

**APPENDIX A**

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NOTICE OF PREPARATION AND SCOPING MEETING NOTICE



## NOTICE OF SCOPING MEETING & PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

**To:** State Clearinghouse, Property Owners, Responsible and Trustee Agencies/Interested Organizations and Individuals

**From:** City of Meniffee

**Subject:** Notice of Preparation (NOP) and Public Scoping Meeting Notice for a Draft Environmental Impact Report (DEIR) for the Proposed "CADO Meniffee Industrial Warehouse Project"; Plot Plan (PP) No. PLN21-0370 and Tentative Parcel Map (TPM) No. PLN22-0041.

**Purpose of the Notice of Preparation:** The purpose of this NOP is to fulfill legal notification requirements and inform the public, and California Environmental Quality Act (CEQA) Responsible and Trustee Agencies, that an EIR is being prepared for the proposed Project by the City. This NOP solicits agency and interested parties concerns regarding the potential environmental effects of implementing the proposed Project at the Project location. CEQA encourages early consultation with private persons and organizations that may have information or may be concerned with any potential adverse environmental effects related to physical changes in the environment that may be caused by implementing the project. Responses to the NOP that specifically focus on potentially significant environmental issues are of particular interest to the City of Meniffee. All written responses to this NOP will be included in the appendices to the EIR. The content of the responses will help guide the focus and scope of the EIR in accordance with State CEQA Guidelines.

**EIR Public Scoping Meeting:** To be held in-person May 17, 2022 at 5:30 p.m.

The City of Meniffee, Community Development Department will hold an environmental Scoping meeting for the general public and any interested agencies regarding the proposed EIR addressing the proposed Project. The scoping meeting will be held at the City of Meniffee, City Council Chambers located at 29844 Haun Road, Meniffee, CA 92586.

**Comment Period:** May 2, 2022 through May 31, 2022

### **Notice of Preparation of a Draft Environmental Impact Report (DEIR):**

The City of Meniffee will serve as the Lead Agency under CEQA and will be responsible for the preparation of a DEIR for the Project referenced above. The DEIR will evaluate the potential significant environmental impacts that may result from the Project, one proposed industrial warehouse building as well as lesser intensive alternatives. Project-related improvements would occur on 8 separate parcels, located north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road, in the City of Meniffee, County of Riverside, State of California. The Project site is located in the Economic Development Corridor- Northern Gateway (EDC-NG) zone of the City of Meniffee and is currently bordered by a scattering of existing rural residential homes (1-5 acres) and outbuildings, proposed future industrial sites, and vacant land. Reference **Figure 1, Local Vicinity Map.**

**Project Applicant:**  
CADO Meniffee LLC

**Project Description:**

CADO Menifee Industrial Warehouse Project (herein after “proposed Project” or “Project”) site consist of one concrete tilt-up industrial building (reference **Figure 2 – Site Plan**). See **Table 1** for details on the Project site. A list of all APN’s that are part of the Project is provided in **Table 2**. Associated facilities and improvements of the Project site include parking, on-site landscaping, and related on-site and off-site improvements. Reference **Figure 2, Site Plan**.

<b>Table 1 - Project Data</b>	
<b>Site Area</b>	<b>Project Site</b>
Gross Acres	40.03
Net Acres	36.81
Office	10,000 sf
Warehouse	690,037 sf
<b>Total Building Area</b>	<b>700,037 sf</b>
Landscape Coverage	273,885 sf
Site Area (net sf)	1,604,940 sf
Auto Parking Provided	393
Trailer Parking Provided	221
<b>Parking Total</b>	<b>614</b>

<b>Table 2 - Assessor Parcel Numbers</b>	
	<b>Project Site</b>
	330-190-002
	330-190-003
	330-190-004
	330-190-005
	330-190-010
	330-190-011
	330-190-012
	330-190-013

The following entitlement applications are associated with the Project:

**Plot Plan No. PLN21-0370** proposes to construct one (1) concrete tilt-up building totaling 700,037 square feet (sq. ft.) which includes 10,000 sq. ft. of office on a 40.03 gross acre Project site. Associated improvements of the Project sites include parking, on-site landscaping, and related on-site and off-site improvements.

**Tentative Parcel Map No. PLN22-0041** proposes to consolidate 8 parcels into one (1) industrial parcel. The Project site is approximately 40.03 gross acres and 36.81 net acres.

**Potential Environmental Effects:**

The following issues are anticipated to be addressed in the EIR: Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/housing, Public Services, Transportation/Traffic, Tribal Cultural Resources, Utilities/Service Systems, and Wildfire. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

**Agency/Public Comments:**

This transmittal constitutes the official Notice of Preparation (NOP) for the proposed Project EIR and serves as a request for environmental information that you or your organization believe should be included or addressed in the proposed EIR document. Please be sure to address the scope and content of environmental information or issues that may relate to your agency’s statutory responsibilities in connection with the proposed Project.

**Public Comment Period:**

Based on the time limits defined by CEQA, the 30-day public review/comment period on the Notice of Preparation will commence on **May 2, 2022 and conclude on May 31, 2022 at 5:00 p.m.** Materials for the Project may be downloaded from the City’s website:

<https://www.cityofmenifee.us/325/Environmental-Notices-Documents>

Materials for the Project are also available for review at:

Menifee City Hall  
Community Development Department  
29844 Haun Road  
Menifee, CA 92586

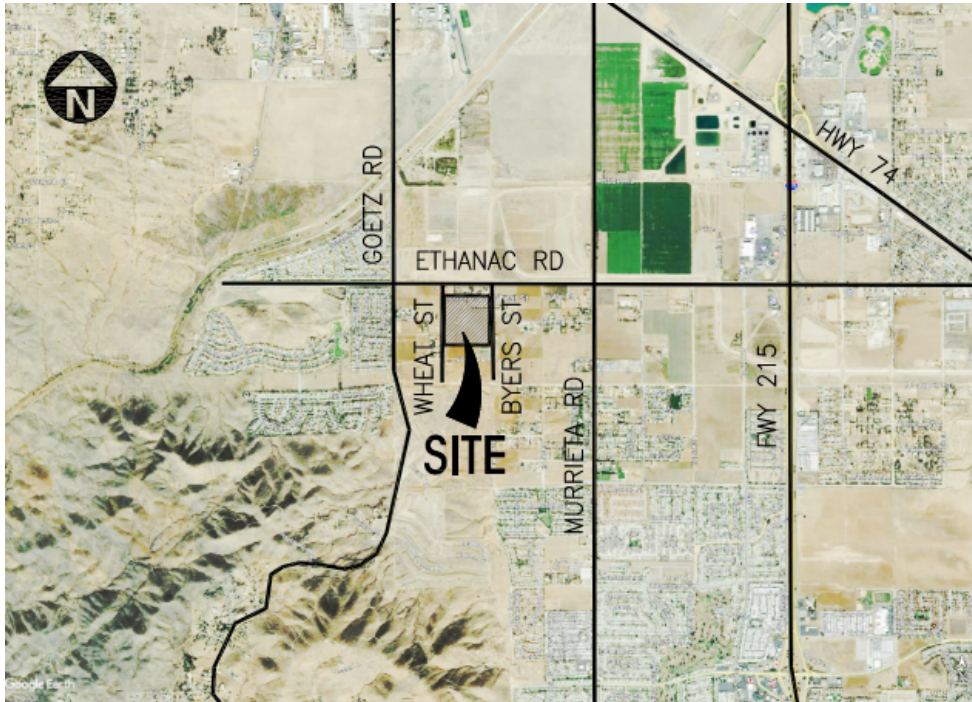
Any responses must be submitted to the City of Menifee at the earliest possible date, but no later than the **May 31, 2022** deadline. Comments must be submitted in writing, or via email, to:

**CITY OF MENIFEE**  
**ATTN: RYAN FOWLER, PRINCIPAL PLANNER**  
**29844 HAUN ROAD**  
**MENIFEE, CALIFORNIA 92586**

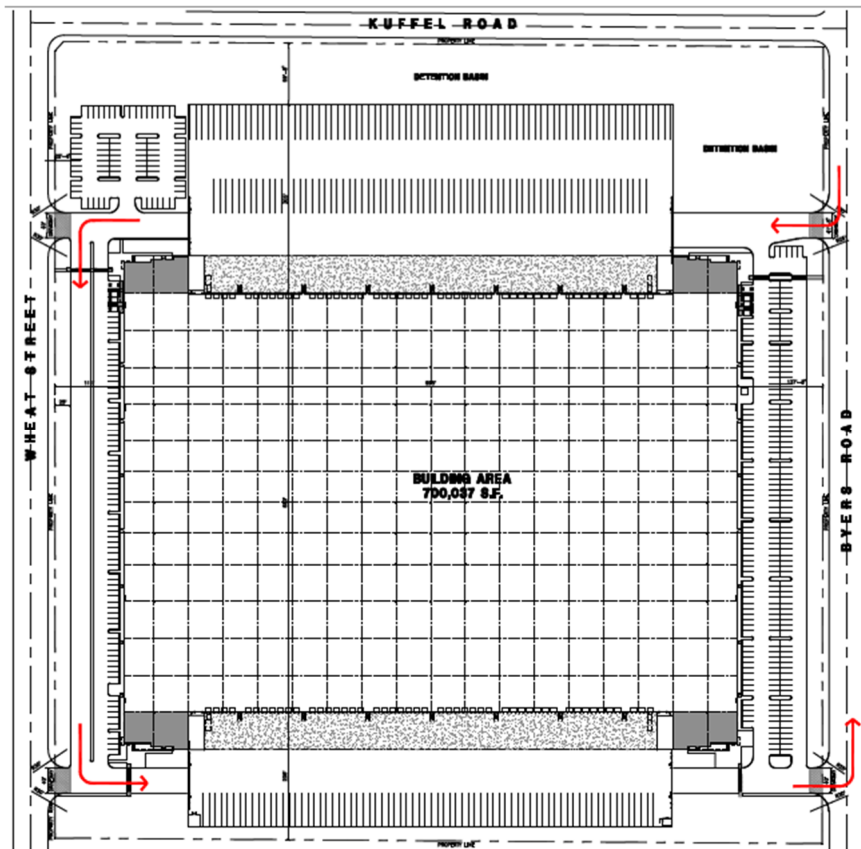
PHONE: (951) 723-3740

EMAIL: [rfowler@cityofmenifee.us](mailto:rfowler@cityofmenifee.us)

**Figure 1**  
**Local Vicinity Map**



**Figure 2**  
**Site Plan**





05/31/2022

**VIA EMAIL ONLY**

Ryan Fowler, Principal Planner  
Community Development Department  
City of Menifee  
29844 Haun Road Menifee, CA 92586  
EMAIL: [rfowler@cityofmenifee.us](mailto:rfowler@cityofmenifee.us)

**RE: NOP Comments for CADO Menifee Industrial Warehouse Project**

Dear Mr. Fowler,

On behalf of Californians Allied for a Responsible Economy ("CARE CA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the CADO Menifee Industrial Warehouse Project (the "Project"). The Project applicant is CADO Menifee LLC.

The proposed Project consists of construction of a concrete tilt-up building totaling 700,037 square feet (sq. ft.) which includes 10,000 sq. ft. of office space. Associated improvements of the Project sites include parking, on-site landscaping, and related on-site and off-site improvements. The Project requires approval for Plot Plan and Tentative Parcel map.

The NOP identifies the Project's potentially significant impacts under CEQA to include all environmental considerations. CARE CA respectfully requests, under CEQA complete analysis of these impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives to the Project.

**II. General Comments**

i) Project Description & Baseline: An erroneous project description and baseline can lead to masking potentially significant impacts. Therefore, in order to reflect a good faith effort at full disclosure, the DEIR must provide a detailed description of the "real conditions on the ground" and use these physical conditions as the baseline to assess the significance of the Project's impacts. The California Supreme Court, in *Communities for a Better Environment v. South Coast Air Quality Management District*, recognized that "the baseline 'normally' consists of 'the

physical environmental conditions in the vicinity of the project, as they exist at the time ... environmental analysis is commenced.... *CBE v. SCAQMD*, supra, 48 Ca.4th 310, 327–328, citing Guidelines, § 15125, subd. (a).

ii) Unspecified Industrial Use: The NOP provides scant information about the proposed warehouse building. Since the tenant(s) for the project building are not yet identified, as part of the CEQA process, the City, as lead agency must make certain assumptions regarding the type and mix of industrial warehouse uses that would likely occupy the proposed building.

Different types of industrial warehouse use have unique operational characteristics that result in different types/levels of environmental impacts.<sup>1</sup> For instance, fulfillment centers typically have higher employee ratios and therefore cause increased vehicular trip generation impacts with fewer heavy-duty truck related effects. Distribution centers and parcel hubs, on the other hand, create more truck-related impacts but typically have significantly fewer employees and far reduced vehicular and van-related impacts. Meanwhile, cold storage warehouses create more truck-related impacts including use of transportation refrigerated units (TRUs) during Project operation.

Therefore, to ensure a conservative analysis, the City must study a reasonable worst-case scenario (i.e., most impactful), so that a broad and diverse range of environmental impacts-including truck and vehicular trips, air quality, GHG emissions, public health risk and other environmental effects- are comprehensively evaluated and disclosed to the public and City decision makers throughout the CEQA process.

iii) Air Quality & Public Health: CARE CA has a particular interest in air quality and public health. The DEIR must include a Health Risk Assessment because of the adverse impact of industrial warehouse facilities on community health including carbon dioxide emissions caused by high impact traffic, and storage and material handling processes in the facilities.

Estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health. We must not ignore the unjust consequences of toxic pollution on workers and surrounding communities.

iv) Mitigation measures: Mitigation measures must be effective and enforceable. Every effort must be made to incorporate modern technology in the mitigation measures and MMRP. For example, a requirement that all off-road equipment and trucks using the site during construction and operations be zero emission, near-zero emissions or alternative-fueled vehicle would both reduce and/or eliminate air pollution impacts and CO2 emissions.

v) Full Disclosure: Provide all sources and referenced materials when the DEIR is made available.

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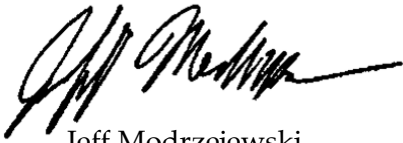
<sup>1</sup> South Coast Air Quality Management District [SCAQMD], High Cube Warehouse Vehicle Trip Generation Analysis, prepared by Institute of Transportation Engineers, October 2016, p. 3.

## **II. Conclusion**

Thank you for the opportunity to submit NOP comments. Again, CARE CA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on subsequent environmental review documents when these documents are released for public review.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Modrzejewski", with a long horizontal flourish extending to the right.

Jeff Modrzejewski  
*Executive Director*





# CITY OF PERRIS

## DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

135 N. "D" Street, Perris, CA 92570-2200  
TEL: (951) 943-5003 FAX: (951) 943-8379

May 16, 2022

Ryan Fowler  
City of Menifee  
Planning Division  
29714 Haun Road  
Menifee, CA 92586

**SUBJECT: City of Perris Comments on the Notice of Preparation for the Cado Industrial Project - Menifee Planning Case No. Plot Plan No. PLN21-0370 and Tentative Parcel Map No. 22-041.**

Dear Mr. Fowler:

The City of Perris appreciates the opportunity to comment on the Notice of Preparation (NOP) for the "Cado Industrial" ("Proposed Project") proposal to construct an industrial building totaling 700,037 sq. ft. on a 36.8 gross acre project site located approximately 300-feet south of Ethanac Road between Wheat Street and Bryers Road within the City of Menifee. The Proposed Project is located just south of Ethanac Road adjacent to the Green Valley Specific Plan (GVSP) within Perris limits. The GVSP is a master-planned community totaling 1,269 acres of land envisioned to have 3,460 single-family detached homes, 750 multi-family units, 42.3 acres of business and professional office space, 72.7 acres of commercial retail, 108.7 acres of industrial, 24 acres for three school sites, and 51.1 acres of public parks.

The NOP comment letter reiterates many of the comments provided during the agency transmittal period on December 22, 2021, stating that the City of Perris is significantly concerned with the proposed Project as the following concerns will need to be addressed:

- 1. California Environmental Quality Act (CEQA).** The Project needs to address the cumulative impact of all the proposed projects within a 1.5-mile radius of the proposed site to analyze, mitigate, and disclose all environmental impacts from the Proposed Project pursuant to the California Environmental Quality Act (CEQA). Perris staff is aware of Northern Gateway

Commerce Centers I & II Industrial projects (i.e., 2.4M SF in two industrial buildings), the Barnett Warehouse Project (i.e., 250K SF industrial), and the McLaughlin Warehouse Project (i.e., 276,682 SF Industrial) in the Menifee North Economic Development Corridor (Menifee North EDC) Plan that should be incorporated into the CEQA analysis. The CEQA document should particularly evaluate how the Project will address mitigating impacts of the Project on being close to residential land uses land use compatibility, truck circulation, traffic impacts, and noise impacts. In addition, a health risk assessment, as further identified in this letter, is required.

- 2. Land Use Inconsistency with Surrounding Areas** - The proposed industrial development is incompatible with the residential development in both the City of Perris and Menifee on the south side of McLaughlin Road, north of Ethanac Road, and west of Goetz Road, which is designated for residential development. Although there are some industrial zones in the GVSP, they are located adjacent to the Perris Valley Airport north of the San Jacinto River, which has land use density limitations. All the development in the GVSP south of the San Jacinto River to Ethanac Road is residential, with some commercial development towards the I-215 Freeway. Therefore, no industrial development in the City of Perris is allowed to utilized Ethanac Road as a truck route due to the sensitivity of residential land uses along this roadway.

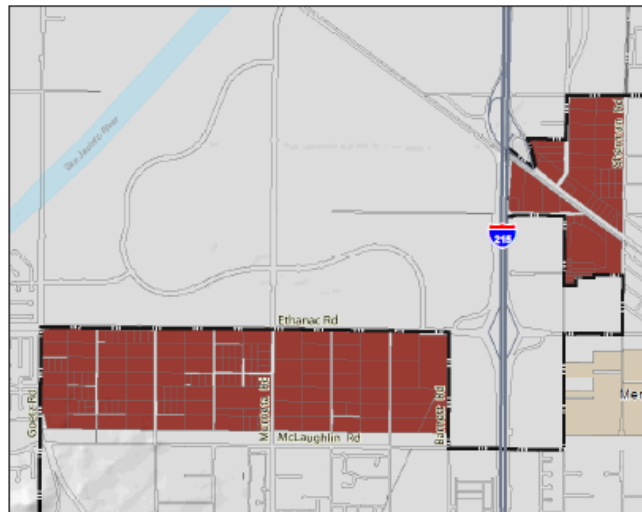
There are two single-family residential tracts in the GVSP totaling 314 single-family dwelling units nearing construction completion along Ethanac Road. In addition, there are six residential tracts comprised of 1,241 residential units, which are anticipated to start next year in phases.

- 3. Menifee Economic Developer Corridor Zoning.** The appropriate land use would be Business Park Development which is identified in the Menifee North EDC Plan (see YELLOW highlight below from the North EDU zoning map), which would be more compatible with the residential land uses nearby.

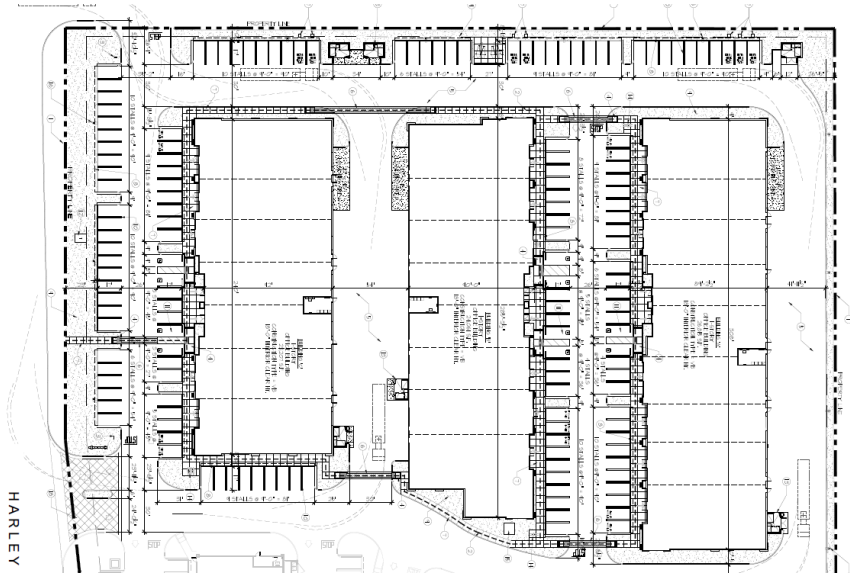
**EXHIBIT LU-B2B: EDC NORTHERN GATEWAY (594 ACRES)**

Preferred Mix of Land Uses	
Residential	5%
Industrial	95%

Envisioned as an employment center at Menifee's northern gateway that focuses on providing opportunity for **business park development** and more traditional industrial (less office) than envisioned for the Southern Gateway (Scott Road) EDC area. Limited residential development may be appropriate between new business park uses and existing single-family homes, or in places where residential projects have already been approved. Emphasis should be on job creation and creating connections to regional transportation corridors, including I-215 and the railroad.



Below is an example of the Business Park Development architecture and site plan that has been proposed in Perris as an example.



4. **Truck Circulation Route** – The developer should be required to prepare a Truck Circulation Plan. According to the site layout, it is presumed the developer proposing to utilize Ethanac Road as truck access. However, any truck access should be on McLaughlin Road to Barrett Avenue to Ethanac Road to access the I-215 Freeway due to proximity to residential land uses on the north side of Ethanac Road. In addition, it should be noted that the existing median on Ethanac Road is within Perris City limits and is not designed for truck queuing.
5. **Case Road and Barnett Avenue Alignment.** With the truck route noted above, Barnett Avenue and Case Road will need to align, as envisioned in the City’s of Perris Circulation Element. Also, as the east side of Barnett Avenue is in the City of Perris, it should be built to a secondary arterial street designation of 94-ft right-of-way (r-o-w) to be consistent with the designation on Case Road.
6. **Traffic Impact Analysis/Truck Route.** The City of Perris has concerns related to traffic impacts to the Freeway interchange at I-215 and Ethanac Road. The Traffic Impact Analysis should include the following:

- Evaluation of intersections/road segments in the City of Perris: Ethanac Road and Case Road/Barrett Avenue, and I-215 freeway and Ethanac Road (on-ramp and off-ramp).
- Determine the fair share contribution to the Ethanac Road at the I-215 Interchange.
- Evaluate all truck routes and traffic counts during AM and PM peak times.
- The Ethanac Road interchange and the truck access route shall operate at an acceptable level with the opening day projection.
- Incorporate a truck route enforcement plan as part of the TIA, including on-site signage (provide a depiction of signage) of truck routes and truck driver/dispatcher education on truck routes.

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

7. **Noise.** An acoustical/noise analysis shall be prepared to mitigate noise impacts from the Project resulting from construction and operation in proximity to the residential development surrounding the site along Ethanac Road and Barnett Avenue.
8. **Health Risk Assessment Study.** A Health Risk Assessment is required under the *Sierra Club v. City of Fresno* case to evaluate health impacts on nearby residents.
9. **CEQA.** Please provide future notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”) under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law which includes: notices of any public hearing held pursuant to CEQA, and notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
10. **1,200-Foot Property Owners Notification.** Due to nearby sensitive uses, it is requested that property owner notification within 1,200-feet of the project site is provided to ensure that all individuals who the development may impact are provided an opportunity to comment.

The City of Perris thanks you for considering these comments. Please feel free to contact me at (951) 943-5003, ext. 257, if you have any questions or would like to discuss the above concern in further detail.

Sincerely,



Kenneth Phung  
Director of Development Services

**Attachment:** City of Perris Comment Letter dated December 22, 2021

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



## NATIVE AMERICAN HERITAGE COMMISSION

May 9, 2022

Ryan Fowler  
City of Menifee  
29844 Haun Road  
Menifee, CA 92586

**Re: 2022040622, CADO Menifee Industrial Project, Riverside County**

Dear Mr. Fowler:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Isaac Bojorquez**  
Ojibwe-Costanoan

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

EXECUTIVE SECRETARY  
**Raymond C.  
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**NAHC HEADQUARTERS**  
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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalePAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalePAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse



Ph: (626) 381-9248  
Fx: (626) 389-5414  
Em: [info@mittchsailaw.com](mailto:info@mittchsailaw.com)



**Mitchell M. Tsai**  
Attorney At Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

---

**VIA E-MAIL**

May 17, 2022

Ryan Fowler, Principal Planner  
City of Menifee  
29844 Haun Road  
Menifee, CA 92586  
Em: [rfowler@cityofmenifee.us](mailto:rfowler@cityofmenifee.us)

Sarah Manwaring, City Clerk  
City of Menifee  
29844 Haun Road  
Menifee, CA 92586  
Em: [smanwaring@cityofmenifee.us](mailto:smanwaring@cityofmenifee.us)

**RE: Public Records Act and Mailing List Request Regarding the  
CADO Menifee Industrial Warehouse Project (SCH#: 2022040622).**

Dear Ryan Fowler and Sarah Manwaring,

On behalf of Southwest Regional Council of Carpenters (“**SWRCC**” or “**Southwest Carpenters**”) and its members, this Office requests that the City of Menifee (“**City**”) provide any and all information referring or related to the CADO Menifee Industrial Warehouse Project (SCH#: 2022040622) (“**Project**”) pursuant to the California Public Records Act (“**PRA**”), Cal. Government (“**Gov’t**”) Code §§ 6250–6270 (collectively “**PRA Request**”).

Moreover, SWRCC requests that City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq.*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The Southwest Regional Council of Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong

interest in well-ordered land use planning and addressing the environmental impacts of development projects, such as the Project.

**I. PUBLIC RECORDS ACT REQUEST.**

Southwest Carpenters is requesting any and all information referring or related to the Project.

The Public Records Act defines the term “public record” broadly as “any writing containing information relating to the conduct of the public’s business . . . regardless of physical form and characteristics.” Gov’t Code § 6252(d). “Records” includes all communications relating to public business regardless of physical form or characteristics, including but not limited to any writing, picture, sound, or symbol, whether paper, magnetic, electronic, text, other media, or written verification of any oral communication. Included in this request are any references in any appointment calendars and applications, phone records, or text records. These “records” are to include, but are not limited to correspondences, e-mails, reports, letters, memorandums, and communications by any employee or elected official of City concerning the Project.

Please include in your response to this request the following examples of “records,” as well as any similar physical or electronic forms of communication: any form of writing such as correspondence, electronic mail records (“email”), legal and factual memoranda, facsimiles, photographs, maps, videotapes, film, data, reports, notes, audiotapes, or drawings. Cal. Government Code § 6252(g) (defining a writing to including “any record thereby created, regardless of the manner in which the record has been stored”). Responsive correspondence should include, inter alia, emails, text messages, or any other form of communication regardless of whether they were sent or received on public or privately-owned electronic devices “relating to the conduct of the public’s business.” Cal. Government Code § 6252(e); *Citizens for Ceres v. Super. Ct.* (“Ceres”) (2013) 217 Cal. App. 4th 889, 909; *Citizens for Open Gov’t v. City of Lodi* (“Lodi”) (2012) 205 Cal.App.4th 296, 307, 311; *City of San Jose v. Superior Court* (2017) 2 Cal. 5th 608, 625 (finding that a public employee or officer’s “writings about public business are not excluded” from the California Public Records Act “simply because they have been sent, received, or stored in a personal account.”) .

This Office requests any and all information referring or related to the Project, including but not limited to:

- (1) All Project application materials;
- (2) All staff reports and related documents prepared by the City with respect to its compliance with the substantive and procedural requirements of the California Environmental Quality Act, Public Resources Code § 21000 et seq., and the CEQA Guidelines, title 14, California Code of Regulations, § 15000 et seq. (collectively “**CEQA**”) and with respect to the action on the Project;
- (3) All staff reports and related documents prepared by the City and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the agency pursuant to CEQA;
- (4) Any transcript or minutes of the proceedings at which the decisionmaking body of the City heard testimony on, or considered any environmental document on, the Project, and any transcript or minutes of proceedings before any advisory body to the public agency that were presented to the decisionmaking body prior to action on the environmental documents or on the Project;
- (5) All notices issued by the City to comply with CEQA or with any other law governing the processing and approval of the Project;
- (6) All written comments received in response to, or in connection with, environmental documents prepared for the Project, including responses to the notice of preparation;
- (7) All written evidence or correspondence submitted to, or transferred from, the City with respect to compliance with CEQA or with respect to the Project;
- (8) Any proposed decisions or findings submitted to the decisionmaking body of the City by its staff, or the Project proponent, Project opponents, or other persons;
- (9) The documentation of the final City decision and approvals, including the final environmental impact report, mitigated negative declaration, negative declaration, or notice of exemption, and all documents, in addition to those referenced in paragraph (3), cited

or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA;

- (10) Any other written materials relevant to the public agency's compliance with CEQA or to its decision on the merits of the Project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the Project and either made available to the public during the public review period or included in the City 's files on the Project, and all internal agency communications, including staff notes and memoranda related to the Project or to compliance with CEQA; and
- (11) The full written record before any inferior administrative decisionmaking body whose decision was appealed to a superior administrative decisionmaking body prior to the filing of any litigation.

Please respond within 10 days from the date you receive this request as to whether this request specifies identifiable records not exempt from disclosure under the PRA or otherwise privileged or confidential, and are therefore subject to disclosure. This Office understands that this time may be extended up to 14 days for unusual circumstances as provided by Cal. Government Code § 6253(c), and that we will be notified of any extension and the reasons justifying it.

We request that you provide all documents in electronic format and waive any and all fees associated with this Request. SWRCC is a community-based organization. Please notify and obtain express approval from this Office before incurring any duplication costs.

If any of the above requested documents are available online, please provide us with the URL web address at which the documents may be downloaded. If any of the requested documents are retained by the City in electronic computer-readable format such as PDF (portable document format), please provide us with pdf copies of the documents via email, or inform us of the location at which we can copy these documents electronically.

In preparing your response, please bear in mind that you have an obligation under Government Code section 6253.1 to (1) identify all records and information responsive to our request or the purpose of our request; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

In responding to this request, please bear in mind that any exemptions from disclosure you may believe to be applicable are to be narrowly construed. *Marken v. Santa Monica-Malibu Unif. Sch. Dist.* (2012) 202 Cal. App. 4th 1250,1262; and may be further narrowed or eliminated by the adoption of Proposition 59, which amended article I, section 3(b)(2) of the California Constitution to direct that any “statute ... or other authority ... [that] limits the right of access” to “information concerning the conduct of the people’s business” must be “narrowly construed.”

As for any records that you nonetheless decline to produce on the grounds of an exemption, please bear in mind that the case law under the Public Records Act imposes a duty on you to distinguish between the exempt and the non-exempt portion of any such records, and to attempt in good faith to redact the exempt portion and to disclose the balance of such documents.

Please bear in mind further that should you choose to withhold any document from disclosure, you have a duty under Government Code section 6255, subd. (a) to “justify withholding any record by demonstrating that the record in question is exempt under express provisions” of the Public Records Act or that “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”

Finally, please note that you must retain and not destroy any and all records, notwithstanding any local record retention or document destruction policies. As the Court noted in *Golden Door Properties, LLC v. Superior Court of San Diego County* (2020) 53 Cal.App.5th 733 that a public agency “must retain [a]ll written evidence or correspondence submitted to, or transferred from’ . . . with respect to” CEQA compliance or “with respect to the project.”

## **II. NOTICE LIST REQUEST.**

We also ask that you put this Office on its notice list for any and all notices issued under the CEQA and the Planning and Zoning Law.



In particular, we request that City send by mail or electronic mail notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivision for the Project, or supported, in whole or in part, through permits, contracts, grants, subsidies, loans, or other forms of approvals, actions or assistance, including but not limited to the following:

- Notices of any public hearing held in connection with the Project; as well as
- Any and all notices prepared pursuant to CEQA, including but not limited to:
- Notices of determination that an Environmental Impact Report (“EIR”) or supplemental EIR is required for a project, prepared pursuant to Public Resources Code Section 21080.4;
- Notices of availability of an EIR or a negative declaration for a project prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations;
- Notices of approval or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law;
- Notice of approval or certification of any EIR or negative declaration prepared pursuant to Public Resources Code Section 21152 or any other provision of law;
- Notice of exemption from CEQA prepared pursuant to Public Resources Code section 21152 or any other provision of law; and
- Notice of any Final EIR prepared pursuant to CEQA.

This Office is requesting notices of any approvals or public hearings under CEQA and the California Planning and Zoning Law. This request is filed pursuant to California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 requiring agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

Please send notice by regular and electronic mail to:

Mitchell M. Tsai, Attorney At Law  
139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101  
Em: [mitch@mitchtsailaw.com](mailto:mitch@mitchtsailaw.com)  
Em: [talia@mitchtsailaw.com](mailto:talia@mitchtsailaw.com)  
Em: [brandon@mitchtsailaw.com](mailto:brandon@mitchtsailaw.com)  
Em: [rebekah@mitchtsailaw.com](mailto:rebekah@mitchtsailaw.com)  
Em: [maria@mitchtsailaw.com](mailto:maria@mitchtsailaw.com)  
Em: [malou@mitchtsailaw.com](mailto:malou@mitchtsailaw.com)  
Em: [steven@mitchtsailaw.com](mailto:steven@mitchtsailaw.com)  
Em: [hind@mitchtsailaw.com](mailto:hind@mitchtsailaw.com)  
Em: [info@mitchtsailaw.com](mailto:info@mitchtsailaw.com)

We look forward to working with you. If you have any questions or concerns, please do not hesitate to contact our Office.

Sincerely,



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Mitchell M. Tsai

Attorneys for Southwest Regional Council  
of Carpenters



May 6, 2022

Ryan Fowler, Principal Planner  
City of Menifee  
29844 Haun Rd.  
Menifee, CA 92586  
Email: [rfowler@cityofmenifee.us](mailto:rfowler@cityofmenifee.us)

**Subject:** EMWD Comment to Notice of Preparation and Public Scoping Meeting Notice for a Draft Environmental Impact Report for the Proposed CADO Menifee Industrial Warehouse Project

**APN:** 330-190-002 to -005, and -010 to -013

**Location:** North of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road, in the City of Menifee, Riverside County, California

Dear Ryan Fowler:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to review and comment on the Notice of Preparation and Public Scoping Meeting Notice for a Draft Environmental Impact Report for the Proposed CADO Menifee Industrial Warehouse Project; Plot Plan No. PLN21-037 and Tentative Parcel Map No. PLN22-0041. The proposed construction consists of one (1) concrete tilt-up building totaling 700,037 square feet (sq. ft.) which includes 10,000 sq. ft. of office on a 40.03 gross acre Project site. Associated Improvements of the Project sites include parking, on-site landscaping, and related on-site and off-site improvements.

EMWD offers the following comments:

To define the impact(s) on the environment and on existing EMWD facilities, and as development within this area occurs over time, the proponents of implementing development projects shall consult EMWD's Development Services Department to compare proposed and existing water demands and sewer flows, and prepare a Design Conditions report (DC), formally known as the Plan of Service (POS), to detail all

Board of Directors

Philip E. Paule, *President* Randy A. Record, *Vice President* Jeff Armstrong Stephen J. Corona David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 [www.emwd.org](http://www.emwd.org)

pertinent facilities necessary to serve such implementing development projects, resulting in an approved DC, prior to final design and plan check of such facilities.

To help define EMWD's Design Conditions, EMWD requires beginning dialogue with project proponents at an early stage in the site design and development, via a one-hour complementary Due Diligence meeting. To set up this meeting the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our web page [www.emwd.org](http://www.emwd.org), then select the "Developer" link, then select the "New Development Process Forms" link. This meeting will offer the following benefits:

1. Describe EMWD's development process
2. Identify project scope and parameters
3. Provide a preliminary review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service
5. Identify project submittal requirements to start the Design Conditions review

Following the Due Diligence meeting, and to proceed with a project, the Design Conditions will need to be developed by the developer's engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The DC process and approval will provide the following:

1. Technical evaluation of the project's demands and existing system capacities
2. Identification of impacts to existing facilities
3. Identification of additional on-site and off-site facilities, necessary to serve the project
4. Identification of easement requirements, if necessary
5. Identification of potential EMWD's cost participation in facility oversizing, if applicable

If you have questions or concerns, please do not hesitate to contact Maroun EL-Hage at (951) 928-3777, extension 4468 or by e-mail at [El-hagem@emwd.org](mailto:El-hagem@emwd.org).

Sincerely,

Alfred Javier  
Director of Environmental and Regulatory Compliance

ARJ:arj

cc: Maroun El-Hage

Attachments: Copy of Public Notice



## NOTICE OF SCOPING MEETING & PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

**To:** State Clearinghouse, Property Owners, Responsible and Trustee Agencies/Interested Organizations and Individuals

**From:** City of Menifee

**Subject:** Notice of Preparation (NOP) and Public Scoping Meeting Notice for a Draft Environmental Impact Report (DEIR) for the Proposed "CADO Menifee Industrial Warehouse Project"; Plot Plan (PP) No. PLN21-0370 and Tentative Parcel Map (TPM) No. PLN22-0041.

**Purpose of the Notice of Preparation:** The purpose of this NOP is to fulfill legal notification requirements and inform the public, and California Environmental Quality Act (CEQA) Responsible and Trustee Agencies, that an EIR is being prepared for the proposed Project by the City. This NOP solicits agency and interested parties concerns regarding the potential environmental effects of implementing the proposed Project at the Project location. CEQA encourages early consultation with private persons and organizations that may have information or may be concerned with any potential adverse environmental effects related to physical changes in the environment that may be caused by implementing the project. Responses to the NOP that specifically focus on potentially significant environmental issues are of particular interest to the City of Menifee. All written responses to this NOP will be included in the appendices to the EIR. The content of the responses will help guide the focus and scope of the EIR in accordance with State CEQA Guidelines.

**EIR Public Scoping Meeting:** To be held in-person May 17, 2022 at 5:30 p.m.

The City of Menifee, Community Development Department will hold an environmental Scoping meeting for the general public and any interested agencies regarding the proposed EIR addressing the proposed Project. The scoping meeting will be held at the City of Menifee, City Council Chambers located at 29844 Haun Road, Menifee, CA 92586.

**Comment Period:** May 2, 2022 through May 31, 2022

**Notice of Preparation of a Draft Environmental Impact Report (DEIR):**

The City of Menifee will serve as the Lead Agency under CEQA and will be responsible for the preparation of a DEIR for the Project referenced above. The DEIR will evaluate the potential significant environmental impacts that may result from the Project, one proposed industrial warehouse building as well as lesser intensive alternatives. Project-related improvements would occur on 8 separate parcels, located north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road, in the City of Menifee, County of Riverside, State of California. The Project site is located in the Economic Development Corridor- Northern Gateway (EDC-NG) zone of the City of Menifee and is currently bordered by a scattering of existing rural residential homes (1-5 acres) and outbuildings, proposed future industrial sites, and vacant land. Reference Figure 1, *Local Vicinity Map*.

**Project Applicant:**  
CADO Menifee LLC

**MAY 06 2022**

**Project Description:**

CADO Menifee Industrial Warehouse Project (herein after "proposed Project" or "Project") site consist of one concrete tilt-up industrial building (reference **Figure 2 – Site Plan**). See **Table 1** for details on the Project site. A list of all APN's that are part of the Project is provided in **Table 2**. Associated facilities and improvements of the Project site include parking, on-site landscaping, and related on-site and off-site improvements. Reference **Figure 2, Site Plan**.

<b>Table 1 - Project Data</b>	
<b>Site Area</b>	<b>Project Site</b>
Gross Acres	40.03
Net Acres	36.81
Office	10,000 sf
Warehouse	690,037 sf
<b>Total Building Area</b>	<b>700,037 sf</b>
Landscape Coverage	273,885 sf
Site Area (net sf)	1,604,940 sf
Auto Parking Provided	393
Trailer Parking Provided	221
<b>Parking Total</b>	<b>614</b>

<b>Table 2 - Assessor Parcel Numbers</b>	
<b>Project Site</b>	
330-190-002	
330-190-003	
330-190-004	
330-190-005	
330-190-010	
330-190-011	
330-190-012	
330-190-013	

The following entitlement applications are associated with the Project:

**Plot Plan No. PLN21-0370** proposes to construct one (1) concrete tilt-up building totaling 700,037 square feet (sq. ft.) which includes 10,000 sq. ft. of office on a 40.03 gross acre Project site. Associated improvements of the Project sites include parking, on-site landscaping, and related on-site and off-site improvements.

**Tentative Parcel Map No. PLN22-0041** proposes to consolidate 8 parcels into one (1) industrial parcel. The Project site is approximately 40.03 gross acres and 36.81 net acres.

**Potential Environmental Effects:**

The following issues are anticipated to be addressed in the EIR: Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/housing, Public Services, Transportation/Traffic, Tribal Cultural Resources, Utilities/Service Systems, and Wildfire. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

**Agency/Public Comments:**

This transmittal constitutes the official Notice of Preparation (NOP) for the proposed Project EIR and serves as a request for environmental information that you or your organization believe should be included or addressed in the proposed EIR document. Please be sure to address the scope and content of environmental information or issues that may relate to your agency's statutory responsibilities in connection with the proposed Project.

**Public Comment Period:**

Based on the time limits defined by CEQA, the 30-day public review/comment period on the Notice of Preparation will commence on **May 2, 2022** and conclude on **May 31, 2022 at 5:00 p.m.** Materials for the Project may be downloaded from the City's website:

<https://www.cityofmenifee.us/325/Environmental-Notices-Documents>

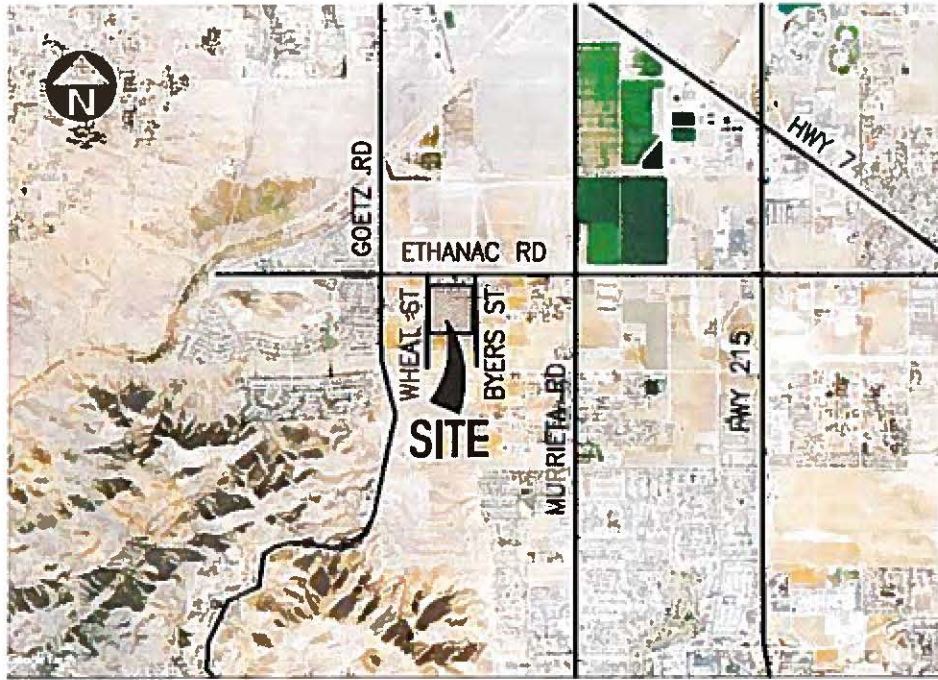
Materials for the Project are also available for review at:

Menifee City Hall  
Community Development Department  
29844 Haun Road  
Menifee, CA 92586

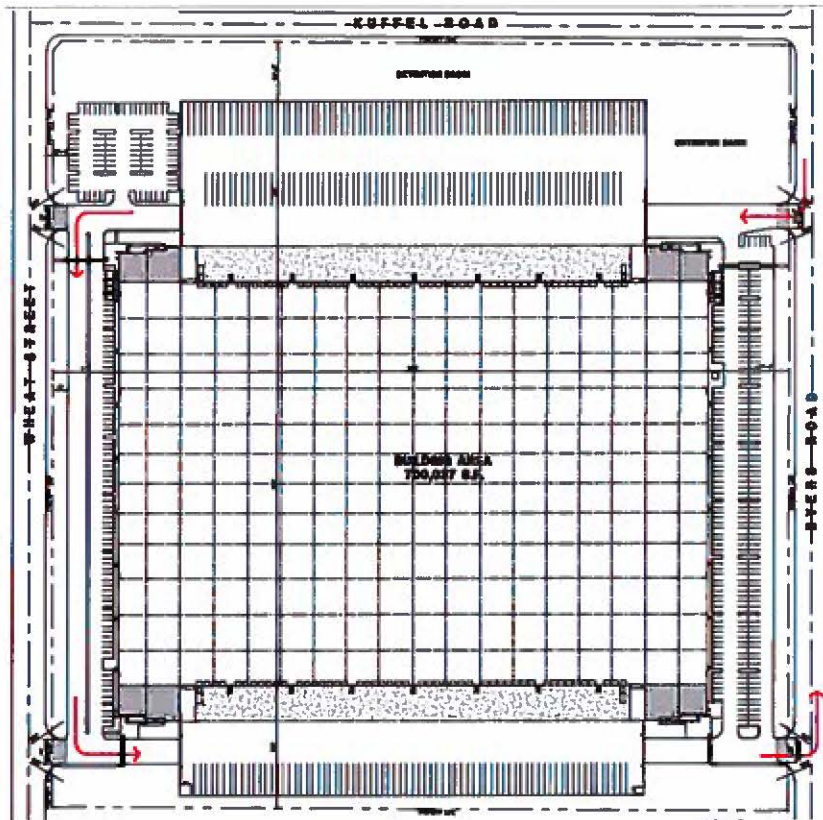
Any responses must be submitted to the City of Menifee at the earliest possible date, but no later than the **May 31, 2022** deadline. Comments must be submitted in writing, or via email, to:

**CITY OF MENIFEE**  
**ATTN: RYAN FOWLER, PRINCIPAL PLANNER**  
**29844 HAUN ROAD**  
**MENIFEE, CALIFORNIA 92586**  
PHONE: (951) 723-3740  
EMAIL: [rfowler@cityofmenifee.us](mailto:rfowler@cityofmenifee.us)

**Figure 1**  
**Local Vicinity Map**



**Figure 2**  
**Site Plan**





**From:** [Vega, Jaqueline](#)  
**To:** [Ryan Fowler](#)  
**Subject:** PLN21-0370, PLN22-0041  
**Date:** Wednesday, May 4, 2022 4:30:26 PM  
**Attachments:** [image001.png](#)

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

Hello Ryan,

Thank you for transmitting the above reference project to ALUC for review. Please note that the proposed project is located within zone E of March Air Base and Perris Valley AIA, and review by ALUC is not required because the City of Menifee is consistent with the Perris Valley ALUCP and the City can conduct the review themselves. Additionally, I do not see any legislative actions being proposed.

Should you have any questions, please contact me.

*Jackie Vega*  
*Urban Regional Planner I*



**Riverside County Airport Land Use Commission**

4080 Lemon Street, 14<sup>th</sup> Floor  
Riverside, Ca 92501  
(951) 955-0982  
[Javega@RIVCO.ORG](mailto:Javega@RIVCO.ORG)  
[www.rcaluc.org](http://www.rcaluc.org)

**Confidentiality Disclaimer**

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[County of Riverside California](#)



Hans W. Kernkamp, General Manager-Chief Engineer

**SENT VIA EMAIL ONLY**

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

May 16, 2022

Ryan Fowler  
Principal Planner  
City of Menifee  
29844 Haun Road  
Menifee CA, 92586

**RE: Notice of Preparation (NOP) and Public Scoping Meeting Notice for a Draft Environmental Impact Report (DEIR) for the Proposed CADO Menifee Industrial Warehouse Project (Project)**

Dear Mr. Fowler:

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOP addressing a DEIR for the Project in the City of Menifee (City). The Project includes various development applications to allow a concrete tilt-up industrial building and associated improvements. The Project is located in the Economic Development Corridor- Northern Gateway zone in the City of Menifee and is bordered by a scattering of existing rural residential homes, proposed future industrial sites, and vacant land. The RCDWR offers the following comments for your consideration while preparing the Project's DEIR.

1. Build-out of the Project may have the potential to increase the amount of waste that could adversely affect solid waste facilities. To assess waste impacts, the DEIR should include the projected maximum amount of waste generated from build-out of the Project, using appropriate waste generation factors.

Note- CalRecycle's website may be helpful to determine the Project's waste generation:

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

2. The following information can be useful in the analysis of the solid waste impacts:
  - a) Solid waste generated within the Project area is collected by Waste Management Inc. (WMI), with the bulk of recyclable waste and green waste delivered to the Moreno Valley Solid Waste Recycling and Transfer Facility (MVTs) for processing. The MVTs is located at 17700 Indian Street in Moreno Valley. It is permitted for a 2,500-tpd operation.
  - b) The City's waste hauler can use the El Sobrante Landfill, Lamb Canyon Landfill, and Badlands Landfill for disposal of the City's residual waste. Descriptions of the local landfills are provided below:

El Sobrante Landfill:

The El Sobrante Landfill is located east of Interstate 15 and Temescal Canyon Road to the south of the City of Corona and Cajalco Road at 10910 Dawson Canyon Road. The landfill is

14310 Frederick Street • Moreno Valley, CA 92553 - (951) 486-3200 • Fax (951) 486-3205 • Fax (951) 486-3230

[www.rcwaste.org](http://www.rcwaste.org)

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owned and operated by USA Waste of California, a subsidiary of Waste Management, Inc., and encompasses 1,322 acres, of which 645 acres are permitted for landfill operation. The El Sobrante Landfill has a total disposal capacity of approximately 209.9 million cubic yards and can receive up to 70,000 tons per week (tpw) of refuse. USA Waste must allot at least 28,000 tpd for County refuse. The landfill's permit allows a maximum of 16,054 tons per day (tpd) of waste to be accepted into the landfill, due to the limits on vehicle trips. If needed, 5,000 tpd must be reserved for County waste, leaving the maximum commitment of Non-County waste at 11,054 tpd. Per the 2021 Annual Report, the landfill had a remaining in-County disposal capacity of approximately 50.1 million tons.<sup>1</sup> In 2021, the El Sobrante Landfill accepted a daily average of 10,749 tons with a period total of approximately 3,321,315 tons. The landfill is expected to reach capacity in approximately 2057.

#### Lamb Canyon Landfill:

The Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), south of Interstate 10 and north of Highway 74. The landfill is owned and operated by Riverside County. The landfill property encompasses approximately 1,189 acres, of which 703.4 acres encompass the current landfill permit area. Of the 703.4-acre landfill permit area, approximately 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 500 tpd for beneficial reuse. The site has an estimated total disposal capacity of approximately 20.7 million tons.<sup>2</sup> As of January 1, 2022 (beginning of day), the landfill has a total remaining capacity of approximately 7.5 million tons<sup>3</sup>. The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2032.<sup>4</sup> From January 2021 to December 2021, the Lamb Canyon Landfill accepted a daily average of 2,054 tons with a period total of approximately 632,755 tons. Landfill expansion potential exists at the Lamb Canyon Landfill site.

#### Badlands Landfill:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, with a total permitted disturbance area of 278 acres, of which 150 acres are permitted for refuse disposal. The landfill is currently permitted to receive 4,500 tpd of MSW for disposal and 300 tpd for beneficial reuse. The site has an estimated total capacity of approximately 20.5 million tons<sup>5</sup>. As of January 1, 2022 (beginning of day), the landfill had a total remaining disposal capacity of approximately 3.4 million tons.<sup>6</sup> The current landfill remaining disposal

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<sup>1</sup> 2021 El Sobrante Landfill Annual Report- Based on 125,193,774 tons remaining capacity (40% for in-county waste).

<sup>2</sup> GASB 18\_2021 – Engineering Estimate for total landfill capacity

<sup>3</sup> GASB 18\_2021 & SiteInfo

<sup>4</sup> SWFP # 33-AA-0007

<sup>5</sup> GASB\_18\_2021 – Engineering Estimate for total landfill capacity

<sup>6</sup> GASB\_18\_2021 & SiteInfo

capacity is estimated to last, at a minimum, until approximately 2022.<sup>7</sup> From January 2021 to December 2021, the Badlands Landfill accepted a daily average of 2,821 tons with a period total of approximately 871,816 tons. Landfill expansion potential exists at the Badlands Landfill site.

3. Additionally, you may wish to consider incorporating the following measures to help reduce the Project's anticipated solid waste impacts and enhance the City's efforts to comply with the State's mandate of 50% solid waste diversion from landfilling:
  - The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
  - Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.
  - Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.
  - AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
    - Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
    - Subscribe to a recycling service with waste hauler.
    - Provide recycling service to tenants (if commercial or multi-family complex).
    - Demonstrate compliance with requirements of California Code of Regulations Title 14.

For more information, please visit:

<http://www.rcwaste.org/business/recycling/mcr>

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<sup>7</sup> SWFP # 33-AA-0006

- AB 1826 requires businesses and multifamily complexes to arrange for organic waste recycling services. Businesses subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:
  - Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
  - Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.
- Demonstrate compliance with SB 1383 which establishes regulations to reduce organics waste disposal and went into effect on January 1, 2022. This law establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants caused by organics waste disposal.

Thank you for allowing us the opportunity to comment on the NOP. We would appreciate an electronic copy of the Draft EIR for review and comment when available. Please continue to include the RCDWR in future transmittals. Please contact me at [khesterl@rivco.org](mailto:khesterl@rivco.org) or (951) 486-3283 if you have any questions regarding the above comments.

Sincerely,



Kinika Hesterly  
Urban/Regional Planner IV



## NOTICE OF SCOPING MEETING & PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

**To:** State Clearinghouse, Property Owners, Responsible and Trustee Agencies/Interested Organizations and Individuals

**From:** City of Menifee

**Subject:** Notice of Preparation (NOP) and Public Scoping Meeting Notice for a Draft Environmental Impact Report (DEIR) for the Proposed "CADO Menifee Industrial Warehouse Project"; Plot Plan (PP) No. PLN21-0370 and Tentative Parcel Map (TPM) No. PLN22-0041.

**Purpose of the Notice of Preparation:** The purpose of this NOP is to fulfill legal notification requirements and inform the public, and California Environmental Quality Act (CEQA) Responsible and Trustee Agencies, that an EIR is being prepared for the proposed Project by the City. This NOP solicits agency and interested parties concerns regarding the potential environmental effects of implementing the proposed Project at the Project location. CEQA encourages early consultation with private persons and organizations that may have information or may be concerned with any potential adverse environmental effects related to physical changes in the environment that may be caused by implementing the project. Responses to the NOP that specifically focus on potentially significant environmental issues are of particular interest to the City of Menifee. All written responses to this NOP will be included in the appendices to the EIR. The content of the responses will help guide the focus and scope of the EIR in accordance with State CEQA Guidelines.

**EIR Public Scoping Meeting:** To be held in-person May 17, 2022 at 5:30 p.m.

The City of Menifee, Community Development Department will hold an environmental Scoping meeting for the general public and any interested agencies regarding the proposed EIR addressing the proposed Project. The scoping meeting will be held at the City of Menifee, City Council Chambers located at 29844 Haun Road, Menifee, CA 92586.

**Comment Period:** May 2, 2022 through May 31, 2022

### **Notice of Preparation of a Draft Environmental Impact Report (DEIR):**

The City of Menifee will serve as the Lead Agency under CEQA and will be responsible for the preparation of a DEIR for the Project referenced above. The DEIR will evaluate the potential significant environmental impacts that may result from the Project, one proposed industrial warehouse building as well as lesser intensive alternatives. Project-related improvements would occur on 8 separate parcels, located north of Corsica Lane, south of Kuffel Road, east of Wheat Street, and west of Byers Road, in the City of Menifee, County of Riverside, State of California. The Project site is located in the Economic Development Corridor- Northern Gateway (EDC-NG) zone of the City of Menifee and is currently bordered by a scattering of existing rural residential homes (1-5 acres) and outbuildings, proposed future industrial sites, and vacant land. Reference **Figure 1, Local Vicinity Map.**

**Project Applicant:**  
CADO Menifee LLC

**Project Description:**

CADO Menifee Industrial Warehouse Project (herein after “proposed Project” or “Project”) site consist of one concrete tilt-up industrial building (reference **Figure 2 – Site Plan**). See **Table 1** for details on the Project site. A list of all APN’s that are part of the Project is provided in **Table 2**. Associated facilities and improvements of the Project site include parking, on-site landscaping, and related on-site and off-site improvements. Reference **Figure 2, Site Plan**.

Site Area	Project Site
Gross Acres	40.03
Net Acres	36.81
Office	10,000 sf
Warehouse	690,037 sf
<b>Total Building Area</b>	<b>700,037 sf</b>
Landscape Coverage	273,885 sf
Site Area (net sf)	1,604,940 sf
Auto Parking Provided	393
Trailer Parking Provided	221
<b>Parking Total</b>	<b>614</b>

Project Site
330-190-002
330-190-003
330-190-004
330-190-005
330-190-010
330-190-011
330-190-012
330-190-013

The following entitlement applications are associated with the Project:

**Plot Plan No. PLN21-0370** proposes to construct one (1) concrete tilt-up building totaling 700,037 square feet (sq. ft.) which includes 10,000 sq. ft. of office on a 40.03 gross acre Project site. Associated improvements of the Project sites include parking, on-site landscaping, and related on-site and off-site improvements.

**Tentative Parcel Map No. PLN22-0041** proposes to consolidate 8 parcels into one (1) industrial parcel. The Project site is approximately 40.03 gross acres and 36.81 net acres.

**Potential Environmental Effects:**

The following issues are anticipated to be addressed in the EIR: Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/housing, Public Services, Transportation/Traffic, Tribal Cultural Resources, Utilities/Service Systems, and Wildfire. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

**Agency/Public Comments:**

This transmittal constitutes the official Notice of Preparation (NOP) for the proposed Project EIR and serves as a request for environmental information that you or your organization believe should be included or addressed in the proposed EIR document. Please be sure to address the scope and content of environmental information or issues that may relate to your agency’s statutory responsibilities in connection with the proposed Project.

**Public Comment Period:**

Based on the time limits defined by CEQA, the 30-day public review/comment period on the Notice of Preparation will commence on **May 2, 2022 and conclude on May 31, 2022 at 5:00 p.m.** Materials for the Project may be downloaded from the City’s website:

<https://www.cityofmenifee.us/325/Environmental-Notices-Documents>

Materials for the Project are also available for review at:

Menifee City Hall  
Community Development Department  
29844 Haun Road  
Menifee, CA 92586

Any responses must be submitted to the City of Menifee at the earliest possible date, but no later than the **May 31, 2022** deadline. Comments must be submitted in writing, or via email, to:

**CITY OF MENIFEE**  
**ATTN: RYAN FOWLER, PRINCIPAL PLANNER**  
**29844 HAUN ROAD**  
**MENIFEE, CALIFORNIA 92586**

PHONE: (951) 723-3740

EMAIL: [rfowler@cityofmenifee.us](mailto:rfowler@cityofmenifee.us)





# South Coast Air Quality Management District

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

SENT VIA E-MAIL:

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

Ryan Fowler, Principal Planner  
City of Menifee, Planning Department  
29844 Haun Road  
Menifee, California 92586

May 24, 2022

## **Notice of Preparation of an Environmental Impact Report for the CADO Menifee Industrial Warehouse Project (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send a copy of the EIR upon its completion and public release directly to South Coast AQMD as copies of the EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

### **CEQA Air Quality Analysis**

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website<sup>1</sup> as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod<sup>2</sup> land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds<sup>3</sup> and localized significance thresholds (LSTs)<sup>4</sup> to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

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<sup>1</sup> South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

<sup>4</sup> South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment<sup>5</sup>.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*<sup>6</sup> is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory<sup>7</sup>.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions<sup>8</sup>. According to the MATES V Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 343 in one million<sup>9</sup>. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

### **Mitigation Measures**

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook<sup>1</sup>, South Coast AQMD's Mitigation Monitoring and

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<sup>5</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>6</sup> CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

<sup>7</sup> CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

<sup>8</sup> South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

<sup>9</sup> South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v).

Reporting Plan for the 2016 Air Quality Management Plan<sup>10</sup>, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy<sup>11</sup>.

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule<sup>12</sup> and the Heavy-Duty Low NOx Omnibus Regulation<sup>13</sup>, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year<sup>14</sup> that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

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<sup>10</sup> South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

<sup>11</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at:

[https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

<sup>12</sup> CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

<sup>13</sup> CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

<sup>14</sup> CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 700,037-square-foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation<sup>15</sup>. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or [waire-program@aqmd.gov](mailto:waire-program@aqmd.gov). For

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<sup>15</sup> South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage<sup>16</sup>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov).

Sincerely,

*Lijin Sun*

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

RVC220503-10

Control Number

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<sup>16</sup> South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.