

Comment Letter CC1 – Advocates for the Environment

Comment Letter CC1 commences on the next page.

November 11, 2024

Advocates for the Environment

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



Nathan Perez
Senior Planner
City of Perris – Planning Division
135 North “D” Street
Perris, CA 92570

Via U.S. Mail and email to NPerez@cityofperris.org

Re: Comments on the Draft Environmental Impact Report for the Ethanac Logistics Center Project, SCH No. 2023090525

Dear Mr. Perez:

On April 8, 2024, Advocates for the Environment submitted a comment letter regarding the proposed Ethanac Logistics Center Project (**Project**), located near the intersection of Trumble Road and Ethanac Road the City of Perris (**City**). This Project proposes to construct a 412,348 square-foot warehouse, with 50,000 square feet of cold-refrigerated storage, operating 24/7 on the 32-acre Project site.

CC1-1

The comments in this document are regarding the sufficiency of the EIR’s Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**) and are intended to supplement, but not replace, the comments in our original comment letter.

The Chosen Threshold Is Not Supported by Substantial Evidence

The City chose a GHG significance threshold of 10,000 MTCO_{2e}/year (the **Threshold**) based solely on the SCAQMD’s recommended threshold for industrial facilities, providing no other support for the threshold. (EIR, p. 5.5-30.) This is insufficient to provide substantial evidence for the Threshold. The City violated CEQA by relying on an unsubstantiated GHG significance threshold of 10,000 metric tons of carbon dioxide equivalent (**MTCO_{2e}**). A lead agency must support its chosen threshold by substantial evidence. (CEQA Guidelines § 15064.7(b).) The DEIR contains no justification for its choice of threshold. CEQA also requires that significance determinations are based on current regulations, as well as scientific and factual data. (CEQA Guidelines § 15064.4(b).) Thus, the Threshold is outdated because it is not aligned with California’s current reduction goals, including SB 32 and the 2022 Scoping Plan.

CC1-2

The City Cannot Solely Rely on the SCAQMD's Recommendation

The SCAQMD adopted the 10,000 MTCO₂e threshold in 2009. It is summarized in a staff proposal that was adopted by motion on December 5, 2008 (the **Staff Proposal**).¹ A single-sheet summary of SCAQMD's Air Quality Significance Thresholds was posted in March 2023,² and includes a purported GHG threshold of 10,000 MTCO₂e/year for industrial facilities, but cites no source for this threshold, even though the sheet cites the SCAQMD CEQA Handbook as a source for its daily thresholds, and AQMD Rule 1303 and Rule 403 as sources for criteria air pollutants and ambient air quality standards. The Staff Proposal is therefore the only available authority supporting the Threshold.

CC1-3

The City failed to analyze or provide its own support for why the SCAQMD GHG threshold of 10,000 MTCO₂e/year (the **Threshold**) is valid for this Project. The Threshold is not applicable to this Project because:

- the SCAQMD has no authority to set CEQA thresholds for projects for which it is not the lead agency;
- the rationale the SCAQMD used in establishing the 10,000 MTCO₂e threshold is not applicable to the Project;
- the City provides no substantial evidence supporting the Threshold in the DEIR.

The SCAQMD Has no Authority to Set CEQA Thresholds for Other Agencies

The DEIR assumes, with no explanation, that the Threshold is applicable to the Project. But the SCAQMD has no legal authority allowing it to set CEQA thresholds to be used by other agencies.

The SCAQMD's enabling statute (Health & Safety Code §§ 40400-40540) provides no authority to the agency to issue CEQA regulations or thresholds for other agencies. CEQA Guidelines § 15064.7(b) encourages each agency to develop thresholds of significance for the agency itself to use but provides no authority for the SCAQMD to develop CEQA thresholds for other agencies to use. The Staff Report itself limits the application of the Threshold to "projects where the AQMD is the lead agency." (Staff Report, p. 3.)

CC1-4

The SCAQMD does not have the authority to prescribe significance thresholds for which it is not the lead agency. Lead agencies may choose their own significance thresholds, but they must be supported by substantial evidence, which means "facts, reasonable assumptions predicated on facts, and expert opinion supported by facts." (14 CCR § 15064.7(b).) The

¹ <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/ghg-significance-thresholds>
- Board Letter and attachments

² <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25>

burden is on the City to provide substantial evidence for the threshold that they chose, but merely adopting the SCAQMD threshold without providing supporting evidence is not sufficient. The City cannot rely on the SCAQMD's evidence supporting the threshold because the evidence that the SCAQMD used, which itself is inadequate and insufficient to provide substantial evidence, does not apply to this Project.

Furthermore, it makes no sense for different thresholds to apply in the various air districts; global warming is a global phenomenon, and a ton of GHGs emitted in Los Angeles has the same impact as a ton emitted in Madera County. Other districts have adopted much lower thresholds, such as the 1,100 MTCO_{2e} threshold recommended by the Sacramento Metro Air Quality Management District,³ or the County of San Bernardino's 3,000 MTCO_{2e} per year screening level.⁴ The DEIR did not explain why the Threshold is more appropriate for the Project than these lower thresholds adopted by other air districts.

CC1-4
Cont.

The SCAQMD's Basis for the Threshold Is Not Valid for Projects for Which SCAQMD is not the Lead Agency

The SCAQMD's rationale for adopting its 10,000 MTCO_{2e} numerical threshold does not apply to this Project. The SCAQMD recommended the threshold based on the rationale that it would reduce 90% of emissions from projects for which the SCAQMD is the lead agency. To arrive at the threshold, SCAQMD reviewed the natural-gas consumption for projects it permitted in 2006 and 2007, assuming that the vast majority of emissions came from burning natural gas. These tend to be heavy industrial projects such as manufacturers of cement and steel. The SCAQMD is *not* a lead agency for land use projects generally, which include "shopping malls, housing tracts, commercial or industrial parks, sports stadiums, etc."⁵

CC1-5

The kinds of projects for which the SCAQMD is the lead agency are different from commercial or warehousing projects, which are typically much smaller. The vast majority of GHG emissions from warehouse projects come from mobile emissions, not the burning of natural gas, as is the case for this Project. Very few warehouses in Perris have emissions over 10,000 MTCO_{2e}, making the Threshold unreasonably high. We have commented on eight other warehouses in the City of Perris, including this one, only one of which had emissions over

³ See Greenhouse Gas Thresholds for Sacramento County, SMAQMD
<https://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholds2020-03-04v2.pdf>

⁴ See County of San Bernadino Greenhouse Gas Emissions Development Review Process Screening Tables, available at:
https://www.sbcounty.gov/uploads/LUS/GreenhouseGas/GHG_2021/GHG%20Revised%20Screening%20Tables%20-%20Adopted%209-20-2021.pdf

⁵ <https://www.aqmd.gov/home/rules-compliance/ceqa/frequently-asked-questions#:~:text=The%20South%20Coast%20AQMD%20typically,previously%20undergone%20a%20CEQA%20analysis.>

10,000 MTCO_{2e}, but was also much larger than this Project. While reducing emissions to below 10,000 MTCO_{2e} might achieve 90% emissions reductions for large industrial projects for which the SCAQMD is the lead agency, the mix of land-use projects in general, and warehouse projects in particular is very different from the mix of projects the SCAQMD analyzed when it decided that a 10,000 MTCO_{2e} threshold would capture 90% of GHG emissions within their district.

CC1-5
Cont.

The City Failed to Support its Chosen Threshold with Substantial Evidence

Since the City cannot rely on the SCAQMD's threshold, CEQA requires the City to support its choice of threshold with substantial evidence.

The City has information available to determine an applicable significance threshold and support it with substantial evidence given the current regulatory setting, but instead of doing so, it improperly relied on an inapplicable threshold. The average warehouse emits 0.001171 MTCO_{2e} per square foot according to one recent study.⁷ Therefore, a warehouse with an average emissions intensity would be over 8 million square feet for it to emit 10,000 MTCO_{2e} per year.⁸ This is an unreasonably high threshold, and would effectively exempt almost all warehouse projects from mitigating their GHG emissions.

CC1-6

The Threshold Does Not Conform to California's Climate Policy Goals

The Threshold is invalid because it is not aligned with the goals of the California Air Resources Board (CARB), which is the governing authority for the regulations of GHGs in California.¹² CARB developed the 2022 Scoping Plan, which emphasizes that "any delays in action or insufficient action are a threat to public health and the environment." (2022 Scoping Plan, p. 22.) It also specifies that all of the actions in the 2022 Scoping Plan are necessary to achieve climate goals. (2022 Scoping Plan, p. 11.) Accordingly, if the Project is any of the specified actions in the 2022 Scoping Plan from being carried out without delay, then it will be inconsistent with the 2022 Scoping Plan. A numeric threshold, particularly one as large as 10,000 MTCO_{2e}, does not require that any certain measures are achieved. Therefore, staying under the threshold would not mean that the Project would adhere to the measures in the 2022 Scoping Plan in a timely manner.

CC1-7

The 2022 Scoping Plan also notes that "[d]ecarbonizing industrial facilities depends upon displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or

⁷ Dobers, et al., "Emission intensity factors for logistics hubs," German, Italian and Latin American consortium for resource efficient logistic hubs & transport (GILA), p. 3 [warehouse intensity values converted from kg CO_{2e} per m².]

⁸ $10,000 \text{ MTCO}_2e \div 0.001171 \text{ MTCO}_2e \text{ per square foot} = 8,539,709.65 \text{ square feet}$

¹² Assembly Bill 32, known as the Global Warming Solutions Act of 2006, mandated CARB to set and enforce GHG emissions standards across the state.

zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions.” (2022 Scoping Plan, p. 208.) The Project would not need to displace fossil fuel use to reduce its GHG emissions to below 10,000 MTCO_{2e}, and therefore it would be able to meet the existing threshold without complying with the 2022 Scoping Plan. Thus, the Threshold does not ensure that the Project would conform to California’s climate goals as summarized in the 2022 Scoping Plan, and the City did not meet its burden as the lead agency to provide substantial evidence for the adoption of this significance threshold.

CC1-7
Cont.

The Threshold Does Not Comply with SB 32

The Threshold also failed to account for the conflict between the Project and Senate Bill 32 (SB 32). The implementation of SB 32 is carried out by the California Air Resources Board’s 2017 Climate Change Scoping Plan (2017 Scoping Plan), which reflects SB 32’s GHG emissions reduction goal of 40% below 1990 levels by 2030. To assess statewide implementation of this goal, the 2017 Scoping Plan created a per-capita target of 6 MTCO_{2e} by 2030 (2017 Scoping Plan, p. 99.)

Here, the Project’s emissions would be approximately 8 MTCO_{2e} per service population,¹³ exceeding the target necessary to achieve SB 32’s goal as reflected in the CARB 2017 Scoping Plan. Accordingly, the fact that the Project’s GHG emissions estimate does not exceed the SCAQMD’s recommended threshold of 10,000 MTCO_{2e} does not provide substantial evidence that the Project would have a less than significant impact under California’s current regulatory scheme.

CC1-8

Only two of California’s air districts (Bay Area and Sacramento) have created thresholds which address SB 32’s reduction goal of GHG emissions 40% below 1990 levels by 2030. (California Air Resources Board 2022 Climate Change Scoping Plan, Appendix D, p. 26, footnote 67.) All the other thresholds adopted by air quality management districts, including the 10,000 MTCO_{2e} threshold recommended for industrial projects by the SCAQMD, are not consistent with current environmental policy in California. Consequently, the chosen Threshold is an outdated threshold not supported by substantial evidence.

The EIR’s GHG Analysis was an Inadequate Informational Document

The EIR did not include enough information to inform the public about the impact of GHGs on climate change. An EIR must be prepared with sufficient analysis to provide decision-makers with enough information to make an informed decision regarding potential environmental consequences. (14 Cal Code Regs §15151). Conclusions or opinions alone

CC1-9

¹³ $3,234.13 \text{ MTCO}_2e \text{ per year} \div 400 \text{ employees} = 8.09 \text{ MTCO}_2e \text{ per capita}$. Employee estimate obtained from EIR p. 5.9-29.
Employment information obtained from CalEEMod “jobs,” located at: <https://ceqanet.opr.ca.gov/2023090525/2>.

comprise an insufficient basis for an informational document; the DEIR must contain facts and analysis to support its significance conclusions. (*Sierra Club v County of Fresno* (2018) 6 Cal 5th 502, 522; *Citizens of Goleta Valley v Board of Supervisors* (1990) 52 C3d 553, 568.)

Here, the Project's annual emissions were estimated to be 3,234.13 MTCO_{2e}, which were determined to be less than significant because of the exceedingly large chosen threshold of 10,000 MTCO_{2e}. The City did not describe the lifetime impact that the Project would have over its 30-year lifespan, which would amount to 97,023.9 MTCO_{2e}.¹⁴ The EIR did not include any information of the annual impact or lifetime impact of the project on humans or the environment, which makes it impossible to make an informed decision on the potential environmental consequences of approving this project. Accordingly, the brief analysis that compared the estimated annual emissions to the numeric significance threshold is not sufficient on its own to demonstrate the potential environmental impact of this Project.

CC1-9
Cont.

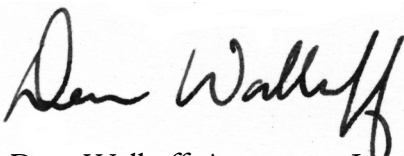
Conclusion

The conclusion of less-than-significant GHG impact violates CEQA because the chosen threshold of 10,000 MTCO_{2e} lacked substantial evidence. The City did not meet its burden to provide substantial evidence for the 10,000 MTCO_{2e} GHG significance threshold, nor how the threshold applies to this Project. If the City had chosen a threshold that was supported by substantial evidence and the current GHG policy in California, the Project's impacts would be significant.

CC1-10

Please put Advocates for the Environment on the list of interested parties to receive updates about the progress of this potential project approval. We make this request under Public Resources Code, section 21092.2.

Sincerely,



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

¹⁴ 3,234.13 MTCO_{2e} per year × 30 years = 97,023.90 MTCO_{2e}. The Project lifespan was estimated to be 30 years. (EIR, p. 5.5-31.)

Response to Comment Letter CC1 – Advocates for the Environment

Response to Comment CC1-1:

The previous comment letter dated April 8, 2024, was received and addressed as *Response to Comment Letter H – Advocates for the Environment* within Section 2.0 of the Ethanac Logistics Center Final EIR. The Commenter’s summarized description of the Project is materially correct. Responses to comments offered by Advocates for the Environment in letter dated November 11, 2024 are presented herein.

Based on the responses provided herein, substantial evidence presented in the EIR, and the whole record before the Lead Agency, no revisions to the Draft EIR are required. The findings and conclusions of the Draft EIR are not affected.

Response to Comment CC1-2:

The commenter reiterates a comment that was made on the DEIR for which a response has already been provided. Please refer to *Response to Comment H-4* of the Final EIR, which is restated here:

The commenter contends that the “SCAQMD’s numerical threshold is not supported by substantial evidence.” The Lead Agency disagrees. Under CEQA, lead agencies have considerable discretion in deciding how to analyze GHG emissions and deciding which thresholds of significance to utilize. (See CEQA Guidelines § 15064.4; 15064.7). The South Coast AQMD is the expert air quality agency in the southern California region. As stated in the Draft EIR, the South Coast AQMD has incorporated its adopted 10,000 MTCO₂e/year threshold for industrial projects into its latest (2023) South Coast AQMD Air Quality Significance Thresholds document that is published for use by local agencies (DEIR, p. 5.5- 30). The South Coast AQMD’s 10,000 MTCO₂e per year threshold of significance for industrial projects is widely adopted and used by Lead Agencies throughout Southern California. Further, the South Coast AQMD provides substantial evidence that its thresholds are consistent with policy goals and 2050 GHG emissions reduction targets set by the State. Air districts typically act in an advisory capacity to local governments in establishing the framework for environmental review of air pollution impacts under CEQA. This may include recommendations regarding significance thresholds, analytical tools to estimate emissions and assess impacts, and mitigation for potentially significant impacts. Therefore, the City’s decision to utilize the 10,000 MTCO₂e per year threshold of significance in its discretion as Lead Agency is supported by substantial evidence.

Based on the preceding, substantial evidence presented in the Draft EIR, and the whole record before the Lead Agency, no revisions to the Draft EIR are required. Findings and conclusions of the Draft EIR are not affected.

Moreover, the EIR and appended GHG Technical Analysis substantiate that the Project GHG emissions impacts would be less-than-significant (EIR at pp. 5.5-26, Draft EIR Appendix B.3 *Hillwood Ethanac (DPR 22-00030) Greenhouse Gas Analysis, City of Perris, Urban Crossroads, December 11, 2023*). Project contributions to statewide GHG emissions would similarly be less-than-significant.

Response to Comments CC1-3 through CC1-6:

In accordance with CEQA Guideline Section 15064.4, Determining the Significance of Impacts from Greenhouse Gas Emissions, a lead agency should determine the amount of GHG emissions resulting from a project, which may be determined by either using a model or methodology to quantify GHG emissions or by relying on a qualitative analysis or performance-based standards. Additionally, a lead agency may consider: (1) whether the project would increase or reduce GHG emissions as compared to the existing environmental setting; (2) whether the project's emissions exceed a threshold of significance that the lead agency has determined applies to the project; or (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

Additionally, thresholds cited in the Draft EIR are those adopted and employed by the Lead Agency. The Lead Agency has reviewed the SCAQMD's recommendations and has decided to utilize their recommended thresholds based on the aforementioned substantial evidence. Again, lead agencies have considerable discretion in deciding how to analyze GHG emissions and deciding which thresholds of significance to utilize. (See CEQA Guidelines § 15064.4; 15064.7). The Draft EIR itself does not adopt any thresholds. As noted by the commenter, the Draft EIR substantiates that Project GHG emissions impacts would be less-than-significant. The Draft EIR GHG analysis comprises substantial evidence supporting this conclusion.

The rationale for the SCAQMD's 10,000 MTCO₂e/year threshold for industrial projects is set forth in detail within the SCAQMD's October 2008 *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*. SCAQMD has not recommended a different threshold specifically for smaller warehouse projects. Commenter statements alleging inadequacy of the Draft EIR GHG Analysis are incorrect and are not supported by substantial evidence. The Lead Agency disagrees with these statements. The commenter offers various speculative remarks and opinions but does not provide enough relevant information and reasonable inferences that would constitute substantial evidence that the Project would somehow result in significant GHG emissions impacts. Moreover, the comments provided arrive at erroneous conclusions based on erroneous and unsupported assumptions, speculation, broad generalization, and narrative – undermining any bases for the commenter's assertions. Please refer also to subsequent Responses presented herein.

Based on the preceding, substantial evidence presented in the Draft EIR, and the whole record before the Lead Agency, no revisions to the Draft EIR are required. Findings and conclusions of the Draft EIR are not affected.

Response to Comment CC1-7 and CC1-8:

The commenter reiterates a comment that was made on the DEIR for which a response has already been provided. Please refer to [*Response to Comments H-5*](#) and [*H-2*](#), which is restated here:

The Project will not utilize natural gas for the building envelope and therefore is consistent with the Scoping Plan's goal of building decarbonization. (DEIR pp. 5.1-27 and 5.3-19). With regard to remaining measures pertaining to fossil fuel use, as stated in the DEIR, "Included in the 2022 Scoping Plan is a set of Local Actions (Appendix D to the 2022 Scoping Plan) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several

recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects, in fact CARB states in Appendix D, ‘...focuses primarily on climate action plans. (CAPs) and local authority over new residential development. It does not address other land use types (e.g., industrial) or air permitting.’ ”

As stated in Section 5.5.2 – Related Regulations of the Draft EIR, “Additionally, Appendix D, CARB states, ‘The recommendations outlined in this section apply only to residential and mixed-use development project types. California currently faces both a housing crisis and a climate crisis, which necessitates prioritizing recommendations for residential projects to address the housing crisis in a manner that simultaneously supports the State’s GHG and regional air quality goals. CARB plans to continue to explore new approaches for other land use types in the future.’ As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.” (DEIR p. 5.5-13).

*The analysis within the Draft EIR, responses provided herein, and the whole record before the Lead Agency clearly support the conclusion that the Project would result in less than significant GHG emissions impacts. Stated otherwise, the Project **would not** create an additional large source of GHG emissions from non-renewable sources or conflict with the 2022 Scoping Plan.*

Based on the preceding, substantial evidence presented in the Draft EIR, and the whole record before the Lead Agency, no revisions to the Draft EIR are required. Findings and conclusions of the Draft EIR are not affected.

Response to Comment CC1-8:

Project consistency with applicable plans and policies for reducing GHG emissions is substantiated in the Draft EIR and within these Responses (Response to Comments CC1-3, CC1-4, CC1-5, CC1-6, and CC1-7, et. al). The commenter reiterates a comment that was made on the DEIR for which a response has already been provided. Please refer to Response to Comments H-7. Relevant portions are restated here:

The commenter offers an alternative analysis of GHG emissions impacts citing statewide per/capita GHG emissions goals. Statewide GHG emissions/per capita goals and targets are acknowledged. As a general note, commenter expertise in, and qualifications for, GHG emissions analyses are unclear. There is no requirement for individual developments to achieve Statewide GHG emissions/per capita goals. For individual development proposals such as the Project considered here, it is the Lead Agency’s prerogative and responsibility to establish appropriate GHG emissions thresholds. As substantiated in the Draft EIR, Project GHG emissions would not exceed the Lead Agency quantified GHG impact significance thresholds. Nor would the Project otherwise result in potentially significant GHG emissions impacts. As supported by Draft EIR analysis, the Responses presented here, the whole record before the Lead Agency, the Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. Nor would the Project otherwise result in significant GHG emissions impacts.

Based on the preceding, substantial evidence presented in the Draft EIR, and the whole record before the Lead Agency, no revisions to the Draft EIR are required. Findings and conclusions of the Draft EIR are not affected.

Thresholds selected by other lead agencies or air districts are not relevant to the proposed Project and are not required to be evaluated by the Draft EIR or considered by the City of Perris. The City is within the jurisdiction of the SCAQMD and therefore, it is appropriate to rely upon thresholds recommended by the governing air district.

Response To Comments CC1-9 and CC1-10

The commenter states the Draft EIR is not in conformance with CEQA requirements. The Lead Agency disagrees. The commenter states that the Draft EIR failed as an informational document. The Lead Agency disagrees. The commenter states that the Project would contribute to a significant GHG impact. The Lead Agency disagrees.

The Responses provided herein, substantial evidence presented in the Draft EIR, and the whole record before the Lead Agency support the following conclusions:

- The Draft EIR provides sufficient and adequate information enabling decision-makers to make a decision regarding the project taking into account the Project's potential environmental consequences;
- The Draft EIR and supporting technical analyses appended to the Draft EIR support the conclusion that the project would not result in significant GHG emissions impacts; and
- The Responses provided herein, substantial evidence presented in the Draft EIR, and the whole record before the Lead Agency support the conclusion that the Project would not result in any significant and unavoidable impacts.

With regard to Commenter's claims regarding life cycle emissions, page 5.5-30 of the Draft EIR states:

A full life-cycle analysis (LCA) for construction and operational activity is not included in the GHG report (i.e., assessing economy-wide GHG emissions from the processes in manufacturing and transporting all raw materials used in the Project development, infrastructure, and on-going operations) depends on emission factors or econometric factors that are not well established for all processes. At this time, a LCA would be extremely speculative and thus has not been prepared.

Additionally, the South Coast AQMD recommends analyzing direct and indirect project GHG emissions generated within California and not life-cycle emissions because the life-cycle effects from a project could occur outside of California, might not be very well understood, or documented, and would be challenging to mitigate. Additionally, the science to calculate life cycle emissions is not yet established or well defined; therefore, the South Coast AQMD has not recommended, and is not requiring, life-cycle emissions analysis.

Commenter requests that Advocates for the Environment be included on the interest list to receive updates about the progress of this Project. Consistent with Public Resources Code, Section 21092.2, the Lead Agency will include Advocates for the Environment on the interest list to receive updates about the progress of this Project.

Comment Letter CC2 – Inland Valley Alliance

Comment Letter CC2 commences on the next page.

From: Franco <inlandvalleyalliance@gmail.com>
Sent: Tuesday, November 12, 2024 12:34 PM
To: Kenneth Phung <Kphung@cityofperris.org>; City Clerk <CityClerk@cityofperris.org>; Patricia Brenes <pbrenes@CityofPerris.org>; Nathan Perez <NPerez@cityofperris.org>
Cc: Michael Vargas <mayor@cityofperris.org>; Rita Rogers <rrogers@cityofperris.org>; Malcolm Corona <MCorona@cityofperris.org>; Marisela Nava <mnavam@cityofperris.org>; David Starr Rabb <DSRabb@cityofperris.org>
Subject: Agenda items 11.H-J Council meeting 11-12-24

Good morning,

With the recent election and waiting on official results to be posted, it appears Rita Rogers has lost her reelection campaign. With that being said it is a big indicator that the residents of perris are fed up with the overwhelming continued development of warehousing in our city. These appeals and land use decisions should be continued until the new council is in session. The projects being presented today are a horrible continuation of poor developments for our city. Especially due to the close proximity to homes and sensitive receptors. The planning commision already denied these projects due to the obvious safety, health and quality of life risks they bring. South Perris does not have the same amount of warehousing as we do in the north. If these projects are approved it will give developers the excuse to introduce more in the area causing the south to be overburdened as north perris has been. The City of Perris has just won a lawsuit against the city of menifee due to this very issue. Approving these projects sends the message Air pollution, traffic pollution and all the other issues warehousing bring is only "ok "when approved by Perris officials. Please protect the quality of life of residents and deny these projects today.

CC2-1

Thank you,

--
Franco Pacheco
Inland Valley Alliance for Environmental Justice



https://www.instagram.com/inlandvalleyalliance/?utm_source=ig_web_button_share_sheet

Response to Comment Letter CC2 – Inland Valley Alliance

Response to Comment CC2-1:

This letter expresses the commenter's opposition to the proposed Project. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Comment Letter CC3 – Individual Comment 1

Comment Letter CC3 commences on the next page.

From: Yesenia Contreras <yesenia.contreras26@yahoo.com>
Sent: Tuesday, November 12, 2024 1:06 PM
To: Kenneth Phung <Kphung@cityofperris.org>
Subject: City Council Meeting 11/12 Agenda Items 11.J, 11.I, and 11.H.

Dear Mr. Phung,

As a Perris resident, I oppose agenda items 11.J, 11.I, and 11.H. My concerns are the following:

- Agenda item 11.J requests a zone change for the construction of a 412,00+ square foot warehouse. The city of Perris has already lost much of its commercial land to accommodate for the construction of these warehouses and it would be unreasonable to give away any more of our commercial land. The proposed project becomes even more unreasonable when taking into consideration the recent lawsuit the city won against Menifee pertaining to a proposed project not far from this one. Lack of reason can quickly turn into hypocrisy and allow for litigation on Menifee's behalf.
- Agenda item 11.I would only encourage further logistics development in the area. Residents of the Green Valley neighborhood were sold on a promise of nearby commercial spaces, and while there is a commercial component to the project, it is not enough. Residents I personally spoke to in the area were not aware of the project, nor were they in favor of the project. The North half of Perris is clustered with warehouses already and there is construction currently happening in South Perris. I urge the council to reject this proposal in order to save the remaining land in South Perris.
- Agenda item 11.H would, like many previous projects, take away land that can be largely used for commercial spaces and replace the vast majority of that land with another unnecessary warehouse. The project would undoubtedly affect nearby sensitive receptors including two nearby parks. This proposed project should not even be entertained until an EIR has been completed.

All three proposed projects were previously denied by the planning commission and as such, I urge the council to deny these projects as well. Economic development cannot be used as justification for approval, if that development does not take its residents into consideration. The needs of the residents are more than simply low-paying, short-term warehouse jobs. We have about 100 warehouses already- some of them empty. Projects should also not be approved until there is a known tenant. All in all, I hope the council will take into consideration the concerns of their constituents.

Thank you,
Yesenia Contreras

CC3-1

CC3-2

CC3-3

Response to Comment Letter CC3 – Individual Comment 1

Response to Comment CC3-1:

This letter expresses the commenter's opposition to the proposed Project. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Response to Comment CC3-2:

This comment is not applicable to the Project.

Response to Comment CC3-3:

This letter expresses the commenter's opposition to the proposed Project. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Comment Letter CC4 – Individual Comment 2

Comment Letter CC4 commences on the next page.

From: Diana Dominguez <dianamd2020@gmail.com>
Sent: Tuesday, November 12, 2024 1:27 PM
To: Kenneth Phung <Kphung@cityofperris.org>
Subject: Ethanac Logistics project

Good afternoon my name is Diana Dominguez, I have lived in the City of Perris for 30 years. I went to Perris high school and have seen the city blossom and grow into a thriving metropolis. I am a young entrepreneur and own a small business where I sell accessories and hats that I hand make, I love the city of Perris. I would appreciate if we would stop allowing these oppressive warehouse in our neighborhood's ruining our community and quality of life. Increasing smog pollution, road damage, traffic, less opportunity for recreation or shopping space, not to mention how close they will be located next to homes increasing the risk of our citizens getting sick more often with all the pollution they will be breathing damaging their lungs and causing life long health issues. Allot of us in the city of Perris are struggling to make a living, please let's not make things worse with the toxicity in our city. I'm asking to deny these zone changes that will allot for the construction of warehouses in the future and now, don't let us down. We deserve new developments that will help us with our quality of life such as a roller skating rink! A new theatre since the only one we had was torn down and there is still no Target in sight. We deserve a craft store, more shopping opportunities. Let's improve the city not destroy it vote no on the rezone request and future developments of warehouses.

CC4-1

Response to Comment Letter CC4 – Individual Comment 2

Response to Comment CC4-1:

This comment expresses an opinion. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Comment Letter CC5 – Individual Comment 3

Comment Letter CC5 commences on the next page.

From: Fatima <f50097916@gmail.com>
Sent: Tuesday, November 12, 2024 2:04 PM
To: Kenneth Phung <Kphung@cityofperris.org>
Subject: Warehouse Proposal

Mead Valley in Riverside County has a population of approximately 18,510. This community has been my home for the entirety of my high school career. In our rural community, there are many ranches and many members of the community who partake in activities such as horse riding and keeping farm animals. However, our historically rural lifestyle has been threatened by developers and politicians in Riverside County. Many of them have proposed building warehouses in this area, on the basis of changing the classifications of the population from a rural community (RC-VLDR) to medium density (MDR). Not only would this destroy hundreds of ranches and evict many residents, but it would also decrease the air quality. This is dire considering Riverside County already has one of the worst air quality in the nation, which directly correlates with a lower quality of health. It is absolutely necessary that we prevent the building of warehouses to help preserve the community's rural lifestyle. These changes would undoubtedly affect the environment and the air quality, elements which are already badly degraded, which is something many members of our community care deeply about preserving. We will fight and stand up for environmental efforts that are against the community interests in favor of reaching profit margins. This experience has encouraged me and many members in our community to stand up because these actions will irrevocably change many fundamental aspects of our daily lives.

Sincerely, a concerned resident

CC5-1

Response to Comment Letter CC5 – Individual Comment 3

Response to Comment CC5-1:

This letter expresses the commenter's opposition to the proposed Project. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Comment Letter CC6 – Center for Community Action and Environmental Justice

Comment Letter CC6 commences on the next page.

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE

“Bringing People Together to Improve Our Social and Natural Environment”

November 12, 2024

Perris City Council
101 N. D Street,
Perris CA 92570
Submitted via email.

Subject: CCAEJ Opposition of appeals. Uphold Planning Commission Decisions on following items:

H. Consideration to adopt Proposed Resolution Number (next in order) a proposal to consider an appeal of the Planning Commission denial of Conditional Use Permit (CUP) 22-05023 for the construction of a 395,500 square foot industrial warehouse building that has since been revised to a smaller 350,000 square foot industrial warehouse and two business park buildings totaling 14,000 square feet on 19.16-acres, located on the southwest corner of Mapes Road and Trumble Road, in the Business Park (BP) Zone. (Applicant: Kamran Benjy, Blue Marquise) The Proposed Resolution Number (next in order) is entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, OVERTURNING THE PLANNING COMMISSION’S DECISION THEREBY ADOPTING MITIGATED NEGATIVE DECLARATION NUMBER 2387 AND APPROVING CONDITIONAL USE PERMIT 22-05023 FOR THE CONSTRUCTION OF A 350,000 SQUARE FOOT INDUSTRIAL WAREHOUSE AND TWO BUSINESS PARK BUILDINGS TOTALING 14,000 SQUARE FEET ON APPROXIMATELY 19.16 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF MAPES ROAD AND TRUMBLE ROAD, BASED ON THE FINDINGS PROVIDED HEREIN AND SUBJECT TO THE CONDITIONS OF APPROVAL AND THE MITIGATION MONITORING AND REPORTING PROGRAM.

I. Consideration to adopt Proposed Resolution Number (next in order) affirming the Planning Commission’s decision thereby denying Vesting Parcel Map 23-05059 (VPM 38814), Conditional Use Permits (CUP’s) 23-05047, 23-05208, 23-05210, and Development Plan Reviews (DPR’s) 23-00013 and 23-00014 for the construction of the Case Road Mixed-Use Project consisting of an industrial warehouse building, a self-storage and outdoor RV parking facility, a hotel, and a commercial shopping center located north of Ethanac Road, south of Watson Road, between Green Valley Parkway and Case Road. (Applicant: Derek Barbour, Richland Real Estate Fund) The Proposed Resolution Number (next in order) is entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AFFIRMING THE PLANNING COMMISSION’S DECISION THEREBY DENYING VESTING PARCEL

Mailing Address
PO Box 33124
Jurupa Valley, CA 92519
www.ccaej.org

CC6-1

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE

“Bringing People Together to Improve Our Social and Natural Environment”

MAP 38814 (VPM23-05059), CONDITIONAL USE PERMIT (CUP) 23-05047, DEVELOPMENT PLAN REVIEW (DPR) 23-00013, DEVELOPMENT PLAN REVIEW (DPR) 23-00014, CONDITIONAL USE PERMIT (CUP) 23-05208, AND CONDITIONAL USE PERMIT (CUP) 23-05210 TO FACILITATE THE CONSTRUCTION OF CASE ROAD MIXED-USE PROJECT CONSISTING OF AN INDUSTRIAL WAREHOUSE BUILDING, COMMERCIAL SHOPPING CENTER, SELF-STORAGE RV PARKING FACILITY, AND HOTEL ON 44.9 ACRES GENERALLY LOCATED NORTH OF ETHANAC ROAD, SOUTH OF WATSON ROAD BETWEEN GREEN VALLEY PARKWAY AND CASE ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.

CC6-1
Cont.

J. Consideration to adopt Proposed Resolution Number (next in order) affirming the Planning Commission’s decision thereby denying General Plan Amendment (GPA) 22-05326, Zone Change (ZC) 22-05327, TPM 22-05328 (TPM 38600), and Development Plan Review (DPR) 22-00030-a proposal to facilitate the construction of a 412,348 square-foot industrial warehouse building on 19.9 acres, located at the northwest corner of Sherman Road and Ethanac Road. (Applicant: Noah Shih, Hillwood) The Proposed Resolution Number (next in order) is entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AFFIRMING THE PLANNING COMMISSION’S DECISION THEREBY DENYING GENERAL PLAN AMENDMENT (GPA) 22-05326, ZONE CHANGE (ZC) 22-05327, TENTATIVE PARCEL MAP 38600 (TPM 22-05328), AND DEVELOPMENT PLAN REVIEW (DPR) 22-00030 TO FACILITATE THE CONSTRUCTION OF A 412,348 SQUARE-FOOT INDUSTRIAL WAREHOUSE BUILDING ON 19.9 ACRES LOCATED AT THE NORTHWEST CORNER OF SHERMAN ROAD AND ETHANAC ROAD AND MAKING FINDINGS IN SUPPORT THEREOF.

CC6-2

Dear Perris Mayor Vargas and Council Members,

On behalf of the Center for Community Action and Environmental Justice (CCA EJ), an organization committed to uniting communities to improve both social and environmental conditions through an equity-based approach.

We respectfully urge the City Council to uphold the City of Perris Planning Commission's stance on agenda items H, I, and J and deny the appeals which are before this body this evening. The Council entrusts the Planning Commission to effectively ensure that development in the city meets the guidelines established by robust public outreach and helps move the city forward. When they say “no,” it is because something really does not belong.

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CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE

“Bringing People Together to Improve Our Social and Natural Environment”

Nevertheless, there certainly are situations where the Council are willing to take a second look at those decisions. In those instances, it is crucial that more comprehensive community discussions take place, allowing residents to engage meaningfully with city staff regarding the proposed rezoning and development of warehouse projects in our area so we reiterate the importance of tabling these items to provide the time for the robust outreach it deserves at a later date.

Perris is situated in a region that suffers from some of the nation's worst air quality, alongside significant traffic congestion and noise pollution. The decisions that will be made regarding these projects will have profound implications on the community's well-being. Thus, it is imperative that these issues are not rushed through a mere public hearing but are given the thoughtful and thorough examination they deserve.

We are concerned that the Environmental Impact Reports (EIR) provided for these projects do not adequately address the full spectrum of negative impacts that could disproportionately affect the residents of Perris. The potentially detrimental effects on our local environment and community health necessitate a more detailed and inclusive analysis.

We believe that by deferring the decision on these items, the City Council will be able to ensure a more democratic process that incorporates substantive community input. We are committed to collaborating closely with the city to find solutions that will not only meet the economic aspirations but also preserve the health and quality of life for the people of Perris.

Thank you for considering our perspective in this vital matter. We trust that the Council will make a decision that prioritizes the well-being and voices of its constituents.

Sincerely,



Marven E. Norman
Policy Coordinator

CCA EJ is a long-standing community based organization with over 40 years of experience advocating for stronger regulations through strategic campaigns and building a base of community power. Most notably, *CCA EJ*'s founder Penny Newman won a landmark federal case against Stringfellow Construction which resulted in the 'Stringfellow Acid Pits' being declared one of the first Superfund sites in the nation. *CCA EJ* prioritizes community voices as we continue our grassroots efforts to bring lasting environmental justice to the Inland Valley Region.

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PO Box 33124
Jurupa Valley, CA 92519
www.ccae.org

CC6-2
Cont.

Response to Comment Letter CC6 – Center for Community Action and Environmental Justice

Response to Comment CC6-1:

This comment is not applicable to the Project.

Response to Comment CC6-2:

This letter expresses the commenter's opposition to the proposed Project. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Comment Letter CC7 – Individual Comment 4

Comment Letter CC7 commences on the next page.

From: Corey Gibson <cgibsonrex@icloud.com>
Sent: Tuesday, November 12, 2024 8:00 PM
To: Kenneth Phung <Kphung@cityofperris.org>
Subject: Community Development and Improvement


Dear City Board or Council Members,

I'm reaching out as a long-time resident of the Perris/Moreno Valley area, where I've lived since childhood. While I'm grateful to see the city's growth, I can't help but feel that it lacks appeal and is visually unattractive.

Currently, our dining options are limited mostly to fast food and Mexican cuisine, and we have far more warehouses than we do places for people to gather and connect. There's a significant number of vacant warehouses in the area, yet more continue to be developed.

Our community would benefit greatly from a wider variety of food and shopping options, as well as more places that encourage people to come together. It's difficult to attract newcomers or engage current residents when there's little to offer beyond industrial spaces.

I believe that by enhancing our community spaces and providing more diverse amenities, we can make Perris a more inviting place for both residents and visitors. Thank you for considering these points—I hope we can work towards a vision that better serves everyone.

Sincerely,
Corey Gibson 

CC7-1

Response to Comment Letter CC7 – Individual Comment 4

Response to Comment CC7-1:

This letter expresses the commenter's opposition to the proposed Project. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Comment Letter CC8 – Individual Comment 5

Comment Letter CC8 commences on the next page.

-----Original Message-----

From: Nadeen Morales <nadeenm15@me.com>

Sent: Tuesday, November 12, 2024 7:13 PM

To: Kenneth Phung <Kphung@cityofperris.org>

Subject: NO MORE WAREHOUSES

It is ridiculous how much lands are being used for warehouses just to add more congestion in traffic. How is it that the 215 is already filled w traffic at 6 in the morning. The council could look the other way and not be tempted of the money they would gain. They have better things to worry about or at least learn to make the city better.

CC8-1

Response to Comment Letter CC8 – Individual Comment 5

Response to Comment CC8-1:

This letter expresses the commenter's opposition to the proposed Project. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Comment Letter CC9 – Individual Comment 6

Comment Letter CC9 commences on the next page.

From: [Rhiannon Alexandra](#)
To: nperez@cityofperris.org
Subject: Agenda Item 6C, Planning Commission Meeting 9/18/24
Date: Saturday, November 9, 2024 3:32:01 PM

My name is Rhiannon Salahuddin and I am a resident of Perris. I am writing to oppose the rezone to build a 400,000 square foot warehouse on Ethanac and Sherman Road. This is not fair to the residential communitys around the proposed zoning. We the residents do not want this.

CC9-1

Sincerely,

Rhiannon Salahuddin

Response to Comment Letter CC9 – Individual Comment 6

Response to Comment CC9-1:

This comment expresses an opinion. The letter does not question the content or conclusions of the Draft or Final EIRs. The commenter's opposition to the proposed Project will be considered by the City of Perris City Council when it elects to approve or deny the Project.

Comment Letter CC10 – City of Menifee

Comment Letter CC10 commences on the next page.



29844 Haun Rd. Menifee CA. 92586
(951) 672-6777 | Fax (951) 679-3843
cityofmenifee.us

November 12, 2024

LEAD AGENCY: CITY OF PERRIS

Nathan Perez, Senior Planner
City of Perris Development Services Department
135 North D Street
Perris, CA 92570-2200

E-mail: nperez@cityofperris.org

RE: City Council Action on Planning Commission’s Recommended (5-0) Denial of the Hillwood Project General Plan Amendment (GPA) 22-05326, Zone Change (ZC) 22-05327; Tentative Parcel Map (TPM) 22-05328 (TPM 38600), Development Plan Review (DPR) 22-00030, FEIR SCH No. 2023090525

Honorable Mayor and Members of City Council:

Thank you for the opportunity to comment on the above-referenced industrial warehouse project and associated entitlements (the “Project”). As the City of Perris (“Perris”) understands, the Project proposes high-intensity industrial uses, including a 412,348 square-foot industrial warehouse building with 50,000 sq. ft. of cold-refrigerated storage and 15,000 sq. ft. of supporting office uses that would operate 24 hours per day, 7 days per week, adjacent to existing single-family neighborhoods. For this reason, among many others, the Project has not been properly evaluated or considered, environmentally or otherwise. The City of Menifee (“Menifee”) thus respectfully requests that the City Council follow the Planning Commission’s *unanimous* recommendation and deny the proposed Project.

Significant Issues with the Project Remain Unresolved and the Planning Commission’s Recommendation to Deny, with Findings, Reflects That.

Again, the Project comes to the City Council on the Planning Commission’s unanimous recommendation to deny it. On moving for the vote to recommend such a denial, the Planning Commission also made the following express findings quoted from the minutes as follows:

- 1) The proposed project is not in the proper zone;**
- 2) There are many significant Impacts in the EIR that cannot be mitigated;**
- 3) The project involves a speculative building and cannot confirm the benefits from the project such as sales tax, types of jobs (permanent or semi-permanent);**
- 4) The project would result in cumulative air quality impacts;**
- 5) Lack of time line or full guarantee the mitigation measures will be applied;**
- 6) VMT is significant and there is no applicable mitigation to reduce impacts;**
- 7) Timeline of Ethanac Road improvements within the City of Menifee’s Jurisdiction need to be addressed, as it would impact access to the project site; and**
- 8) Alternate uses should be provided in more detail including mixed-use, apartments, commercial, business park and rule out if not feasible.**

CC10-1

(Planning Comm. Mtg. Mins. Sept. 18, 2024, at pp. 5–6 of 7, as approved on Oct. 16, 2024.) The record reflects this repeatedly, with various commissioners and residents noting the issues with the cumulative impacts and health hazard risks analyses. Because the record and this recommendation still reflect the Project’s outstanding issues, including deficiencies arising under the California Environmental Quality Act (Pub. Resources Code, §§ 21000–21189.70.10, “CEQA”) and CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000–15387, “CEQA Guidelines”), the City Council should follow the Planning Commission’s recommendation and deny the proposed Project.

CC10-1
Cont.

The “Project” Still Uses Illusory Baseline Conditions to Ignore Residential Communities.

An accurate project description “is the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of L.A.* (1977) 71 Cal.App.3d 185, 193, 199.) When a proposed project is accompanied by an inaccurate or incomplete description, it undermines CEQA by drawing “a red herring across the path of public input.” (*Id.* at pp. 193, 199.) A court will reject an EIR with an incomplete or inaccurate project description because:

Only through an accurate view of the project may affected outsiders and public decisionmakers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the “no project alternative”) and weigh other alternatives in the balance.

(*Id.* at p. 198.)

Because CEQA defines “project” as “the whole of an action,” an EIR must also describe the entire proposed project—not a piecemeal version. A project description must include future expansion or later phases of a project that will foreseeably result from project approval. (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376; 14 Cal. Code Regs., § 15126 [impact analysis must consider all phases of project].) Additionally, an EIR’s project description must be internally consistent. If it is not, it cannot provide a vehicle for informed public participation in the decision-making process.

CC10-2

Here, the Project description is problematic insofar as it uses a false baseline to create illusory conditions that ignore existing residential communities, i.e., sensitive receptors or off-site locations where individuals may be exposed to emissions from Project activities, including individuals especially sensitive to air pollution that are given special consideration when evaluating air quality impacts from projects. As noted in prior comments, these groups of individuals include children, the elderly, and individuals with preexisting respiratory or cardiovascular illnesses. Structures that house these persons or places where they gather are defined as “sensitive receptors.” This, of course, includes the preexisting residential areas adjacent to the proposed Project site.

The EIR repeatedly refers to single-family residences located on Sherman Road adjacent to the warehouse Project as “non-conforming,” appearing to lessen their importance as sensitive receptors or to establish a false baseline that allows the Project’s environmental evaluation to ignore impacts on adjacent residential communities. An approach using hypothetical allowable conditions as the baseline,



as the Project’s environmental evaluation attempts to do here, results in “illusory” comparisons that “can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,” a result at direct odds with CEQA’s intent. (*Communities for a Better Env’t. v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 320–322.) CEQA Guidelines section 15125, subdivision (a) provides as follows in full:

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.

(1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

(2) A lead agency may use projected future conditions (beyond the date of project operations) baseline as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public. Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record.

(3) An existing conditions baseline shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline.

(Cal. Code Regs., tit. 14, § 15125, subd. (a).)

CC10-2
Cont.

A long line of Court of Appeal decisions holds, in similar terms, that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions ***existing at the time of CEQA analysis, rather than to allowable conditions defined by a plan or regulatory framework.***

CC10-2
Cont.

The fact is that several families living in Menifee reside directly across the street. Those people must be properly considered in the baseline conditions as actual, existing sensitive receptors near the Project site.

Inconsistencies with the General Plan Goals and Policies and Good Neighbor Guidelines Still Violate the State Planning and Zoning Law.

Further, the Project's change in land use and zoning is incompatible with neighboring uses and conflicts with Perris's General Plan goals and policies and Good Neighbor Guidelines, in violation of the State Planning and Zoning Law as further detailed below. The General Plan amendment does not address or resolve these inconsistencies and thus, the requisite findings cannot be made.

For example, the Project is inconsistent with Perris's Environmental Justice Element policies under Goal 3.1, which seek to:

- Continue to ensure new development is compatible with the surrounding uses by co-locating compatible uses and using physical barriers, geographic features, roadways, or other infrastructure to separate less compatible uses. When this is not possible, impacts may be mitigated using: noise barriers, building insulation, sound buffers, traffic diversion. As part of the development review process, require conditions that promote Good Neighbor Policies for Industrial Development for industrial buildings larger than 100,000 square feet. The conditions shall be aimed at protecting nearby homes, churches, parks, day-care centers, schools, and nursing homes from air pollution, noise lighting, and traffic associated with large warehouses, making them a "good neighbor."

CC10-3

The Project is likewise inconsistent with various goals in the Good Neighbor Guidelines:

- Goal 1: Protect the neighborhood characteristics of the urban, rural, and suburban communities. The proposed land use change and project design does not protect the neighboring residences from impacts to the neighborhood characteristics associated a large warehouse facility and trucks.
- Goal 2: Minimize exposure of diesel emissions to neighbors that are situated in close proximity to the warehouse/distribution center. The proposed land use change and project design increases instead of minimizing exposure of diesel emissions.
- Goal 3: Eliminate diesel trucks from unnecessary traversing through residential neighborhoods. The proposed land use change and project design increases potential for trucks traversing through residential neighborhoods, instead of eliminating this potential by not supporting the proposed change in land use and maintaining the current land use.

- Goal 4: Provide buffers between warehouses and sensitive receptors. The proposed land use change and project design does not adequately buffer neighboring residences from warehouses, especially given the location truck loading and parking areas situated between the warehouse and sensitive receptors.

CC10-3
Cont.

The Project Still Does Not Evaluate Aesthetic Impacts on Adjacent Sensitive Receptors.

With respect to light and glare impacts, the EIR includes Mitigation Measure MM AES-1:

Prior to issuance of grading permits, the Project developer shall provide evidence to the City of Perris that any temporary nighttime lighting installed for security purposes shall be downward facing and hooded or shielded to prevent security light spillage by one foot candle to surrounding properties outside of the staging area or direct broadcast of security light into the sky.

CC10-4

MM AES-1 addresses temporary lighting, but still makes no mention of permanent operational security lighting. The impacts of permanent operational nighttime lighting/security lighting for the truck loading area (located on the east side of the proposed warehouse building) onto adjacent residential properties is not discussed and no mitigation is provided to specifically address the permanent operational lighting impacts. As a result, significant lighting impacts have not been fully analyzed, mitigated, or avoided.

The Project Still Fails to Properly Evaluate Impacts to Streets and Fire Safety.

Menifee’s Engineering and Fire Departments have reviewed the proposed Project’s potential impacts on streets and fire services, as well as the improvements necessary to address and minimize those impacts. Such impacts include impacts to existing street improvements, fire services, and utilities that, as demonstrated during the recent wildfire season, should be of acute concern to Perris and all cities and counties in the vicinity.

CC10-5

Please refer to **Attachment “A,”** the March 14, 2024, City of Menifee Public Works/Engineering Department comments relating to the traffic analysis for the proposed Project, which highlights those same deficiencies and others, including that the Project as proposed may result in direct and cumulative impacts to circulation at various sites and fails to evaluate the significant impacts on fire access and utilities. The future promise to contribute funds for a fire station that can be expressly reallocated by Perris at will for any other purpose and with no ties to performance standards or binding enforcement mechanisms do not satisfy *any* of CEQA’s requirements for proper, binding, enforceable mitigation measures. Further analysis is included again with this letter as **Attachment “B.”**

The Final EIR Still Fails to Meaningfully Address Significant Environmental Issues.

Failure to meaningfully respond to written comments, as here, independently renders the Final EIR legally inadequate. (See **Attachment “C,”** Menifee’s Prior Comment Letter re: Sept. 18, 2024, Planning Commission Hearing.) Here, the Final EIR still includes responses to comments that are cursory,

CC10-6

conclusory, self-serving, unsupported by facts, and, at times, wholly arbitrary. For example, the Final EIR’s response to Menifee’s March 14, 2024, comments on the Draft EIR (see Att. A), states that:

[T]he Project was designed to minimize impacts to the surrounding area, including the non-conforming residential uses within the City of Menifee along Sherman Road, by designing truck driveways along Trumble Road only. Additionally, the Project incorporates Good Neighbor Guidelines recommended buffers by providing an approximately 300-foot separation between the dock doors and the property line of the nearest sensitive receptor as well as a landscape setback of at least 30 feet.

CC10-6
Cont.

This response is conclusory, self-serving, and unsupported. It remains evident that the Project was *not* designed to minimize impacts consistent with Perris’s Good Neighbor Guidelines because warehouse buildings, particularly large logistics distribution facilities of the size proposed by the Project, are not allowed under Perris’s current General Plan and zoning designations for the Project site. The fact that Perris is supporting a legislative change in General Plan land use and zoning to allow a large warehouse location is contrary to goals of the Good Neighbor Guidelines to protect neighboring and adjacent uses and particularly sensitive receptors from potential impacts of a warehouse use.

Further responses are similarly deficient:

Figure 3.0-6, Existing General Plan Land Use Designation and Figure 3.0-7, Existing Zoning Designations of the Draft EIR, the area directly east of the Project site located within the City of Menifee has a General Plan Land Use Designation of Business Park and is zoned Business Park/Light Industrial.

[. . .]

As indicated in Table 3.0-A, Surrounding Land Uses of the Draft EIR, the properties to the east of Sherman Road and south of Ethanac Road within the City of Menifee are developed with residential structures. Because these residential uses do not comply with the Menifee General Plan Land Use Designations and zoning, as stated by MDC Chapter 9.15, the existing residences are appropriately and correctly referred to as legal, non-conforming uses in the Draft EIR.

CC10-7

These are accurate statements; however, they do not acknowledge that, although the adjacent residential uses are non-conforming, they are a part of an existing established residential neighborhood consisting of over 100 residential dwellings/lots. Notwithstanding Menifee’s existing Business Park General Plan land use designation and Business Park/Light Industrial zoning, the existing non-conforming residences will not be replaced with a business park or industrial use anytime in the foreseeable future, unlike what might occur if the adjacent area comprised only a few large vacant or underutilized non-vacant and/or non-conforming parcels. Furthermore, housing is a matter of statewide concern in California, and

preservation, and protection of the exiting housing aligns with the State’s housing goals and the goals Menifee’s Housing Element, unlike removal or replacement of the existing housing.

CC10-7
Cont.

In another response, Perris states as follows:

The Project has been designed to provide approximately 300 feet between the dock doors and the nearest sensitive receptor. (Consistent with Goal 1, Goal 2, and Goal 4.)” and that “the project was designed to minimize impacts to the surrounding area, including the non-conforming residential uses within the City of Menifee along Sherman Road, by designing truck driveways along Trumble Road only.

However, while the dock doors may be located 300 feet from the nearest sensitive receptor, and truck driveways are located along Trumble Road only, the Project has been designed with a large truck loading and parking area situated between the dock doors and the sensitive receptors. The truck loading/parking area occupies nearly two thirds or 200 feet of the distance from the dock doors to the nearest sensitive receptors. Numerous trucks will be operating much closer to the sensitive receptors and could be parked as little as approximately 100 feet from the nearest sensitive receptor. The dock doors do not generate toxic diesel emissions and noise, the trucks do; particularly with respect to the transportation refrigeration capacity anticipated onsite, also not properly analyzed, assessed, or mitigated.

CC10-8

We further note that Perris’s Good Neighbor Guidelines contain additional policies that are inconsistent with the Project. For example, Policy 12, Goal No. 1 provides that “[w]arehouse/distribution facilities shall be designed to provide adequate on-site parking for commercial trucks and passenger vehicles and on-site queuing for trucks away from sensitive receptors. Commercial trucks shall not be parked in the public right of way or nearby residential areas, in accordance with the Perris Municipal Code and Specific Plans.” The Project as designed is inconsistent with this Policy because commercial trucks will be parked nearby residential areas. Moreover, the Project remains inconsistent with Perris’s Good Neighbor Guidelines, Policy 3, Goal No. 3, which provides that “truck traffic shall be routed to impact the least number of sensitive receptors.” Again, the Project as designed is inconsistent with this Policy because commercial trucks will be routed within the Project site towards a large truck loading area near sensitive receptors, rather than away from sensitive receptors, and thus are not routed to impact the least number of sensitive receptors.

Conclusion

Menifee has previously requested the Project developer and Perris engage Menifee in a meaningful fashion with respect to the Project. In a similar aim, we note that Perris’s Good Neighbor Guidelines Policy 9, Goal No. 5 provides that “applicants shall engage in a community outreach effort to determine issues of concern during the project entitlement process.” It is unclear what efforts the applicant has made to engage in a community outreach effort as required per this policy, and what contact or meetings were held with the adjacent residents in Menifee. As a result, the analysis of the Final EIR, as the Draft EIR before it, does not adequately demonstrate consistency with the above policies and the Project, as proposed, is in conflict with the above General Plan and Good Neighbor Guideline policies, and impacts

CC10-9

related to land use and planning are significant and have not been mitigated to a less than significant level.

Again, we respectfully request that the City Council follow the Planning Commission's recommendation and deny the proposed Project. denial should be followed because these, and many other required findings, simply cannot be made to approve the Project.

We appreciate the opportunity to provide this comment and Menifee expressly reserves its right to submit supplemental information and evidence regarding the Project as proposed up to the close of the public hearing on the Project. (See, e.g., *Galante Vineyards v. Monterey Peninsula Water Mgmt.* (1997) 60 Cal.App.4th 1109, 1119–1120 [applicant has right to present comments “prior to the close of the public hearing on the project.”]; *Coal. for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197 [same principle].)

Sincerely,



Cheryl Kitzerow, AICP
Community Development Director, City of Menifee

Atts: Att. A, Menifee Ltr. to Perris re Public Works Eng. Comments (Sept. 8, 2024)
 Att. B, Menifee Ltr. to Perris re Draft EIR (Mar. 12, 2024)
 Att. C, Menifee Ltr. to Perris re Planning Comm'n Agenda Item 6.C (Sept. 18, 2024)

Cc: Armando Villa, City Manager, City of Menifee
 Bryan Jones, Assistant City Manager, City of Menifee
 Doug Darnell, AICP, Principal Planner, City of Menifee
 Nicolas Fidler, Director of Public Works & Engineering, City of Menifee
 Orlando Hernandez, Deputy Community Development Director, City of Menifee
 Stephanie L. Talavera, Rutan, City Attorney's Office
 Clara Miramontes, City Manager, City of Perris
 Kenneth Phung, Director of Development Services, City of Perris
 Patricia Brenes, City of Perris Planning Manager

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CITY OF MENIFEE
MEMORANDUM

PUBLIC WORKS/ENGINEERING DEPARTMENT

DATE: September 9, 2024
TO: Doug Darnell, AICP, Principal Planner
FROM: Haile Ford, PE, Senior Engineer
CC: Steven Strapac, PE, PLS, QSD, Assistant City Engineer
RE: City of Perris' Ethanac Logistics Center – TPM 22-05328 38600 – PC2 Engineering Comments

The PC2 comments noted herein are for review of the following:

- Ethanac Logistics Center Environmental Documents
-

Public Works / Engineering has reviewed the referenced documents and has the following comments:

Preliminary Drainage Study dated January 2023, prepared by Albert A. Webb Associates:

1. Based on the information presented in this report, all drainage drains to the west to drainage facilities that are owned and maintained by the City of Perris and the Riverside County Flood Control District. Therefore, Engineering has no further comments on this submittal.

Traffic Analysis dated December 15, 2023, prepared by Urban Crossroads:

1. The following locations were analyzed in this report:
 - Trumble Road and Driveway 1.
 - Trumble Road and Driveway 2.
 - Trumble Road and Ethanac Road.
 - Driveway 3 and Ethanac Road.
 - Driveway 4 and Ethanac Road.
 - Sherman Road and Ethanac Road.

Other locations should also be analyzed. For example, the Ethanac Road / I-215 interchange should be analyzed, and various locations within the City of Meniffee's jurisdiction should be analyzed to determine the traffic impacts to the City of Meniffee. Such locations would include, but not be limited to, the following:

- The segment of Trumble Road that runs south of Ethanac Road.

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- The segment of Sherman Road that runs south of Ethanac Road.
 - The intersection of Ethanac Road and Antelope Road.
2. The following recommended off-site improvements would encroach into the City of Menifee's jurisdiction:
- Adding a second eastbound through lane at the intersection of Ethanac Road and Trumble Road. (The project is recommended to pay TUMF fees for this improvement.)
 - Adding a second eastbound through lane at the intersection of Driveway 3 and Ethanac Road and Trumble Road. (The project is recommended to pay TUMF fees for this improvement.)
 - Adding a third eastbound through lane at the intersection of Driveway 3 and Ethanac Road and Trumble Road. (The project is recommended to pay "Fair Share" fees for this improvement.)
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 - Adding a third eastbound through lane at the intersection of Driveway 4 and Ethanac Road and Trumble Road. (The project is recommended to pay "Fair Share" fees for this improvement.)
 - Installing a traffic signal at the intersection of Sherman Road and Ethanac Road. (The project is recommended to pay "Fair Share" fees for this improvement.)
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 - Installing an eastbound left-turn lane at the intersection of Sherman Road and Ethanac Road. (The project is recommended to construct this improvement.)
 - Installing a second northbound left-turn lane at the intersection of Sherman Road and Ethanac Road. (The project is recommended to pay "Fair Share" fees for this improvement.)
 - Installing a second eastbound through lane and an eastbound right-turn lane at the intersection of Sherman Road and Ethanac Road. (The project is recommended to pay TUMF and "Fair Share" fees for these improvements.)

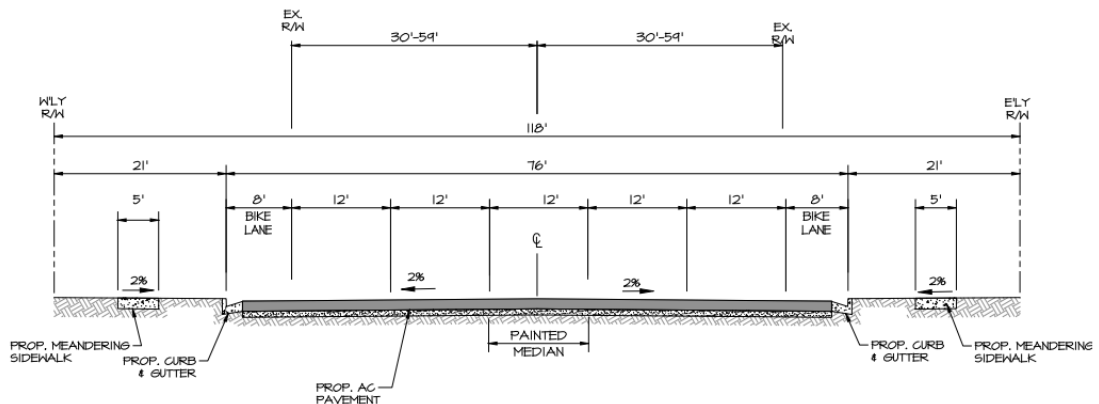
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- Installing a third eastbound through lane at the intersection of Sherman Road and Ethanac Road. (The project is recommended to pay “Fair Share” fees for this improvement.)

Please coordinate with the City of Menifee’s Engineering Department regarding these recommended improvements.

Regarding the future traffic signal at the intersection of Sherman Road and Ethanac Road, please note that the City of Menifee has conditioned the developer of the Menifee Commerce Center (City of Menifee Planning Case No. PLN21-0305 / Tentative Parcel Map 38156 / Plot Plan 2019-005) to install a traffic signal at this intersection. This project is currently in final engineering. The specific improvements to be constructed as part of this project at the intersection of Sherman Road and Ethanac Road are as follows:

- Install a new traffic signal with north / south protected left-turn phasing, eastbound right-turn overlap phasing, and the following intersection improvements:
 - Northbound: one shared through / right-turn lane, and two left-turn lanes.
 - Southbound: one through lane, one right-turn lane, and one left-turn lane.
 - Westbound: one shared through / right-turn lane, and one left-turn lane.
 - Eastbound: two through lanes, one right-turn lane, and one left-turn lane.
 - Traffic signal poles for the northbound and southbound lanes at the intersection of Sherman Road and Ethanac Road to be placed at the ultimate location as feasible.
 - Sherman Road will be constructed as a modified Major roadway, which will be a 4-lane divided roadway with Class II Community On-Street bike lanes along the project frontage, as shown in the typical section roadway below:



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 Cont.

It is recommended that the City of Perris require the developer of the Ethanac Logistics Center to construct the ultimate half-width improvements along the project's Sherman Road frontage.

General Comments:

1. The following projects in the City of Menifee's jurisdiction are in the vicinity of the City of Perris' Ethanac Logistics Center project:

- The Trumble / Watson industrial warehouse project (City of Menifee Planning Case No. DEV2022-019).
- The Menifee Commerce Center (City of Menifee Planning Case No. PLN21-0305 / Tentative Parcel Map 38156 / Plot Plan 2019-005).
- Ethanac Business Park (City of Menifee Planning Case No. PLN23-0171).

Coordinate in advance with the City of Menifee regarding these projects, to ensure that the recommendations in the Traffic Analysis do not conflict with the traffic recommendations for these City of Menifee projects. For example:

- The Menifee Commerce Center project requires the developer to construct the following improvements:
 - Sherman Road to be constructed as a modified Major roadway, which will be a 4-lane divided roadway with Class II Community On-Street bike lanes along the project frontage. (See Traffic Analysis Comment No. 2 above)
 - Trumble Road to be constructed as a modified Collector roadway, which will be a 2-lane roadway with a Class III bike route along the project frontage to centerline plus 12 feet.
 - Modify the existing traffic signal near the northbound on-ramp of the Ethanac Road / I-215 interchange.
 - Modify the existing traffic signal at the intersection of Ethanac Road and Trumble Road.

The Trumble / Watson and Ethanac Business Park projects will also require that offsite road improvements be made, and as such, it is important that the applicant / developer of the City of Perris' Ethanac Logistics Center coordinate closely with these projects that are located within the City of Menifee's jurisdiction.

As you coordinate with the City of Menifee, keep in mind the following City of Menifee Level of Service (LOS) Guidelines:

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- The traffic study / analysis area, at a minimum, shall generally include streets on which the proposed project will add 50 or more peak-hour trips, up to a 5-mile radius from the project location. The limits of this area may be extended if the project has a regional impact on the regional transportation system.
- Additional intersections of concern, which may include but not be limited to project driveways, may also require analysis.
- For projects located in the vicinity of schools, traffic counts may be required during the school season as determined by the Community Development Department or Public Works / Engineering Department.
 - A Roadway Segment Analysis shall be required for roadway segments where 500 or more daily trips are added along the City of Menifee's Circulation Element roadway network, up to a 5-mile radius from the project location.
 - Additional intersections and roadway segments may be required to be analyzed at the discretion of the City of Menifee's Traffic Engineer.
 - The City of Menifee has identified LOS D as the standard for acceptable operating conditions for intersections, except at constrained intersections and roadway segments in close proximity to I-215, where LOS E is acceptable during peak hours.
 - The traffic study / analysis shall address whether or not the required LOS will be achieved after the proposed project is constructed. Intersections or roadway segments not meeting the required LOS may be conditioned for improvements toward meeting the LOS standard. Specifically, a project would not meet the LOS standard if: (1) The pre-project condition at an intersection or roadway segment is at or better than the minimum acceptable LOS, and the addition of project trips results in an unacceptable LOS. (2) The pre-project condition is at LOS E or F, and the project adds 50 or more peak-hour trips to the intersection or roadway segment. This type of impact would be considered a "cumulative" project impact, in which the project would be required to contribute a fair-share payment toward reducing the impact.
 - Fair-share contributions may be recommended to improve LOS conditions under the "Existing Plus Project" scenario if the existing condition is at an unacceptable LOS. All fair-share contributions shall be calculated using the following equation:

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Cont.

$$d = \frac{c}{(b - a)}$$

Where:

a = Existing Traffic Volume

b = Opening Year Cumulative With Project Volume

c = Proposed Project Trips

d = Fair Share Percentage

2. The applicant / developer and the City of Perris should coordinate with Caltrans for the necessary right-of-way required for future interchange widening and improvements.
3. The applicant / developer should provide appropriate right-of-way dedication for the ultimate improvements along Ethanac Road. It should be noted that Ethanac Road is designated as a 6 to 8-Lane Divided Expressway in the Circulation Element of the City of Menifee's General Plan.
4. Check the Caltrans Highway Design Manual for appropriate distances.
5. Provide an exhibit that shows proposed improvements on the south side of Ethanac Road.

The applicant / developer is advised to prepare a response letter in the next submittal, responding back to each comment in this Memo. Any questions can be directed to Haile Ford at (951) 723-1774 (office), (213) 215-6772 (cell), or by email at hford@cityofmenifee.us.

CC10-10
Cont.

March 14, 2024

Nathan Perez
Senior Planner
City of Perris, Development Services Department
135 North "D" Street
Perris, CA 92570-2200

RE: City of Perris Project – Notice of Availability (NOA) of the Ethanac Logistics Center Project Draft Environmental Impact Report (Draft EIR) SCH No. 202309525

Dear Mr. Perez,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the above project, consisting of merger of ten parcels to create one, approximately 20-gross-acre parcel for development of a 412,348 square-foot high-cube light industrial speculative warehouse building, with 50,000 square feet of cold-refrigerated storage and 15,000 square feet of supporting office operating 24 hours a day seven days a week. The project is located on the north side of Ethanac Road between Trumble Road and Sherman Road adjacent to the City of Menifee. The City of Menifee has reviewed the DEIR for the project and offers the following comments.

- The project DEIR has not adequately analyzed, avoided or mitigated significant environmental impacts resulting from the project, including impacts related to aesthetics, air quality, land use and planning and noise impacts to neighboring properties within the City of Menifee, particularly single-family residents (sensitive receptors) located adjacent to warehouse truck loading and parking areas. The DEIR repeatedly refers to single-family residences located on Sherman Road adjacent to the warehouse project as "non-conforming" appearing to lessen their importance as sensitive receptors. The fact is that, regardless of their non-conforming status, several families living in Menifee, reside directly across the street from where commercial big rig truck parking and loading is proposed to be located for the project. The proposed industrial warehouse project, requires a General Plan Amendment and Change of Zone from Community Commercial to Light Industrial. Because the project requires a change in land use and zoning, it is incompatible with neighboring uses and conflicts with the City of Perris's General Plan goals and policies and Good Neighbor Guidelines. Further, environmental impacts related to the areas discussed below are potentially significant:
- Aesthetics – With respect to light and glare impacts, the DEIR includes Mitigation Measure MM AES-1:

"Prior to issuance of grading permits, the Project developer shall provide evidence to the City of Perris that any temporary nighttime lighting installed for security purposes shall be downward facing and hooded or shielded to prevent security light spillage by one foot candle to surrounding properties outside of the staging area or direct broadcast of security light into the sky."

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MM AES-1 addresses temporary lighting but makes no mention of permanent operational security lighting. The impacts of permanent operational nighttime lighting/security lighting for the truck loading area (located on the east side of the proposed warehouse building) onto adjacent residential properties is not discussed and no mitigation is provided to specifically address the permanent operational lighting impacts. As a result, significant lighting impacts have not been fully analyzed, mitigated or avoided.

- Air Quality – The Air Quality Analysis of the DEIR discusses health risk impacts to sensitive receptors and results of a Health Risk Assessment prepared for the project. The Health Risk Assessment evaluated exposure to nearby sensitive receptors (the closest sensitive receptor/residence identified as R-3 located on Sherman Road only 57 feet away from the facility). The analysis indicates that the cancer risk for this sensitive receptor is either 2.64 per million or 72 per million. While the study concludes health risk impacts to be less than significant based on the project not exceeding the South Coast Air Quality Management district’s cancer risk threshold of 10 per million, the conflicting numbers of the report (2.64 vs. 72 per million) raises concern regarding which is the correct number and the validity of the study. If 72 per million, this is more than seven times the threshold for health risk impacts and would be a significant impact. Many other residences located on Sherman Road may be slightly further from the facility yet are roughly the same distance away as R-3. Finally, it is not clear how the health risk assessment considers the location and concentration of trucks on the east side of the facility closest to the residents and how that factors into the potential health risk.
- Land Use – As previously stated, the proposed industrial warehouse project requires a General Plan Amendment and Change of Zone from Community Commercial to Light Industrial. Because the project requires a change in land use and zoning to allow an industrial warehouse project with truck loading parking adjacent to single-family residents (sensitive receptors), the project is in conflict with City of Perris General Plan goals and policies and Good Neighbor Guidelines including the following:

The project is inconsistent with Environmental Justice Element policies under Goal 3.1:

- Continue to ensure new development is compatible with the surrounding uses by co-locating compatible uses and using physical barriers, geographic features, roadways, or other infrastructure to separate less compatible uses. When this is not possible, impacts may be mitigated using: noise barriers, building insulation, sound buffers, traffic diversion.
- As part of the development review process, require conditions that promote Good Neighbor Policies for Industrial Development for industrial buildings larger than 100,000 square feet. The conditions shall be aimed at protecting nearby homes, churches, parks, day-care centers, schools, and nursing homes from air pollution, noise lighting, and traffic associated with large warehouses, making them a "good neighbor."

The project is inconsistent with Good Neighbor Guidelines Goals including:

- Goal 1: Protect the neighborhood characteristics of the urban, rural, and suburban communities. The proposed land use change and project design does not protect the neighboring residences from impacts to the neighborhood characteristics associated a large warehouse facility and trucks.
- Goal 2: Minimize exposure of diesel emissions to neighbors that are situated in close proximity to the warehouse/distribution center. The proposed land use change and project design increases instead of minimizing exposure of diesel emissions.
- Goal 3: Eliminate diesel trucks from unnecessary traversing through residential neighborhoods. The proposed land use change and project design increases potential for trucks traversing through residential neighborhoods, instead of eliminating this potential by not supporting the proposed change in land use and maintaining the current land use.
- Goal 4: Provide buffers between warehouses and sensitive receptors. The proposed land use change and project design does not adequately buffer neighboring residences from warehouses, especially given the location truck loading and parking areas situated between the warehouse and sensitive receptors.

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The City of Menifee has previously requested the project developer and City of Perris to relocate the truck loading/parking area proposed on the east side of the warehouse building to another location/side of the building where trucks would be further away from and have less impact to adjacent residents, yet this change was not accommodated by the developer or City of Perris. As a result, the land use analysis of the DEIR does not adequately demonstrate consistency with the above policies, the project, as proposed, is in conflict with the above General Plan and Good Neighbor Guideline policies, and impacts related to land use and planning are significant and have not been mitigated to a less than significant level.

- The City of Menifee's Engineering Department has reviewed the proposed project's potential impacts on Menifee streets and improvements necessary to address and minimize those impacts. Please refer to attached March 14, 2024 City of Menifee Public Works/Engineering Department comments relating to the traffic analysis.
- Finally, please provide all future environmental notices/documents to the City of Menifee Planning Department for review once they become available.



29844 Haun Rd. Menifee CA. 92586
(951) 672-6777 | Fax (951) 679-3843
cityofmenifee.us

We appreciate your consideration of these comments and thank you again for the opportunity to provide comments. We respectfully look forward to discussing these items further prior to the approval of this project. If you have questions, please contact me at 951-723-3744 or by e-mail at ddarnell@cityofmenifee.us

Sincerely,

Doug Darnell

Doug Darnell, AICP
Principal Planner

Cc: Cheryl Kitzerow, AICP Community Development Director, City of Menifee
Nick Fidler, Public Works and Engineering Director, City of Menifee
Orlando Hernandez, Deputy Community Development Director, City of Menifee
Alberto Paiva, Deputy Public Works Director/City Engineer, City of Menifee

Attachment: March 14, 2024 City of Menifee Public Works/Engineering Department Comments

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Cont.



CITY OF MENIFEE
MEMORANDUM

PUBLIC WORKS/ENGINEERING DEPARTMENT

DATE: March 14, 2024
TO: Doug Darnell, AICP, Principal Planner
FROM: Haile Ford, PE, Senior Engineer
CC: Steven Strapac, PE, PLS, QSD, Assistant City Engineer
RE: City of Perris' Ethanac Logistics Center – TPM 22-05328 38600 – PC2 Engineering Comments

The PC2 comments noted herein are for review of the following:

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Public Works / Engineering has reviewed the referenced documents and has the following comments:

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Other locations should also be analyzed. For example, the Ethanac Road / I-215 interchange should be analyzed, and various locations within the City of Meniffee's jurisdiction should be analyzed to determine the traffic impacts to the City of Meniffee. Such locations would include, but not be limited to, the following:

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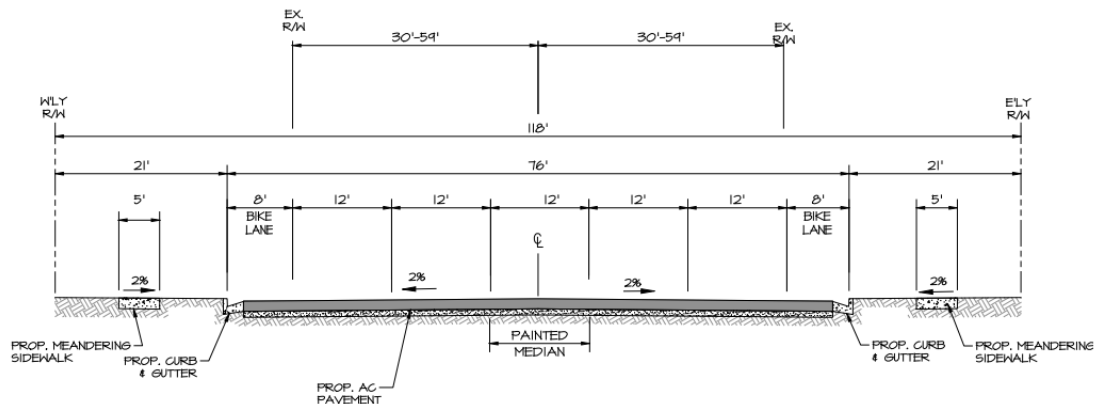
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CC10-10
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As you coordinate with the City of Menifee, keep in mind the following City of Menifee Level of Service (LOS) Guidelines:

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CC10-10
Cont.

$$d = \frac{c}{(b - a)}$$

Where:

a = Existing Traffic Volume

b = Opening Year Cumulative With Project Volume

c = Proposed Project Trips

d = Fair Share Percentage

2. The applicant / developer and the City of Perris should coordinate with Caltrans for the necessary right-of-way required for future interchange widening and improvements.
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4. Check the Caltrans Highway Design Manual for appropriate distances.
5. Provide an exhibit that shows proposed improvements on the south side of Ethanac Road.

The applicant / developer is advised to prepare a response letter in the next submittal, responding back to each comment in this Memo. Any questions can be directed to Haile Ford at (951) 723-1774 (office), (213) 215-6772 (cell), or by email at hford@cityofmenifee.us.

CC10-10
Cont.

September 18, 2024

LEAD AGENCY: CITY OF PERRIS

Nathan Perez, Senior Planner
City of Perris Development Services Department
135 North D Street
Perris, CA 92570-2200

E-mail: nperez@cityofperris.org

RE: City of Perris Project – Comment
Item 6.C. General Plan Amendment (GPA) 22-05326, Zone Change (ZC) 22-05327;
Tentative Parcel Map (TPM) 22-05328 (TPM 38600), Development Plan Review (DPR)
22-00030, FEIR SCH No. 2023090525

Dear Mr. Perez:

Thank you for the opportunity to review the above environmental impact report ("EIR") and entitlements for the proposed Ethanac Logistics Center (Hillwood) project (the "Project"). The Project is set for public hearing as Agenda Item 6.C for the City of Perris ("Perris") Planning Commission meeting on September 18, 2024.

As further detailed below, we hope that the Perris Planning Commission will recommend denial of Resolution 24-14, as outstanding issues remain regarding the proposed Hillwood Project's lack of compliance with the California Environmental Quality Act (Pub. Resources Code, §§ 21000–21189.70.10, "CEQA") and CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000–15387, "CEQA Guidelines"). The Project EIR has not adequately analyzed, avoided or mitigated significant environmental impacts resulting from the project, including impacts related to aesthetics, air quality, land use and planning and noise impacts to neighboring properties within Menifee; particularly single-family residents (sensitive receptors) located adjacent to warehouse truck loading and parking areas. Furthermore, the Final EIR fails to meaningfully respond to prior comments highlighting these issues.

Brief Project Background

The City of Menifee ("Menifee") is aware that the Project is generally located on ten (10) parcels totaling 19.9 acres, located at the northwest corner of Sherman Road and Ethanac Road, surrounded by a residential neighborhood to the east. The Project proposes a 412,348 square-foot industrial warehouse building **with 50,000 square feet of cold-refrigerated storage, and 15,000 square feet for supporting office operating 24 hours a day seven days a week, along with associated infrastructure, appurtenances, parking areas, and offsite improvements.** The building would provide 32 dock doors on the east side, 29 dock doors on the west side 106 automobile parking stalls, 144 trailer parking stalls, and two outdoor patio areas. The Project would include roadway improvements along Project frontage, an offsite area along Trumble Road (north of the Project site to Illinois Avenue), and potential offsite improvements to the intersection of Trumble Road and Ethanac Road. The Project will require 50,500

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cubic yards of soil import. The Project will connect to existing Eastern Municipal Water District (EMWD) facilities for domestic water and sewer. No recycled water lines exist adjacent to the Project site. However, the Project would include infrastructure to connect to future recycled water facilities. The Project would also provide a diesel-powered fire flow pump used to meet fire flow demands.

Proposed entitlements include General Plan Amendment (GPA) 22-05326, Zone Change (ZC) 22-05327; Tentative Parcel Map (TPM) 22-05328 (TPM 38600), Development Plan Review (DPR) 22-00030, and Final EIR SCH No. 2023090525.

The "Project" Still Uses Illusory Baseline Conditions to Ignore Residential Communities

An accurate project description "is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of L.A.* (1977)71 Cal.App.3d 185, 193, 199 (hereafter *County of Inyo*.) When a proposed project is accompanied by an inaccurate or incomplete description, it undermines CEQA by drawing "a red herring across the path of public input." (*Id.* at pp. 193, 199.) A court will reject an EIR with an incomplete or inaccurate project description because, as the court stated in *County of Inyo*:

Only through an accurate view of the project may affected outsiders and public decisionmakers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project alternative") and weigh other alternatives in the balance.

(*Id.* at p. 198.)

Because CEQA defines "project" as "the whole of an action," an EIR must also describe the entire proposed project-not a piecemeal version. A project description must include future expansion or later phases of a project that will foreseeably result from project approval. (*Laurel Heights improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376; 14 Cal. Code Regs., § 15126 [impact analysis must consider all phases of project].) Additionally, the EIR's project description must be internally consistent. If not, it cannot provide a vehicle for informed public participation in the decision-making process.

Here, the Project description is problematic insofar as it uses a false baseline to create illusory conditions that ignore existing residential communities, i.e., sensitive receptors or off-site locations where individuals may be exposed to emissions from Project activities, including individuals especially sensitive to air pollution that are given special consideration when evaluating air quality impacts from projects. These groups of individuals include children, the elderly, and individuals with pre-existing respiratory or cardiovascular illness. Structures that house these persons or places where they gather are defined as "sensitive receptors."

The EIR repeatedly refers to single-family residences located on Sherman Road adjacent to the warehouse project as "non-conforming" appearing to lessen their importance as sensitive receptors or to establish a false baseline that allows the Project to ignore impact on residential communities. An approach using hypothetical allowable conditions as the baseline, as here, results in "illusory"

comparisons that "can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts," a result at direct odds with CEQA's intent. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 320–322.) CEQA Guidelines section 15125, subdivision (a) provides as follows in full:

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.

(1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

(2) A lead agency may use projected future conditions (beyond the date of project operations) baseline as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public. Use of projected future conditions as the only baseline must be supported by reliable projections based on substantial evidence in the record.

(3) An existing conditions baseline shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline.

(Cal. Code Regs., tit. 14, § 15125, subd. (a).)

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A long line of Court of Appeal decisions holds, in similar terms, that the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions ***existing at the time of CEQA analysis, rather than to allowable conditions defined by a plan or regulatory framework.***

The fact is that several families living in Menifee, reside directly across the street from where commercial big rig truck parking and loading is proposed to be located for the Project. Those people must be properly considered in the baseline conditions as actual, existing sensitive receptors near the Project site. Further, the Project's change in land use and zoning is incompatible with neighboring uses and conflicts with Perris's General Plan goals and policies and Good Neighbor Guidelines in violation of the State Planning and Zoning Law, as further detailed below:

The project is inconsistent with Environmental Justice Element policies under Goal 3.1:

- Continue to ensure new development is compatible with the surrounding uses by co-locating compatible uses and using physical barriers, geographic features, roadways, or other infrastructure to separate less compatible uses. When this is not possible, impacts may be mitigated using: noise barriers, building insulation, sound buffers, traffic diversion. As part of the development review process, require conditions that promote Good Neighbor Policies for Industrial Development for industrial buildings larger than 100,000 square feet. The conditions shall be aimed at protecting nearby homes, churches, parks, day-care centers, schools, and nursing homes from air pollution, noise lighting, and traffic associated with large warehouses, making them a "good neighbor."

The project is inconsistent with Good Neighbor Guidelines Goals including:

- Goal 1: Protect the neighborhood characteristics of the urban, rural, and suburban communities. The proposed land use change and project design does not protect the neighboring residences from impacts to the neighborhood characteristics associated a large warehouse facility and trucks.
- Goal 2: Minimize exposure of diesel emissions to neighbors that are situated in close proximity to the warehouse/distribution center. The proposed land use change and project design increases instead of minimizing exposure of diesel emissions.
- Goal 3: Eliminate diesel trucks from unnecessary traversing through residential neighborhoods. The proposed land use change and project design increases potential for trucks traversing through residential neighborhoods, instead of eliminating this potential by not supporting the proposed change in land use and maintaining the current land use.
- Goal 4: Provide buffers between warehouses and sensitive receptors. The proposed land use change and project design does not adequately buffer neighboring residences from warehouses, especially given the location truck loading and parking areas situated between the warehouse and sensitive receptors.

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The Project Still Does Not Evaluate Aesthetic Impacts on Adjacent Sensitive Receptors

With respect to light and glare impacts, the EIR includes Mitigation Measure MM AES-1:

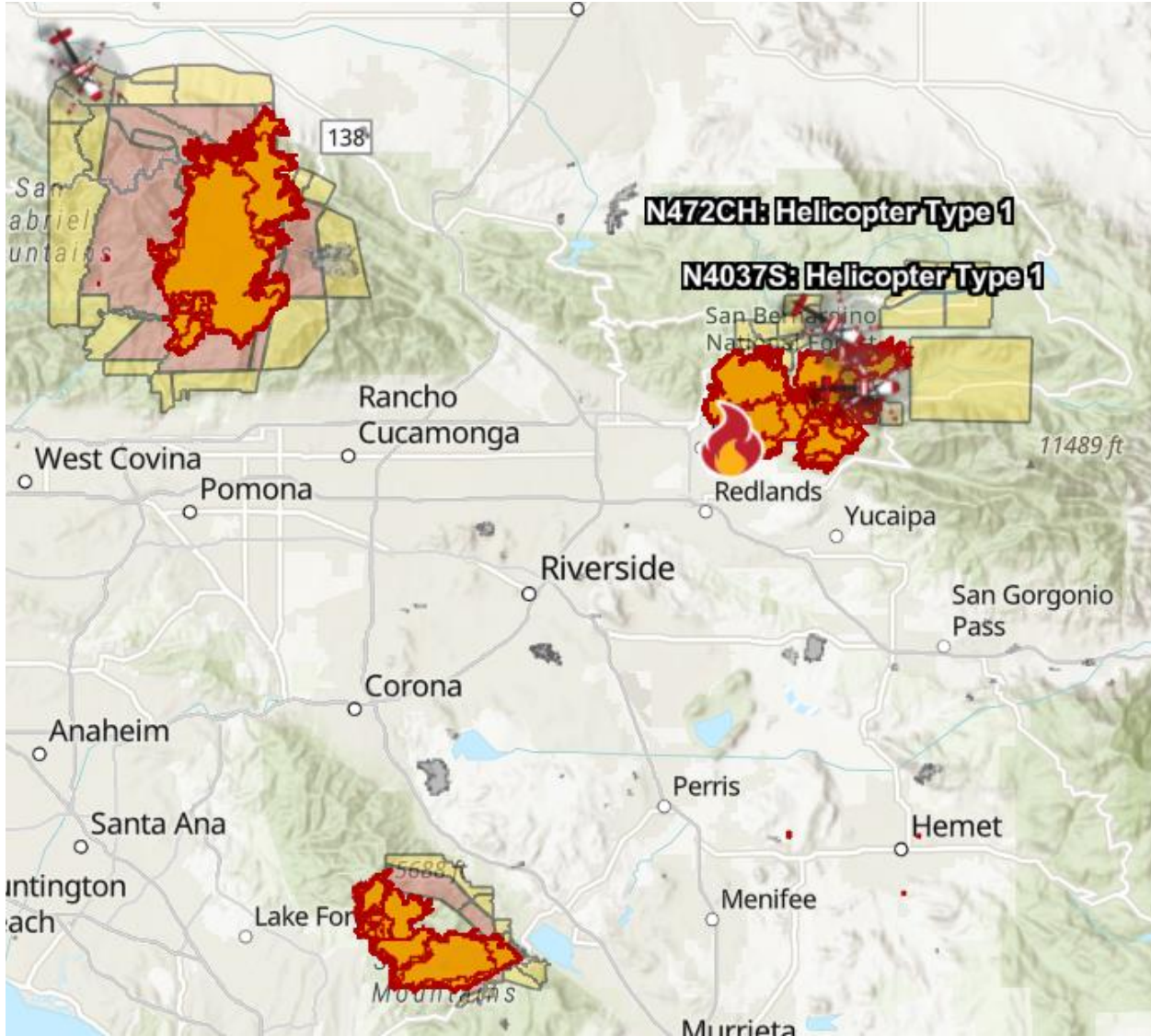
Prior to issuance of grading permits, the Project developer shall provide evidence to the City of Perris that any temporary nighttime lighting installed for security purposes shall be downward facing and hooded or shielded to prevent security light spillage by one foot candle to surrounding properties outside of the staging area or direct broadcast of security light into the sky.

MM AES-1 addresses temporary lighting, but still makes no mention of permanent operational security lighting. The impacts of permanent operational nighttime lighting/security lighting for the truck loading area (located on the east side of the proposed warehouse building) onto adjacent residential properties is not discussed and no mitigation is provided to specifically address the permanent operational lighting impacts. As a result, significant lighting impacts have not been fully analyzed, mitigated or avoided.

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The Project Still Fails to Properly Evaluate Impacts to Streets and Fire Safety

The City of Menifee's Engineering and Fire Departments have reviewed the proposed Project's potential impacts on Menifee streets and fire services, as well as the improvements necessary to address and minimize those impacts. This includes impacts to existing street improvements and fire services and utilities that, as demonstrated during the recent wildfire season, should be of acute concern to Perris and all cities and counties in the vicinity, including, most recently, the Airport Fire, which is only at 35% containment as shown in the image below:



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Please refer to attached March 14, 2024, City of Menifee Public Works/Engineering Department comments relating to the traffic analysis. The Project as proposed may result in direct and cumulative impacts to circulation and various sites and fails to evaluate the impact on fire access and utilities. A further analysis is included with this letter as **Attachment "A,"** for your ease of reference.

The Final EIR Still Fails to Meaningfully Address Major Environmental Issues

Failure to meaningfully respond to written comments, as here, independently renders the Final EIR legally inadequate. Here, the Final EIR includes responses to comments that are cursory, conclusory, self-serving, unsupported by facts, and, at times, wholly arbitrary.

For example, the Final EIR's response to Menifee's March 14, 2024, comments on the Draft EIR, states that:

[T]he Project was designed to minimize impacts to the surrounding area, including the non-conforming residential uses within the City of Menifee along Sherman Road, by designing truck driveways along Trumble Road only. Additionally, the Project incorporates Good Neighbor Guidelines recommended buffers by providing an approximately 300-foot separation between the dock doors and the property line of the nearest sensitive receptor as well as a landscape setback of at least 30 feet.

This response is conclusory, self-serving, and unsupported. It remains evident that the Project was *not* designed to minimize impacts consistent with Perris's Good Neighbor Guidelines because warehouse buildings, particularly large logistics distribution facilities of the size proposed by the Project, are not allowed under Perris's current General Plan and zoning designations for the Project site. The fact that Perris is supporting a legislative change in General Plan land use and zoning to allow a large warehouse location is contrary to goals of the Good Neighbor Guidelines to protect neighboring and adjacent uses and particularly sensitive receptors from potential impacts of a warehouse use. The current General Plan and zoning regulations provide greater protection to adjacent sensitive receptors from hazardous impacts of a high volume of large commercial trucks anticipated with the proposed project requiring a change in land use and zoning.

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Further responses are similarly deficient:

Figure 3.0-6, Existing General Plan Land Use Designation and Figure 3.0-7, Existing Zoning Designations of the Draft EIR, the area directly east of the Project site located within the City of Menifee has a General Plan Land Use Designation of Business Park and is zoned Business Park/Light Industrial.

[. . .]

As indicated in Table 3.0-A, Surrounding Land Uses of the Draft EIR, the properties to the east of Sherman Road and south of Ethanac Road within the City of Menifee are developed with residential structures. Because these residential uses do not comply with the Menifee General Plan Land Use Designations and zoning, as stated by MDC Chapter 9.15, the existing

residences are appropriately and correctly referred to as legal, non-conforming uses in the Draft EIR.

These are accurate statements; however, they do not acknowledge that, although the adjacent residential uses are non-conforming, they are a part of an existing established residential neighborhood consisting of over 100 residential dwellings/lots. Notwithstanding Menifee's existing Business Park General Plan land use designation and Business Park/Light Industrial zoning, the existing non-conforming residences will not be replaced with a business park or industrial use anytime in the foreseeable future, unlike what might occur if the adjacent area comprised only a few large vacant or underutilized non-vacant and/or non-conforming parcels. Furthermore, housing is a matter of statewide concern in California, and preservation, and protection of the exiting housing aligns with the State's housing goals and the goals Menifee's Housing Element, unlike removal or replacement of the existing housing.

In another response, Perris states as follows:

The Project has been designed to provide approximately 300 feet between the dock doors and the nearest sensitive receptor. (Consistent with Goal 1, Goal 2, and Goal 4)." and that "the project was designed to minimize impacts to the surrounding area, including the non-conforming residential uses within the City of Menifee along Sherman Road, by designing truck driveways along Trumble Road only.

However, while the dock doors may be located 300 feet from the nearest sensitive receptor, and truck driveways are located along Trumble Road only, the Project has been designed with a large truck loading and parking area situated between the dock doors and the sensitive receptors. The truck loading/parking area occupies nearly two thirds or 200 feet of the distance from the dock doors to the nearest sensitive receptors. Numerous trucks will be operating much closer to the sensitive receptors and could be parked as little as approximately 100 feet from the nearest sensitive receptor. The dock doors do not generate toxic diesel emissions and noise, the trucks do; particularly with respect to the transportation refrigeration capacity anticipated onsite, also not properly analyzed, assessed or mitigated.

We further note that Perris's Good Neighbor Guidelines contains additional policies that are inconsistent with the Project. For example, Policy 12, Goal No. 1 provides that "[w]arehouse/distribution facilities shall be designed to provide adequate on-site parking for commercial trucks and passenger vehicles and on-site queuing for trucks away from sensitive receptors. Commercial trucks shall not be parked in the public right of way or nearby residential areas, in accordance with the Perris Municipal Code and Specific Plans." The Project as designed is inconsistent with this Policy because commercial trucks will be parked nearby residential areas. Moreover, the Project remains inconsistent with Perris's Good Neighbor Guidelines, Policy 3, Goal No. 3, which provides that "truck traffic shall be routed to impact the least number of sensitive receptors." Again, the Project as designed is inconsistent with this Policy because commercial trucks will be routed within the project site towards a large truck loading area near sensitive receptors rather than away from sensitive receptors, and thus are not routed to impact the least number of sensitive receptors.

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Conclusion

Menifee has previously requested the Project developer and Perris to relocate the truck loading/parking area proposed on the east side of the warehouse building to another location/side of the building where trucks would be further away from and have less impact to adjacent residents, yet this change was not accommodated by the developer or Perris. Additionally, we note that Perris's Good Neighbor Guidelines Policy 9, Goal No. 5 provides that "applicants shall engage in a community outreach effort to determine issues of concern during the project entitlement process." It is unclear what efforts the applicant has made to engage in a community outreach effort as required per this policy, and what contact or meetings were held with the adjacent residents in Menifee. As a result, the analysis of the Final EIR, as the Draft EIR before it, does not adequately demonstrate consistency with the above policies and the Project, as proposed, is in conflict with the above General Plan and Good Neighbor Guideline policies, and impacts related to land use and planning are significant and have not been mitigated to a less than significant level.¹

Again, we appreciate your consideration and look forward to providing further public comment.

Sincerely,



Cheryl Kitzerow
AICP Community Development Director, City of Menifee

Cc: Stephanie Talavera, Counsel, City of Menifee
Doug Darnell, AICP, Principal Planner, City of Menifee
Nick Fidler, Public Works and Engineering Director, City of Menifee
Orlando Hernandez, Deputy Community Development Director, City of Menifee
Alberto Paiva, Deputy Public Works Director/City Engineer, City of Menifee
Armando Villa, City of Menifee City Manager
Bryan Jones, City of Menifee Assistant City Manager
Clara Miramontes, City of Perris City Manager
Kenneth Phung, City of Perris Director of Development Services
Patricia Brenes, City of Perris Planning Manager

Attachments:

- A. City of Menifee Public Works/Engineering Department Comments (see bubble mark-up items remaining to be addressed from Public Works/Engineering's March 14, 2024 DEIR comments).

¹ Menifee expressly reserves its right to submit supplemental information and evidence regarding the EIR up to the public hearing on the Project. (See, e.g., *Galante Vineyards v. Monterey Peninsula Water Mgmt.* (1997) 60 Cal.App.4th 1109, 1119–20 [applicant has right to present comments "prior to the close of the public hearing on the project."]; *Coal for Student Action v. City of Fullerton* (1984) 153 Cal.App.3d 1194, 1197 [same principle].)

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Response to Comment Letter CC10 – City of Menifee

The attachments included in this comment letter (CC10) have been previously addressed. Please refer to the specific responses for the following letters which were attached:

- **Attachment A, Menifee Ltr. to Perris re Public Works Eng. Comments (Sept. 9, 2024)**
Responses were delivered to the City of Menifee on November 1, 2024 as Response to Comment Letter 1A.
- **Attachment B, Menifee Ltr. to Perris re Draft EIR (Mar. 14, 2024)**
Responses included as part of Final EIR. Responses also delivered to the City of Menifee on September 5, 2024 and September 9, 2024 as Response to Comment Letter D and Response to Comment Letter D1.
- **Attachment C, Menifee Ltr. to Perris re Planning Comm'n Agenda Item 6.C (Sept. 18, 2024)**
Responses delivered to City of Menifee on November 1, 2024 as Response to Comment Letter 1A.

Comments included as Attachment B were submitted to the City of Perris during the Project's Draft EIR public review period. As such, responses to Attachment B (Response to Comment Letters D and D1) were included in the Final EIR and mailed to the City of Menifee not less than ten (10) days prior to the Planning Commission Hearing meeting that occurred on September 18, 2024 in accordance with Public Resources Code Section 21092.5.

Responses to Attachment A and C (Response to Comment Letter 1A) were mailed to the City of Menifee not less than ten (10) days prior to the City Council Hearing meeting that occurred on November 12, 2024 in accordance with Public Resources Code Section 21092.5.

The City of Menifee – Planning Department also provided a comment letter dated September 18, 2024 (Comment Letter 1) not mentioned as part of Comment Letter CC10. A Response to Comment Letter 1, was also mailed to the City of Menifee not less than ten (10) days prior to the City Council Hearing meeting that occurred on November 12, 2024 in accordance with Public Resources Code Section 21092.5. Comment Letter CC10 does not raise any new environmental concerns; rather, it reiterates the previously submitted comment letters to which the City has already responded, including Response to Comment Letter 1.

Response to Comment CC10-1:

This comment summarizes the proposed Project and Planning Commission recommendation to deny the Project, as well as Planning Commission concerns as provided by the minutes of the hearing that took place on September 18, 2024. The eight Planning Commission concerns cited from the minutes were addressed in a Memorandum to the City of Perris Planning Department dated October 15, 2024 and repeated below:

Industrial VI Enterprises, LLC (applicant) submitted an application for General Plan Amendment (GPA) 22-05326, Zone Change (ZC) 22-05327, TPM 22-05328 (TPM38600), and Development Plan Review (DPR) 22-00030 for the development of a 412,348-square-foot industrial warehouse building on 19.9 acres, located at the northwest corner

of Sherman Road and Ethanac Road (“Project”). On September 18, 2024, the City of Perris Planning Commission held a hearing for the consideration of the proposed project and voted for a recommendation of denial to the City Council for the Project.

The Planning Commission noted the following concerns as reasons for recommending the denial of the Project. Responses to each issue are provided below:

1. The proposed project is not in the proper zone.

Response: The subject property has remained vacant under its current Commercial zoning designation for nearly 20 years. Despite various attempts over the years to develop the site with commercial, residential, and mixed- use projects, all proposals have failed. The key barriers to development have included the lack of infrastructure, a low surrounding population density, and surrounding approvals that favor industrial and transit-oriented uses.

The proposed change of zone to Industrial, along with the corresponding General Plan Amendment, would allow for the productive development of a site that has long remained underutilized. Through outreach to local community members, we have found significant support for the proposed change. Concerns about flooding, transient activity, and illegal dumping on the vacant property are common, and these issues would be addressed through thoughtful development under the new zoning.

Approving this change not only solves these ongoing community challenges but also aligns with the City's broader goals of effective land use planning and economic development.

2. There are many significant impacts in the EIR that cannot be mitigated.

Response: The Project would have the potential for creating significant adverse impacts but the EIR will require mitigation to reduce impacts to less than significant. Despite implementation of all feasible mitigation measures, transportation impacts related to Vehicle Miles Traveled (VMT) will remain significant and unavoidable in both the Project and cumulative conditions, so the Project requires a Statement of Overriding Considerations. Findings and a Statement of Overriding Considerations have been prepared pursuant to State CEQA Guidelines Sections 15091 - 15093 for consideration.

3. The project involves a speculative building and cannot confirm the benefits from the project such as sales tax, types of jobs (permanent or semi-permanent).

Response: The concern about the speculative nature of the proposed industrial warehouse limiting the ability to predict tax revenue generation and job details can be addressed by looking at Hillwood’s track record and typical tenant profile. Metrics presented to the Planning Commission were based on data from Fortune 500 companies, who are the primary users of these types of facilities. These companies typically offer stable, high-paying jobs with competitive benefits, providing a strong base for employment predictability.

Regarding taxes, speculative developments often attract long-term tenants due to the flexible, ready-built nature of the facility. This accelerates tax revenue generation, with expected contributions from property taxes, business operations, and secondary local spending. The financial estimates we provided reflect reliable industry standards and represent a realistic expectation of future tenant profiles.

4. The project would result in cumulative air quality impacts.

Response: Section 5.1 – Air Quality of the EIR analyzed air quality impacts as a result of the Project and determined that the Project would result in less than significant impacts, such that no mitigation would be required. Section 7.0 – Other CEQA Topics of the EIR addressed cumulative impacts; and specifically, Section 7.1.3 – Air Quality addresses cumulative air impacts from the Project and found that the Project would not result in cumulatively considerable air quality impacts. The Planning Commission did not identify any specific concerns related to air quality impacts that were not addressed in the EIR, so it is unclear what air quality impacts the Planning Commission was referring to.

5. Lack of timeline or full guarantee the mitigation measures will be applied.

Response: As identified in Section 3.0 – Project Description of the EIR, “Project construction would not be phased and is anticipated to begin in Fall 2024. Construction is anticipated to be completed in 2025. This construction schedule represents a “worst-case” analysis. The duration of construction activity (and associated equipment) represents a reasonable approximation of the expected construction activities as required per the State CEQA Guidelines.” (DEIR, p. 3.0-31)

Furthermore, timing for implementation of each mitigation measure is outlined in Table 1.0-A, Draft EIR Impact Summary Matrix/Mitigation Monitoring Program in Section 1.13 – Summary of Environmental Impacts of the EIR (DEIR, pp. 1.0-44 to 1.0-69).

6. VMT is significant and there is no applicable mitigation to reduce impacts.

Response: Section 5.9 – Transportation of the EIR analyzed impacts related to VMT. As stated in Section 5.9.7 – Environmental Impacts, the Project will create impacts to VMT because the Project will exceed the City’s VMT per service population threshold by 3.12 percent. Mitigation in the form of transportation demand management measures or through participation in a VMT fee program are not yet available. Despite this, the Project will include mitigation measures that could reduce impacts by as much as 8 percent. The mitigation measures consist of a Voluntary Commute Trip Reduction and a Carpool/Vanpool. However, these measures are dependent upon employer/tenant participation. Because the buildings are speculative, with an unknown tenant, any VMT reduction effectiveness cannot be guaranteed. Even if the tenant was known, these mitigation measures are voluntary and there is no requirement that would ensure that the number of trips and associated VMT would actually be reduced by the values needed to reduce the VMT impact to a less than significant level. Therefore, to provide the worst-case scenario, the EIR conservatively assumed that impacts related to VMT would remain significant and unavoidable and would require a statement of overriding considerations.

7. Timeline of Ethanac Road improvements within the City of Menifee’s jurisdiction need to be addressed, as it would impact access to the project site.

Response: The precise timing of future development that would occur to reach General Plan buildout cannot be determined presently because of the complex nature of land development. It is anticipated that as buildout of the land proceeds, each development will pay for and construct General Plan-level road improvements on roads adjacent to the development sites and would pay “fair share” fees for use by local jurisdictions to construct road improvements necessary to address the cumulative impact of area-wide development. However, the timing of road improvements needed to improve levels of service on a regional basis would be determined by the City of Moreno Valley, County of Riverside, City of Perris, and City of Menifee based upon need and the availability of funding. The priority and timing of these road improvements cannot be determined at this time, nor are they under the sole control of the project proponent and in case of other jurisdictions, the City, to implement.

Hence, it is possible that the required improvements will not be constructed in time to mitigate the Project’s cumulative impacts to off-site intersections and roads to below the level of significance. However, CEQA Guidelines Section 15064.3 requires that the determination of significance for transportation impacts be based on VMT instead of a congestion metric such Level of Service (LOS). Therefore, timing of roadway improvements is no longer considered a CEQA issue that needs to be addressed within the EIR analysis.

8. Alternate uses should be provided in more detail including mixed-use, apartments, commercial, business park and rule out if not feasible.

Response: The subject property has remained vacant under its current Commercial zoning designation for nearly 20 years. Despite various attempts over the years to develop the site with commercial, residential, and mixed- use projects, all proposals have failed. The key barriers to development have included the lack of infrastructure, a low surrounding population density, and surrounding approvals that favor industrial and transit-oriented uses.

The purpose of an Alternatives Analysis under CEQA is to analyze land uses that would avoid or substantially lessen any of the significant effects of the proposed project while meeting a majority of the project objectives. Section 8.0 – Alternatives of the EIR provides an Alternatives Analysis. “The City, acting as the CEQA Lead Agency, is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. The range of alternatives addressed in an EIR is governed by a “rule of reason,” which requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Of the alternatives considered, the EIR needs to examine in detail only those that the Lead Agency determines could feasibly attain most of the basic objectives of the proposed project but would avoid or substantially lessen any of the significant effects of the proposed project. Per State CEQA Guidelines Section 15364, “feasible” has been defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors....State

CEQA Guidelines Section 15126.6(a) requires that an EIR "...describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." According to this section of the CEQA Guidelines, "...an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." An EIR is not required to consider alternatives which are infeasible. The City, as lead agency, is responsible for selecting a range of Project alternatives for examination, and there is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the "rule of reason" (CEQA Guidelines Section 15126.6 (a)).

Among the factors that may be considered when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to an alternative site. (CEQA Guidelines Section 15126.6 (f)(1))." (DEIR, pp. 8.0- 1, 8.0-2)

The Alternatives chosen by the City were based in part on the comments that Planning Commission provided during the EIR Scoping session conducted on October 18, 2023. Land uses identified by the Planning Commission during the September 18, 2024 public hearing, were included in the Alternatives Analysis for which an extensive analysis was provided; the exception of which were the suggestions for residential and mixed uses. These two land uses were not suggested during the EIR scoping session nor were any parameters provided by the Planning Commission during the September 18, 2024 public hearing as to the type of residential density or type of mixed uses to be considered in the Alternatives analysis. Similar to the proposed Project, residential uses and mixed land uses would require a zone change. Furthermore, any uses with a residential component would not meet any of the objectives of the Project; and thus, would not satisfy CEQA Guidelines Section 15126.6(a) for an Alternative selection.

This comment does not provide information that changes the environmental analysis or conclusions of the Draft EIR. As such, no new environmental issues are raised by this comment and no further analysis or response is required.

Response to Comment CC10-2:

This comment summarizes the proposed Project and reports that the Project uses illusionary baseline conditions to ignore residential communities by referring to the nearby single family residences as legal "non-conforming" residential uses; thus providing and inaccurate or incomplete project description. The City of Menifee's claim that the Draft EIR downplays sensitive receptors is incorrect. Response to Comment D-1 and Response to Comment 1-B, addressed nearby sensitive receptors. The Draft EIR identifies that areas near the Project site that are located within the City of Menifee have an existing General Plan Land Use Designation of Business Park and Commercial Retail and are zoned Business Park/Light Industrial and Commercial Retail but notes the presence of legal non-conforming residential uses. It is the City of Menifee that changed the land use and zoning designations for these properties from residential to non-residential uses. As such, they are legal, non-conforming residential uses. However, the Draft EIR does not in any way attempt to lessen the importance of these residential uses

as sensitive receptors or to establish a false baseline that allows the Project to ignore impact on residential communities. The Draft EIR has classified and evaluated the existing residences as sensitive receptors and appropriately analyzed air quality, aesthetic, land use, and noise impacts upon these sensitive receptors and adheres to established guidelines and methodologies.

This comment does not provide information that changes the environmental analysis or conclusions of the Draft EIR. Because this comment was already addressed in [Response to Comment D-1](#) and [Response to Comment 1-B](#), and does not raise any new environmental issues, no further analysis or response is required.

Response to Comment CC10-3:

The City of Menifee alleges that the Project's change in land use and zoning is incompatible with neighboring uses and conflicts with Perris's General Plan goals and policies and Good Neighbor Guidelines in violation of the State Planning and Zoning Law. [Response to Comment D-4](#) and [Response to Comment 1-C](#), addressed these incorrect allegations. This comment is unsubstantiated and the City of Menifee fails to identify the alleged inconsistency.

As required by the State CEQA Guidelines and as stated in [Response to Comment D-4](#), the Draft EIR analyzed the Project's consistency with the Perris General Plan policies that have been adopted for the purpose of avoiding or mitigating an environmental effect in *Section 5.7 – Land Use and Planning, Table 5.7-A, Project Consistency with Perris General Plan 2030 Polices*. This analysis includes applicable policies of Environmental Justice Element Goal 3.1 and concluded that the Project would be consistent with the General Plan policies that have been adopted for the purpose of avoiding or mitigating an environmental effect. (DEIR, pp 5-5.4 – 5.7-26). Additionally, the Project incorporates applicable policies from the Good Neighbor Guidelines and, by doing so, the Project would protect the neighborhood characteristics (Goal 1), minimize diesel emissions (Goal 2), eliminate trucks from traversing residential neighborhoods (Goal 3), and contain buffers between sensitive receptors (Goal 4), provide diesel particulate matter education program and community outreach (Goal 5), provide construction practices to reduce noise (Goal 6), and comply with CEQA (Goal 7). (DEIR, pp.5.7-26 – 5.7-31). A detailed summary of how the Project meets Goal 1 through Goal 4 can be found in [Response to Comment D-4](#).

This comment does not provide information that changes the environmental analysis or conclusions of the Draft EIR. Because this comment was already addressed in [Response to Comment D-4](#) and [Response to Comment 1-C](#) and does not raise any new environmental issues, no further analysis or response is required.

Response to Comment CC10-4:

The comment reports that the Project still does not evaluate aesthetics impacts on adjacent sensitive receptors with respect to potential operational nighttime lighting/security and that lighting for the truck loading area is not discussed and no mitigation is provided. [Response to Comment D-2](#) and [Response to Comment 1-D](#) addressed these allegations. The Draft EIR includes an analysis of temporary and permanent lighting impacts in the *Section 4.0 – Environmental Effects Found Not to be Significant* of the Draft EIR which provides a summary of topics presented in the Initial Study included as Appendix A of the Draft EIR. The Draft EIR concluded the temporary impacts would be reduced to less than significant levels with the incorporation of mitigation measure **MM AES-1**, which requires temporary nighttime lighting to be downward facing to avoid light spillage to surrounding properties. Permanent impacts would be less than significant because the Project would be required to be compliant with the Perris

Municipal Code Section 19.02.110 – Lighting which requires all lighting, including security lighting, for commercial and industrial parking areas to be directed away from adjoining properties and the public right-of-way. As such, no mitigation is required to reduce operational lighting impacts.

This comment does not provide information that changes the environmental analysis or conclusions of the Draft EIR. Because this comment was already addressed in [Response to Comment D-2](#) and [Response to Comment 1-D](#) and does not raise any new environmental issues, no further analysis or response is required.

Response to Comment CC10-5:

The comment reports that the Project still fails to properly evaluate impacts to streets and fire safety. The comment alleges that the City of Menifee's Engineering and Fire Departments reviewed the Project's potential impacts on local streets, fire services, and utilities, noting concerns about street improvements and fire access. Recent wildfires, such as the Airport Fire, highlight the importance of addressing these issues. The comment also reports that the Project may result in direct and cumulative impacts on circulation and fire access, which were not fully evaluated.

This comment was addressed in [Response to Comments D1](#), [Response to Comments I1](#), and [Response to Comments 1-E](#). These previous responses discussed how the Initial Study and Draft EIR addressed impacts and cumulative transportation, fire and fire protection, and utility impacts. Specifically, transportation impacts are analyzed in *Section 5.9 – Transportation* of the Draft EIR and fire and fire protection impacts are analyzed in the *Initial Study* and *Section 4.1.16 – Wildfires* of the Draft EIR. Utility impacts are analyzed in the Initial Study, *Section 4.1.15 – Utilities and Service Systems* and *Section 5.11 – Utilities and Service Systems* of the Draft EIR.

This comment does not provide information that changes the environmental analysis or conclusions of the Draft EIR. No new environmental issues are raised by this comment and no further analysis is required.

Response to Comment CC10-6:

The comment reports that the Final EIR is legally inadequate due to its failure to meaningfully respond to written comments. It claims that the responses in the Final EIR are cursory, self-serving, and lack factual support. Specifically, the commenter cites [Response to Comment D-4](#) which identified that, “the Project was designed to minimize impacts on surrounding areas...by providing an approximately 300-foot separation between the dock doors and the property line of the nearest sensitive receptor as well as a landscape setback.” The comment contends that this response is unsupported and concludes that the Project is not compliant with Perris's Good Neighbor Guidelines. It highlights that large logistics facilities are not permitted under the current General Plan and zoning for the site, and that approving a general plan amendment and zone change contradicts the guidelines aimed at protecting adjacent sensitive receptors from the impacts of increased truck traffic associated with the proposed warehouse.

This comment was already addressed in [Response to Comment D-4](#) and [Response to Comment 1-F](#). These responses identified that the Project includes design features that would limit trucks access to only the truck driveways along Trumble Road, away from the non-conforming residential uses located along Sherman Road within the City of Menifee. There is no driveway access (truck nor passenger) along Sherman Road and this design feature is consistent with the Good Neighbor Guidelines Goal 3 which aims to eliminate diesel trucks from unnecessary traversing through residential neighborhoods.

Response to Comment D-4 also provides a detailed discussion addressing consistency with the Perris Good Neighbor Guidelines. With the approval of the General Plan Amendment and Change of Zone, the General Plan land use designation and Zoning designations would be consistent with one another and allow for the proposed industrial uses at the Project site. (DEIR, p. 5.7-5) Additionally, the Draft EIR concluded that with the implementation of the mitigation measures recommended throughout the Draft EIR, potential impacts would be less than significant. (DEIR, p. 5.7-30).

This comment does not provide information that changes the environmental analysis or conclusions of the Draft EIR. Because this comment was already addressed in Response to Comment D-4 and Response to Comment 1-F and does not raise any new environmental issues, no further analysis or response is required.

Response to Comment CC10-7:

The comment reports that the Draft EIR fails to recognize that the adjacent non-conforming residential uses are part of an established neighborhood with over 100 homes and that despite Menifee's Business Park General Plan designation and Business Park/Light Industrial zoning, it is unlikely that the existing residences will be replaced with business or industrial uses in the near future, especially compared to areas with only a few large vacant or underutilized parcels. Additionally, preserving existing housing is crucial in California and aligns with the state's housing goals and Menifee's Housing Element, as opposed to removing or replacing the current homes.

This comment was already addressed in Response to Comment D-1 through Response to Comment D-4 and Response to Comment 1-G. Response to Comment D-1 through D-4, delivered to the City of Menifee Planning Division on September 5, 2024, detailed that the Draft EIR analyzed potential impacts to the existing legal non-conforming residential uses and considered these residences to be sensitive receptors. Future use or legal non-conforming status does not affect how these sensitive uses were analyzed. The Project does not propose replacing those sensitive receptors, so there would be no conflicts with the state's housing goals, or Menifee's Housing Element. Further, the Menifee North Specific Plan No 260, Amendment No. 5 approved by the City of Menifee on May 1, 2024, has slated approximately 220 acres just below the Project site, south of Ethanac extending east to McLaughlin Road, for Industrial development. These planned land uses are adjacent to the existing sensitive receptors south of Ethanac located in the City of Menifee and there are entitlement approvals for warehouse development in this same area for which the commenter is citing concern for sensitive receptors.

This comment does not provide information that changes the environmental analysis or conclusions of the Draft EIR. Because this comment was already addressed in Response to Comment D-1 through D-4 and Response to Comment 1-G, and does not raise any new environmental issues, no further analysis or response is required.

Response to Comment CC10-8:

The comment reports that while the dock doors are positioned 300 feet from the nearest sensitive receptor, the Project features a large truck loading and parking area located between the dock doors and the sensitive receptors. This area occupies nearly two-thirds, or 200 feet, of the distance to the receptors. As a result, numerous trucks will operate much closer, potentially parking as little as 100 feet away. While the dock doors themselves do not produce toxic diesel emissions and noise, the trucks do,

particularly concerning the anticipated transportation refrigeration capacity, which has not been adequately analyzed, assessed, or mitigated.

This comment was already addressed in *Response to Comment D-4* and *Response to Comment 1-H*. *Response to Comment D-4*, delivered to the City of Menifee Planning Division on September 5, 2024, detailed that the Project would be consistent with Perris Good Neighbor Guidelines Goal 2 which aims to minimize exposure of diesel emission and not conflict with any other guidelines or policies. An air quality impact analysis in the Draft EIR concluded that operational diesel particulate matter emissions would be below the South Coast AQMD's thresholds, with no significant impact on sensitive receptors. The Health Risk Assessment (HRA) also determined that potential health risks were less than significant.

In response to a South Coast AQMD comment, additional sensitive receptors were modeled, increasing the total to 33. The updated analysis, included in the Final EIR, confirmed that the maximum risk and locations of exposed individuals remained unchanged, supporting the conclusion that the impact was still less than significant. The Final EIR states that no new or significant impacts were identified, so recirculation of the Draft EIR is not required.

The commenter fails to provide any substantive evidence or specific claims to support the allegation that the EIR does not properly evaluate these impacts. This comment does not provide information that changes the environmental analysis or conclusions of the Draft and Final EIRs. Because this comment was already addressed in *Response to Comment D-4*, *Response to Comment 1-G*, and the Final EIR and does not raise any new environmental issues, no further analysis or response is required.

Response to Comment CC10-9:

This comment indicates that the City of Menifee has previously requested Project developer to engage in meaningful fashion with the City of Menifee regarding the proposed Project and to engage in community outreach and as a result has not shown how the Project is consistent with Good Neighbor Guidelines Policy 9, Goal No. 5. This comment was already addressed in *Response to Comment D-4* and *Response to Comment 1-I*.

The Project developer held constructive discussions with the City of Menifee, allowing the City to review the proposed Project, and made revisions to the site plan where feasible. Consistency with Good Neighbor Guidelines including Policy 9, Goal No. 5 was addressed in detail in *Response to Comment D-4*. Regarding community outreach, the applicant conducted an event on February 23, 2024, informing residents and businesses in Perris and Menifee about the Project. Information packets in English and Spanish were distributed to 78 homes and businesses, with a bilingual speaker present for discussions. Outreach efforts extended beyond the standard 300-foot notification radius, and follow-up outreach occurred on September 6, 2024, to ensure further community engagement. This comment indicates that the City of Menifee has previously requested.

This comment also indicates that the City of Menifee reserves the right to submit supplemental information and evidence regarding the Project as proposed up to the close of the public hearing on the Project. However, case law supports the following two points in regards to comments: (1) objectors/commentors are discouraged from withholding comments until the last minute; and (2) the lead agency is not required to incorporate in the final EIR responses to comments received after close of the public review period.

With respect to the first point, “[c]omments from the public ... shall be made to lead agencies as soon as possible in the review of environmental documents ... to allow the lead agencies to identify, at the earliest possible time in the environmental review process, potential significant effects of a project, alternatives, and mitigation measures which would substantially reduce the effects.” (*Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120.) Courts have noted that the practice of allowing objectors to withhold objections, which could have been raised earlier in the environmental review process, until the last possible moment must be strongly disapproved. (See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568 [“We cannot, of course, overemphasize our disapproval of the tactic of withholding objections, which could have been raised earlier in the environmental review process”].)

In regards to the second point, failure to participate in the public comment period for a draft EIR does not cause the petitioner to waive any claims relating to the sufficiency of the environmental documentation. (*Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120–1121.) However, the lead agency is not required to incorporate in the final EIR specific written responses to comments received after close of the public review period. (*City of Poway v. City of San Diego* (1984) 155 Cal.App.3d 1037, 1043–1044.)

The commenter fails to provide any substantive evidence or specific claims to support the allegation that the EIR does not demonstrate adequate consistency with the Good Neighbor Guidelines. This comment does not provide information that changes the environmental analysis or conclusions of the Draft EIR so no further analysis or response is required.

Response to Comment CC10-10:

The attachments included in this comment letter have been previously addressed as outlined above in the prelude to responses. Please refer to the specific responses for the following comment letters:

- **Attachment A, Menifee Ltr. to Perris re Public Works Eng. Comments (Sept. 9, 2024)**
Responses delivered to the City of Menifee on November 1, 2024 as *Response to Comment Letter 1A*.
- **Attachment B, Menifee Ltr. to Perris re Draft EIR (Mar. 14, 2024)**
Responses included as part of Final EIR. Responses also delivered to the City of Menifee on September 5, 2024 and September 9, 2024 as *Response to Comment Letter D* and *Response to Comment Letter D1*.
- **Attachment C, Menifee Ltr. to Perris re Planning Comm’n Agenda Item 6.C (Sept. 18, 2024)**
Responses delivered to City of Menifee on November 1, 2024 as *Response to Comment Letter 1A*.

Because these comment letters have been addressed as part of the Final EIR as *Response to Comment Letter D* and *D1* as well as *Response to Comment Letter 1* and *Response to Comment Letter 1A* and do not raise any new environmental issues, no further analysis or response is required.