Flood Channel at Assessor Parcel Numbers (APN)s 331-060-036 and 331-060-021.

### Aerial



The City of Perris filed an appeal of the Planning Commission's March 8, 2023 approval of Plot Plan No. PLN21-0290, claiming that areas of the Project (as outlined below), including the environmental analysis, were not adequately analyzed/addressed. The appeal letter raises concerns with the following:

1. Flawed California Environmental Quality Act (CEQA) Analysis
2. Notice to Property Owners
3. Inconsistent with Surrounding Areas
4. Inconsistent with the City of Menifee Industrial Good Neighbor Policies

In response to the City of Perris appeal letter, staff, in conjunction with our CEQA Consultant, has prepared the following summary responses (detailed responses to each topic is provided as an attachment to this report):

#### 1. Flawed CEQA Analysis.

The appeal letter states that the environmental document (Initial Study/Mitigated Negative Declaration (IS/MND)) does not contain an accurate project description, resulting in an inaccurate analysis of air quality, energy, greenhouse gas, health risk assessment, noise, and transportation. The appeal letter states that the IS/MND did not specify whether the warehouses would include refrigerated uses and goes on to state 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 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 has been conditioned as such. The conditions have been modified to also preclude the provision of cold storage within the proposed buildings. As such, Condition of Approval 4a requires that if the property owner and/or future tenant desire cold storage after approval of the Project, the plot plan would need to be modified and additional environmental analysis would need to occur analyzing the potential impacts of the cold storage and Transport Refrigeration Units (TRUs) prior to the operation of said uses.

**2. Notice to Property Owners.**

The 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.

According to MMC 9.30.080, all property owners within a minimum radius of 300 feet (minimum 25 property owners) shall be notified. In order to comply with the Municipal Code and obtain the minimum 25 property owners, the mailing radius was expanded to 800-feet which included parcels in Menifee and Perris. Additionally, the public hearing notice was published in the local paper, *The Press Enterprise*, posted on the City's website and posted on-location as well 30-days prior to the Planning Commission hearing to allow for adequate public comment. The Project was legally noticed and complied with the City of Menifee public noticing requirements as outlined in the municipal code (1,400 feet is *not* a City of Menifee requirement *nor* is it a requirement under CEQA).

**3. Inconsistent with Surrounding Areas.**

The comment states that the proposed Project is incompatible with the residential developments in both the City of Perris and the City of Menifee.

Since 2013, the General Plan Land Use designation of the project site has been Economic Development Corridor – Northern Gateway (EDC-NG) (EDC Zoning designation since 2015). The Northern Gateway is envisioned as an employment center at the City's northern gateway that focuses on providing opportunity for business park development and more traditional industrial uses (less office) than envisioned for other EDC areas. Industrial and related uses including warehousing/distribution, assembly and light manufacturing, repair facilities, and business parks, including corporate offices are encouraged and are generally permitted by right. The nearest residential properties are approximately 1,400 feet south of the Project site (residential project south of Barnett Road and McLaughlin Road).

Surrounding General Plan Land Use designations within the City are EDC-NG to the north, south and west. Further north across Ethanac Road, is the City of Perris and the "Green Valley Specific Plan," and to the east is also the City of Perris and the "Community Commercial" zoning designation. The proposed Project is consistent with the intent of the

EDC-NG designation and compatible with surrounding land uses and land use designations.

**4. Inconsistent with Industrial Good Neighbor Policies.**

This comment questions if the project is consistent with the City of Menifee Industrial Good Neighbor Policies.

The proposed project was reviewed against and found compliant with the City of Menifee Industrial Good Neighbor Policies. Implemented policies include landscape buffers along the Project boundaries (25' along project frontages, 10' rear/side), screen walls used to conceal the internal facing loading docks, improved building design (originally proposed as a single building – approved as two buildings), increased building and loading dock setbacks, adequate on-site truck queuing, on-site signage requiring reduced idling times, and environmental mitigation measures used to lessen potential impacts the Project could have on the environment. The three (3) proposed driveways along Barnett Road allow for adequate access to the site and an additional driveway along Ethanac Road allows for additional accessibility to nearby major roadways. Multiple lanes of on-site large truck queuing are being provided which allow for adequate stacking between the proposed gated entrance locations and the right-of-way. The Project, as approved, is consistent with the City of Menifee Industrial Good Neighbor Policies.

**Supplemental Comments**

On May 3, 2023, prior to the scheduled City Council hearing, the City of Perris provided additional comments to their appeal application, resulting in the continuation of the public hearing for the appeal. In an effort to appropriately address the latest comments received, Staff, in coordination with the City-selected CEQA Consultant, prepared written responses to the supplemental comments which are included as Attachment No. 5.

**Environmental Determination**

The Planning Commission adopted Resolution No. PC23-582 which determined the above Project will not have a significant effect on the environment with incorporation of standard conditions of approval and mitigation measures (as listed in the IS/MND). Following the Project's approval, a Notice of Determination (NOD) was filed with the Riverside County Clerk's Office on March 9, 2023.

The IS/MND, as well as all its technical appendices, can be accessed for review on the City website: <https://www.cityofmenifee.us/325/Environmental-Notices-Documents>.

**Public Notice**

Public notices were distributed on April 23, 2023, for the May 3, 2023, City Council hearing. Notices were published in *The Press Enterprise* and notices were sent to owners within 800 feet of the Project site boundaries and to all relevant agencies, interested parties, and all who commented on the environmental document. On-site postings were provided.

The day of the public hearing, staff received additional comments on the appeal from the City of Perris. The public hearing was continued to a date certain (June 7, 2023) to allow for staff to adequately respond to the additional comments received.

**STRATEGIC PLAN OBJECTIVE**

Thriving Economy

**FISCAL IMPACT**

There is no fiscal impact associated with the recommended action.

**ATTACHMENTS**

1. Resolution
2. Exhibit A – Revised Conditions of Approval
3. Appeal Letter
4. Appeal Letter with Responses
5. Supplemental Comments with Responses
6. Revised IS/MND
7. March 8, 2023 PC Staff Report Package