

Final Environmental Impact Report

Motte Business Center Project

SCH No. 2022120083

Lead Agency



City of Menifee
29844 Haun Road
Menifee, CA 92586
(951) 769-8520

CONSULTANT



Kimley-Horn and Associates, Inc.
Kari Cano, Project Manager
3801 University Avenue, Suite 300
Riverside, CA 92501

November 2023

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Section 1.0 Introduction

1.1 INTRODUCTION

The City of Menifee (City) has prepared this Final Environmental Impact Report (FEIR) in compliance with the California Environmental Quality Act (CEQA) for the Motte Business Center Project (Project). The City is required, after completion of a Draft EIR (DEIR) (State Clearinghouse No. 2022120083), to consult with and obtain comments from public agencies having jurisdiction by law with respect to the Project and provide the general public with an opportunity to comment on the DEIR. This FEIR has been prepared to respond to comments received on the DEIR, which was circulated for public review from September 29, 2023, through November 13, 2023 (46 days). The preceding Table of Contents provides a list of all persons, organizations, and public agencies who commented on the DEIR.

The City will evaluate comments on environmental issues from persons who reviewed the DEIR and will prepare a written response, pursuant to CEQA Guidelines §15088(a). The written response must address any significant environmental issues raised. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the Project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines §15204, §15088). Those comments are responded to in **Section 2.0, Comments on the Draft EIR and Responses to Comments**.

State CEQA Guidelines §15088 recommends that where a response to comment makes important changes in the information contain in the text of the DEIR, that the Lead Agency either revise the text of the DEIR or include marginal notes showing that information. Added or modified text is shown in **Section 3.0, Errata**, by underlining (example) while deleted text is shown by striking (~~example~~). The additional information, corrections, and clarifications are not considered to substantively affect the conclusions within the EIR and therefore the City has determined that recirculation of the DEIR is not required as none of the criteria for recirculation under CEQA Guidelines Section 15088.5 have been met.

CEQA Guidelines §15132 indicates that the contents of a FEIR shall consist of:

- (a) The DEIR or a revision of the draft.
- (b) Comments and recommendations received on the DEIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the DEIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.

Pursuant to CEQA Guidelines §15088(b), the City will provide written responses to comments to any public agency that commented on the DEIR, at least ten (10) days prior to the Planning Commission consideration of certifying the EIR as adequate under CEQA. Written responses to comments will also be provided to non-public agency individuals, organizations, and entities that commented on the DEIR. In addition, the

FEIR will be made available to the general public at the City's Planning Division office and on the City's website a minimum of 10 days prior to the Planning Commission public hearing.

The FEIR, along with other relevant information and public testimony at the Planning Commission hearing, will be considered by the City's Planning Commission.

1.2 ORGANIZATION OF EIR

This FEIR provides the requisite information required under CEQA and is organized as follows:

- **Section 1.0: Introduction.** This section provides an introduction to the FEIR, including the requirements under CEQA, the organization of the document, as well as a brief summary of the CEQA process activities to date.
- **Section 2.0: Comments on the Draft EIR and Responses to Comments.** This section provides a list of public agencies, organizations, and individuals commenting on the DEIR, provides a copy of each written comment received, and any response required under CEQA.
- **Section 3.0: Errata to the Draft EIR.** This section presents clarifications, amplifications, and insignificant modifications to the EIR, identifying revisions to the text of the document.

1.3 CEQA PROCESS HISTORY

The City has complied with relevant Public Resources Code provisions and CEQA Guidelines regarding the preparation and processing of the Project EIR. A brief summary of the Project's CEQA process is as follows:

- A Notice of Preparation (NOP) informing interested parties and agencies of the Project was distributed on December 6, 2022, with a minimum 30-day public review period ending on January 16, 2023. The City provided a 42-day public review period due to overlap with the holiday season.
- Written and verbal comments were given at a public scoping meeting held for the Project on December 12, 2022, at 6pm at City Council Chambers located at 29844 Haun Road, Menifee, CA 92586. Two residents attended the scoping meeting.
- Following a Notice of Completion (NOC), the DEIR and Notice of Availability was distributed for public review and comment for a 46-day period, beginning September 29, 2023. The public review period closed on November 13, 2023.

1.4 CHANGES TO THE DRAFT EIR

As previously stated, **Section 3.0, Errata to the Draft EIR**, details the changes to the DEIR. In response to public comments, text changes have been made to DEIR sections to clarify and amplify the analysis or mitigation measures, and to make insignificant modifications to the DEIR. This information does not rise to the level of significant new information as the resulting impact analysis and alternatives considered remain essentially unchanged, and no new or more severe impacts have been identified. These changes do not warrant DEIR recirculation pursuant to California Public Resources Code §21092.1 and CEQA Guidelines §15088.5. As discussed herein and as elaborated upon in the respective Response to

Comments, none of the clarifications or changes made in the Errata reflect a new significant environmental impact, a “substantial increase” in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted, nor do the Errata reflect a “fundamentally flawed” or “conclusory” DEIR. In all cases, as discussed in individual responses to comments and DEIR Errata, these minor clarifications and modifications do not identify new or substantially more severe environmental impacts that the City has not committed to mitigate. Therefore, the public has not been deprived of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or an unadopted feasible Project alternative or mitigation measure. Instead, the information added supports the existing analysis and conclusions, and responds to inquiries made from commenters. Therefore, this FEIR is not subject to recirculation prior to certification.

CEQA Guidelines §15088.5 describes when an EIR requires recirculation prior to certification, stating in part:

- “(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. *“Significant new information” requiring recirculation include, for example, a disclosure showing that:*
- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to apply it.*
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043).*
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

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Section 2.0 Comments and Responses to Draft EIR

This section includes all comments received by the City on the Draft Environmental Impact Report (DEIR), including written comments and comments submitted online via email to the City. The City circulated the DEIR for a 46-day review period as required by CEQA. The review period ran from September 29, 2023, through November 13, 2023.

2.1 INTRODUCTION TO COMMENTS AND RESPONSES

In accordance with CEQA Guidelines §15132, **Table 2-1, Comments from Public Agencies and Organizations** below provides a list of those parties that provided written comments on the DEIR during the public review period. Copies of the written comments are provided in this section and have been annotated with the assigned letter along with a number for each comment. Each comment is followed by a written response which corresponds to each commenter.

Table 2-1: Comments from Public Agencies and Organizations

Reference	Commenter	Date
A	Agua Caliente Band of Cahuilla Indians Xitlaly Madrigal, Cultural Resources Analyst	October 06, 2023
B	Rincon Band of Luiseño Indians Cheryl Madrigal, Tribal Historic Preservation Officer	October 25, 2023
C	Riverside County Flood Control and Water Conservation District Amy McNeill, Engineering Project Manager	November 1, 2023
D	Riverside Transit Authority Mauricio Alvarez, Planning Analyst	October 05, 2023
E	South Coast Air Quality Management District Danica Nguyen, Air Quality Specialist, CEQA-IGR	October 17, 2023
F	City of Perris – Planning Division Patricia Brenes, Planning Manager	November 13, 2023
G	The Pechanga Band of Indians Molly Earp, Cultural Resources Specialist	November 3, 2023
H	Southern California Gas Company Will Liao, Region Planning Supervisor	October 16, 2023
I	Riverside County Airport Land Use Commission Jackie Vega, Urban Regional Planner II	October 20, 2023
J	Native American Heritage Commission Andrew Green, Cultural Resources Analyst	November 20, 2023

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**Comment Letter A – Agua Caliente Band of Cahuilla Indians
Xitlaly Madrigal, Cultural Resources Analyst**

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-057-2022-012

October 06, 2023

[VIA EMAIL TO: bhamilton@cityofmenifee.us]
City of Menifee
Mr. Brett Hamilton
29844 Haun Road
Menifee, CA 92586

Re: Motte Business Center

Dear Mr. Brett Hamilton,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Dawson Antelope Warehouse project. We have reviewed the documents and have the following comments:

*A copy of the records search with associated survey reports and site records from the information center.

*At this time the concerns of the ACBCI THPO have been addressed and proper mitigation measures have been proposed to ensure the protection of tribal cultural resources. This letter shall conclude our AB52 consultation efforts.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 423-3485. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Xitlaly Madrigal
Cultural Resources Analyst
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

A1

A2

***Responses to Comment Letter A – Agua Caliente Band of Cahuilla Indians
Xitlaly Madrigal, Cultural***

- A1** The City appreciates the Agua Caliente Band of Cahuilla Indian’s comment for the Project. The City has sent the requested records search with associated survey report and site records from the information center to the Commenter. The Commentor’s conclusion of AB 52 consultation efforts has been noted.
- A2** This comment includes a conclusionary statement. No further response is warranted.

Comment Letter B – Rincon Band of Luiseno Indians

Cheryl Madrigal, Tribal Historic Preservation Officer

Rincon Band of Luiseño Indians
CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



October 25, 2023

Sent via email: bhamilton@cityofmenifee.us

Attn: Brett Hamilton, Senior Planner
City of Menifee
Community Development Department
29844 Haun Road
Menifee, CA 92586

Re: PLN22-0114 Motte Business Center

Dear Mr. Hamilton,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Band”), a federally recognized Indian Tribe and sovereign government. Thank you for providing us with the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the above referenced project. The identified location is within the Territory of the Luiseño people and is also within Rincon’s specific area of Historic interest. As such, the Rincon Band is traditionally and culturally affiliated to the project area. B1

The Band has reviewed the provided document, and we agree with the measures COA-CUL-1 through COA CUL-7 and MM CUL-1, which include archaeological tribal monitoring, protocols for the inadvertent discoveries of cultural resources and human remains, disposition plan for inadvertent discoveries of cultural resources, non-disclosure of reburial locations, and a monitoring report. In addition, the Rincon Band agrees with the City of Menifee’s Open Space & Conservation Element Policy OCS-5.1 and Policy OCS-5.4, which provides direction for the preservation and protection of archaeological, historical, and cultural resources with the City. B2

We understand that other Tribes potentially have knowledge particular to this project site and may request additional measures. Please note that the Rincon Band supports all efforts to completely avoid cultural resources as preferred mitigation. B3

In addition, we do request that the Rincon Band be notified of any changes in project plans. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749-1092.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

Bo Mazzetti Chairman	Tishmall Turner Vice Chair	Laurie E. Gonzalez Council Member	John Constantino Council Member	Joseph Linton Council Member
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Responses to Comment Letter B – Rincon Band of Luiseno Indians

Cheryl Madrigal, Tribal Historic Preservation Officer

- B1** The City appreciates the Rincon Band of Luiseño Indians comment regarding the Tribe’s historic interest in the Project site. No further response is warranted.
- B2** The comment states the Commenter’s agreement with COA-CUL-1 through COA-CUL-7 and Mitigation Measure **(MM) CUL-1**. Additionally, the Project will comply with the City of Menifee’s Open Space and Conservation Element Policies OCS-5.1 and OCS-5.4.
- B3** The Commenter’s support of all efforts to avoid cultural resources through mitigation have been noted. As stated in comment B2, the Project would implement COA-CUL-1 through COA CUL-7, and **MM CUL-1** to reduce impacts to cultural resources to less than significant levels. Per the Commenter’s request, the City will notify the Commenter if any changes in the Project’s Plan’s occur.

Comment Letter C – Riverside County Flood Control and Water Conservation District
Amy McNeill, Engineering Project Manager

JASON E. UHLEY
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.rcflood.org

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

253532

November 1, 2023

City of Menifee
Planning Division
29714 Haun Road, Building A
Menifee, CA 92586

Attention: Brett Hamilton

Re: TPM 38432 (PLN 22-0114), PLN 22-0115,
Motte Business Center, APNs 331-150-036,
331-150-037, 331-150-039, 331-150-040,
331-150-041, 331-150-042, 331-150-044 and
331-150-045

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

C1

The District's review is based on the above-referenced project transmittal, received September 29, 2023. The District has not reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

C2

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, Romoland MDP Line A-1a. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

C3

- ☒ This project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and

C4

City of Menifee - 2 - November 1, 2023
Re: TPM 38432 (PLN 22-0114), PLN 22-0115, Motte Business Center, APNs 331-150-036, 331-150-037, 331-150-039, 331-150-040, 331-150-041, 331-150-042, 331-150-044 and 331-150-045 253532

conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

C4
Cont

- ☒ This project is located within the limits of the District's Homeland/Romoland-Line A Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

C5

- ☒ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Romoland/Master Drainage Plan Line A, Stage 4. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

C6

- ☒ The District's previous comments dated May 19, 2022 for case DEV 2022-014, PLN 22-0115 and PLN 22-0114 are still valid.

C7

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

C8

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

C9

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

C10

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

C11

Very truly yours,



AMY MCNEILL
Engineering Project Manager

Attachment
EM:mm

**Responses to Comment Letter C – Riverside County Flood Control and Water Conservation
District
Amy McNeill, Engineering Project Manager**

- C1** This comment includes introductory statements concerning the Riverside County Flood Control and Water Conservation District's (District) interest in projects associated with the District Master Drainage Plan facilities and other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system. No further response is warranted.
- C2** This comment includes introductory statements to the following comments. Refer to Responses to Comments C3 through C11.
- C3** Pursuant to the Commenter's request, the Project Applicant will be required to comply with all applicable regulations including, but not limited to entering into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners, prior to Project. Pursuant to Mitigation Measure **(MM) HYD-3**, the Project Applicant would be required to submit final grading and drainage plans for review and approval by the City, prior to issuance of any grading permit, to ensure that the Project does not result in increased flows off-site or otherwise significantly impact downstream drainage facilities. The drainage design would prevent flooding on- and off-site due to an increase in surface water runoff.
- C4** As stated in Response to Comment C3 above, the Project Applicant will be required to comply with all applicable regulatory requirements including, but not limited to entering into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. The Project's proposed storm drains would be designed and constructed in accordance with District standards and District plan check and inspection will be required for District acceptance. The Project's storm drains would undergo plan check, inspection, and pay any required administrative fees.
- C5** The Project Applicant will be required to obtain an encroachment permit for any construction-related activities occurring within District right-of-way or facilities, such as the District's Homeland/Romoland Drainage Plan Line A, Stage 4, and the Project Applicant will be required to pay any applicable fees in accordance with the Rules and Regulations for Administration of Area Drainage Plan as a condition of approval. The Area Drainage Plan (ADP) fees will be paid to the District at the time of issuance of grading permits.
- C6** The Project Applicant will be required to obtain an encroachment permit for the construction activity that would occur within or adjacent to the District's right of way or facilities. Additionally, pursuant to Draft EIR Appendix I1, all proposed on-site drainage and storm drain facilities will be sized adequately for 100-year storm event. The Project would also be required to comply with the National Pollution Discharge Elimination System (NPDES) Municipal Permit, the City of Menifee

General Plan, which require implementation of construction and post-construction Best Management Practices (BMPs) in accordance with the Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Control Plan (WQMP) for the Santa Ana River Basin. In addition, the Santa Ana Municipal Separate Storm Sewer Systems (MS4) Permit requires the preparation of a project-specific WQMP for all development projects and, as such, a project-specific WQMP has been prepared for the Project. The Project-Specific WQMP (see Draft EIR Appendix I2) has incorporated combined low-impact development (LID) treatment, hydrologic control BMPs, and sediment supply BMPs. A final WQMP will be required to address BMP sizing and O&M plan, pursuant to Draft EIR **MM HYD-2**. The WQMP is intended to comply with the requirements of the City's Municipal Code Section 15.01, Storm Water/Urban Runoff, which includes the requirement for the preparation and implementation of a Project-Specific WQMP and has outlined all BMPs designed to meet water quality standards and mitigate any adverse impacts; see **MM HYD-2**. (Draft EIR pages 4.9-14 through 4.9-16).

- C7** Commented noted and no further response is warranted.
- C8** Concerning the Project, the NPDES permit is divided into two parts: construction and post-construction. The construction permitting is administered by the SWRCB, while the post-construction permitting is administered by the RWQCB. Development projects typically result in the disturbance of soil that requires compliance with the NPDES General Permit, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities (Order No. 2012-0006-DWQ, NPDES Number CAS000002) (General Construction Permit). This Statewide General Construction Permit regulates discharges from construction sites that disturb one or more acres of soil. As stated in Response to Comment C6, the Project would comply with the NPDES permit with the implementation of construction and post-construction BMPs in accordance with the SWPPP and Project-specific WQMP. Therefore, the Project would be compliant with the NPDES (see **MMs HYD-1** and **HYD-2**).
- C9** As shown in Draft EIR Exhibit 4.9-2, FEMA Flood Hazard Map, the northeastern portion of the Project site is largely within an area determined to be outside the 0.2 percent annual chance floodplain, identified as Zone X. A small northeastern portion of Antelope Road, adjacent to the Project site, is located within a special flood hazard area subject to inundation by the one percent annual chance flood, identified as Zone A. Furthermore, the northern half of the Project site is currently in a Letter of Map Revision (LOMR) 1709-1814P.

Per the Project's Preliminary Drainage Study (Draft EIR Appendix I1) and Preliminary WQMP (Draft EIR Appendix I2), on-site flows would be collected by a system of on-site drainage improvements, catch basins, and detention basins and off-site drainage improvements proposed at Dawson Road and Antelope Road which would convey runoff to the proposed Storm Drain Lateral A-1A and A-1B. The Project would mitigate the increase in runoff and the 100-year storm would be routed to match existing and proposed flow rates. The flows would be routed by storing the volume in the detention basins until the runoff overflows and releases to meet drawdown requirements. All

flows would be treated for water quality purposes and all flows would be convey south in the proposed storm drainages. Therefore, with implementation of efficient design measures and applicable BMPs pursuant the Project's WQMP and SWPPP (**MMs HYD-1, -2, and -3**). (Draft EIR pages 4.9-20 and 4.9-20). Therefore, the Project would be consistent with FEMA requirements.

C10 The City of Menifee prepared a Draft EIR and this FEIR in accordance with CEQA. The Project applicant will implement mitigation measures proposed in the Draft EIR and comply with applicable federal, state, and local laws, ordinances, and regulations to reduce impacts associated with the Project.

C11 Draft EIR Appendix C1 concluded that USFWS's National Wetland Inventory did not identify riverine/wetland resources on or immediately bordering the Project site. Additionally, no blueline streams or, ponded areas, pits, or water features have been documented on the topographic maps for the Project site. One artificially created drainage occurs along the northern boundary of the Project site, traversing the site from east to west. This feature is fed by stormwater runoff during storm events via twelve 18-inch culverts beneath Antelope Road and conveys flows westward to Dawson Road. Downstream flows infiltrate at an undeveloped, vacant parcel immediately beyond Antelope Road. Consequently, ELMT conducted a jurisdictional assessment (Draft EIR Appendix C4) of the off-site improvement area east of Antelope Road. Appendix C4 concluded that the drainage did not replace an existing blueline stream. The Draft EIR concluded that the manmade features do not qualify as jurisdictional by the USACE, RWQCB, or CDFW.

Connecting the off-site drainage culvert, northeast of the Project site, into the flood control channel south of the Project site would not result in impacts to jurisdictional waters, and regulatory approvals including but not limited to, Section 1602, 404, and 401 permits will not be required.

Comment Letter D – Riverside Transit Authority
Mauricio Alvarez, Planning Analyst

From: Mauricio Alvarez <malvarez@rivsidetransit.com>
Sent: Thursday, October 5, 2023 7:44 AM
To: Brett Hamilton <bhamilton@cityofmenifee.us>
Subject: RE: Motte Business Center Draft EIR Pubic Review - Menifee, CA

[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.

Good Morning Brett,

Thank you for including Riverside Transit Agency in the development review of the Motte Business Center. After reviewing the plans, there are no comments to submit for this particular project at this time.

Thank you,

Mauricio Alvarez, MBA
Planning Analyst
Riverside Transit Agency
p: 951.565.5260 | e: malvarez@rivsidetransit.com
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)
1825 Third Street, Riverside, CA 92507

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D1
|

From: Brett Hamilton <bhamilton@cityofmenifee.us>
Sent: Friday, September 29, 2023 7:02 AM
To: Brett Hamilton <bhamilton@cityofmenifee.us>
Subject: Motte Business Center Draft EIR Pubic Review - Menifee, CA

Good morning,

Please see the attached Notice of Availability (NOA) of the Draft Environmental Impact Report (EIR) for the Motte Business Center Project. The [Draft EIR](#) can be viewed on the City's website, both public libraries in Menifee, and at City Hall (details provided in the NOA). The State Clearinghouse number is 2022120083.

The public review period begins Friday, September 29, 2023, and ends on Monday, November 13, 2023.

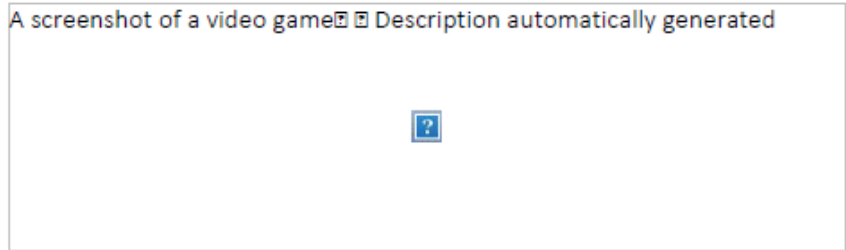
|
D2
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Please reach out to me with any questions or comments.

Thank you,

Brett Hamilton, AICP | Senior Planner
Community Development Department – Planning Division
City of Menifee | 29844 Haun Road | Menifee, CA 92586
Direct: (951) 723-3747 | City Hall: (951) 672-6777 | Fax: (951) 723-2579
bhamilton@cityofmenifee.us | cityofmenifee.us

↑
D2
Cont.



Connect with us on social media:  |  |  | 

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This email has been scanned by the Riverside Transit Agency Email Security System.

Responses to Comment Letter D – Riverside Transit Authority
Mauricio Alvarez, Planning Analyst

- D1** The comment includes a conclusionary statement indicating “no comments” on this Project. No further response is warranted.
- D2** Comment noted and no further response is required.

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**Comment Letter E – South Coast Air Quality Management District
Danica Nguyen, Air Quality Specialist, CEQA-IGR**

From: Danica Nguyen <dnguyen1@aqmd.gov>
Sent: Tuesday, October 17, 2023 10:28 AM
To: Brett Hamilton <bhamilton@cityofmenifee.us>
Cc: Sam Wang <swang1@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Motte Business Center Project

[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.

Good morning Brett,

Thank you for providing the requested data files. I was able to access and download them for the review.

Regards,

Danica Nguyen
Air Quality Specialist, CEQA-IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

E1

From: Brett Hamilton <bhamilton@cityofmenifee.us>
Sent: Monday, October 16, 2023 1:36 PM
To: Danica Nguyen <dnguyen1@aqmd.gov>
Cc: Sam Wang <swang1@aqmd.gov>
Subject: [EXTERNAL]RE: Technical Data Request: Proposed Motte Business Center Project

Hello Danica,

Use the link below to download the requested data for the Motte Business Center Project.

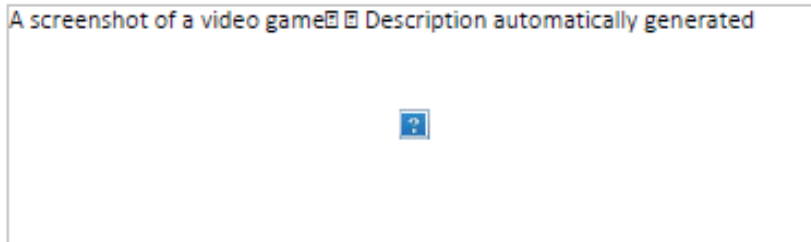
[Motte Business Center South Coast AQMD](#)





E2

Please confirm receipt of the files.

Thank you,

Brett Hamilton, AICP | Senior Planner
Community Development Department – Planning Division
City of Menifee | 29844 Haun Road | Menifee, CA 92586
Direct: (951) 723-3747 | City Hall: (951) 672-6777 | Fax: (951) 723-2579
bhamilton@cityofmenifee.us | cityofmenifee.us



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From: Brett Hamilton
Sent: Tuesday, October 10, 2023 11:53 AM
To: Danica Nguyen <dnguyen1@aqmd.gov>
Cc: Sam Wang <swang1@aqmd.gov>
Subject: RE: Technical Data Request: Proposed Motte Business Center Project

Thank you, Danica. We will get the requested files compiled and sent over before 10/17.

Best,

Brett Hamilton, AICP | Senior Planner
Community Development Department – Planning Division
City of Menifee | 29844 Haun Road | Menifee, CA 92586
Direct: (951) 723-3747 | City Hall: (951) 672-6777 | Fax: (951) 723-2579
bhamilton@cityofmenifee.us | cityofmenifee.us

E2
Cont.

E3

From: Danica Nguyen <dnguyen1@aqmd.gov>
Sent: Tuesday, October 10, 2023 10:23 AM
To: Brett Hamilton <bhamilton@cityofmenifee.us>
Cc: Sam Wang <swang1@aqmd.gov>
Subject: Technical Data Request: Proposed Motte Business Center Project

You don't often get email from dnguyen1@aqmd.gov. [Learn why this is important](#)

[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.

Dear Brett Hamilton,

South Coast AQMD staff received the Draft Environmental Impact Report (EIR) for the Proposed Motte Business Center Project ([South Coast AQMD Control Number: RVC231003-01](#)). The public commenting period is from 09/29/2023 to 11/13/2023.

Upon reviewing the files provided as part of the public review period, I was able to access the Draft EIR and its Appendices via the City's website.

Please provide all technical documents related to air quality, health risk, and GHG analyses, electronic versions of all emission calculation files, and air quality modeling and health risk assessment files ([complete files, not summaries](#)) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including the following:

- CalEEMod Input Files (.csv or .json files);
- EMFAC output files (not PDF files);
- All emission calculation spreadsheet file(s) (not PDF files) used to calculate the Project's emission sources (i.e., truck operations);
- AERMOD Input and Output files, including AERMOD View file(s) (.isc);
- Any HARP Input and Output files and/or cancer risk calculation files (excel file(s); not PDF) used to calculate cancer risk and chronic and acute hazards from the Project;
- Any files related to post-processing done outside AERMOD to calculate pollutant-specific

E4

E5

concentrations (if applicable).

You may send the files mentioned above via a Dropbox link, which may be accessed and downloaded by South Coast AQMD staff **by COB on Tuesday, 10/17/2023**. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses promptly. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.

If you have any questions regarding this request, please don't hesitate to contact me.

Regards,

Danica Nguyen
Air Quality Specialist, CEQA-IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

From: Danica Nguyen <dnguyen1@aqmd.gov>
Sent: Thursday, November 9, 2023 8:56 AM
To: Brett Hamilton <bhamilton@cityofmenifee.us>
Cc: Sam Wang <swang1@aqmd.gov>
Subject: South Coast AQMD Staff's Comments on the Draft EIR Motte Business Center Project

[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.

Dear Brett Hamilton,

Attached are South Coast AQMD staff's comments on the Draft Environmental Impact Report (EIR) for the Proposed Motte Business Center Project (SCH No. 2022120083) ([South Coast AQMD Control Number: RVC231003-01](#)). Please contact me if you have any questions regarding these comments.

Regards,

Danica Nguyen
Air Quality Specialist, CEQA-IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-3531
E-mail: dnguyen1@aqmd.gov
Please note South Coast AQMD is closed on Mondays.

E5
Cont.
E6

E7



SENT VIA E-MAIL:

November 9, 2023

bhamilton@cityofmenifee.us

Brett Hamilton, Senior Planner
City of Menifee, Community Development Department
29844 Haun Road
Menifee, CA 92586

**Draft Environmental Impact Report (Draft EIR) for the
Motte Business Center Project (Proposed Project)
(SCH No.: 2022120083)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Menifee is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments organized by topic of concern.

South Coast AQMD Staff's Summary of Project Information in the Draft EIR

Based on the Draft EIR, the Lead Agency proposes to develop one warehouse building, approximately 1,138,638 square feet, on an approximately 44-acre site.¹ The Proposed Project would have 128 dock doors² associated with 165 daily truck trips.³ Truck access to the Proposed Project site via Interstate 215 to Ethanac Road for regional access and via Dawson Road and Antelope Road for local access.⁴ Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residential uses) is less than 50 feet north of the Proposed Project. Construction of the Proposed Project is anticipated to occur in approximately 11 months, beginning in November 2025 and lasting through September 2026.⁵

E8

South Coast AQMD Staff's Comments on the Draft EIR

Inconsistency in the Number of Daily Truck Trips that Potentially Underestimate Proposed Project's Air Quality Impacts from Mobile Sources

Table 4.13-1: Project Trip Generation⁶ in the Draft EIR and Table 3⁷ in Appendix K - Transportation Reports show that the Proposed Project would generate 165 daily truck trips, about 8% of the total daily vehicle trips, during the warehouse's operation. However, Appendix B1 - Air Quality Assessment and the California Emissions Estimator Model (CalEEMod) output files show

E9

¹ Draft EIR, Page 2-4.

² *Ibid.*

³ *Ibid.* Table 4.13-1, Page 4.13-13.

⁴ *Ibid.* Page 2-5.

⁵ *Ibid.* Page 2-6.

⁶ *Ibid.* Table 4.13-1, Page 4.13-13.

⁷ *Ibid.* Appendix K - Transportation Reports, Page 18.

Brett Hamilton

November 9, 2023

that the Proposed Project would generate 562⁸ and 526 daily truck trips,⁹ respectively. Table A below summarizes the inconsistency in daily truck trips between documents.

Table A – Inconsistency in Proposed Project’s Daily Truck Trips

Draft EIR and Appendix K	Appendix B1	CalEEMod Output Files
165	562	526

E9
Cont.

The information regarding the number of daily truck trips associated with the Proposed Project’s operation should be consistent throughout the Draft EIR and its appendices. It does not only serve compatible purposes but also accuracy in terms of emissions from mobile sources (trucks). In the event that both Draft EIR and CalEEMod analysis utilize a smaller number of daily trucks compared to Appendix B1 (refer to Table A), the emissions from these daily trucks are likely underestimated during operation. The correct daily truck trips should be defined clearly in the final CEQA documents, and their associated emissions need to be revised to reflect the correct truck trips per day while quantifying the operation emissions.

Potential of Inappropriate Vehicle Fleet Mixes to Evaluate Proposed Project’s Air Quality Impacts from Mobile Sources

The Proposed Project’s operational emissions from mobile sources may have been underestimated using inappropriate vehicle fleet mixes in the Draft EIR. The Proposed Project generates 165 daily truck trips, 8% of the Proposed Project’s 2,061 daily vehicle trips consisting of heavy-duty trucks.¹⁰ According to Appendix K - Transportation Reports of the Draft EIR, this assumption was based on the Trip Generation Manual, 11th Edition.¹¹ South Coast AQMD staff believes that the number of trucks assumed in the Draft EIR to serve the proposed industrial uses is too low for a warehouse facility of over a million square feet. For instance, according to the Fontana Truck Trip Generation Study, 20.4% of the total daily vehicle trips from a warehouse greater than 100,000 square feet would consist of trucks.¹² This example study is based on traffic counts from warehouses. Thus, re-evaluating the Proposed Project’s air quality impacts, assuming a conservative fleet mix supported by substantial evidence, is recommended.

E10

Potential Underestimation of Emissions Due to Imprecise Assumptions for Truck Trip Lengths in Emissions Analysis

It is unclear about the truck trip length used to estimate the truck emissions for the Proposed Project as the information is not mentioned in the Draft EIR and its appendices. It is important to note that the Proposed Project site is approximately 80 to 90 miles from the Ports of Los Angeles and Long Beach, which indicates that the air quality analysis might have underestimated the emissions from trucks traveling from the Ports to the Proposed Project site. Hence, the truck emissions potentially have been underestimated. It is essential to revise the analysis in the Draft EIR to rely on more conservative trip lengths between 40 and 80 miles, designating 40 miles for local trips and 80 miles for Port trips. Customizing these parameters and assumptions based on project-specific data will

E11

⁸ *Ibid.* Appendix B1 – Air Quality Assessment. Page 19.

⁹ *Ibid.* Appendix B1 – Air Quality Assessment. CalEEMod Output files.

¹⁰ *Ibid.* Table 4.13-1. Page 4.13-13.

¹¹ *Ibid.* Appendix K - Transportation Reports. Page 17.

¹² City of Fontana. Truck Trip Generation Study/ Access at:

<https://tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf>

Brett Hamilton

November 9, 2023

ensure a more accurate assessment of emissions, accounting for the unique circumstances and logistical realities of the Proposed Project.

E11
Cont.

Additional Mitigation Measures to Further Reduced Construction Emissions

Table 4.2-8: Construction-Related Emissions in the Draft EIR reveals that the Proposed Project’s construction emissions would result in less than significant impacts with mitigation measures MM AQ-1 and MM AQ-2.¹³ However, the construction mitigated NOx emissions in 2025, which are 95.78 lbs./day, are considerably close to the South Coast AQMD Air Quality Significance Thresholds. Due to the high NOx emissions, including all feasible mitigation measures to further reduce the impacts is essential. In addition, the CalEEMod output files show that the mitigated off-road equipment utilized during construction is classified as “average tier.”¹⁴ Thus, it is recommended that, at a minimum, the final CEQA documents should include language that requires all off-road diesel-powered equipment used during construction to be Tier 4 or cleaner engines, if and where feasible, revise the construction analysis and disclose the results in the final CEQA documents.

E12

Additional Recommended Air Quality and Greenhouse Gases Mitigation Measures

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project’s air quality impacts and in addition to Mitigation Measures MM AQ-1 to MM AQ-4, and MM GHG-1 to MM GHG-8. Although with the mitigation measures discussed in the Draft EIR, the mitigated operational emissions are still significantly close to the South Coast AQMD Air Quality Significance Thresholds for NOx, which is 54.88 lbs./day compared to 55 lbs./day.¹⁵ Hence, South Coast AQMD staff recommends incorporating additional mitigation measures into the Final EIR, such as mitigation measures for operational air quality impacts from mobile sources, as follows:

E13

- 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 Rule¹⁶ and the Heavy-duty Low NOx Omnibus Regulation,¹⁷ ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize 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.

¹³ *Ibid.* Page 4.2-20.

¹⁴ *Ibid.* Appendix B1 – Air Quality Assessment. CalEEMod Output files.

¹⁵ *Ibid.* Table 4.2-10. Page 4.2-22.

¹⁶ CARB. June 25, 2020. Advanced Clean Trucks Rule. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-cleantrucks>.

¹⁷ CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in the 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/bhp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

Brett Hamilton

November 9, 2023

At a minimum, require the use of a 2010 model year¹⁸ that meets 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. All heavy-duty haul trucks should meet CARB's lowest optional low-NOx standard starting in 2022.¹⁹ Where appropriate, 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. 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 electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

In addition, the following mitigation measures for operational air quality impacts from other area sources are also recommended to be included in the Final EIR:

- Maximize the 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.

To further reduce air quality and health risk impacts, the Lead Agency is recommended to include the following traffic design parameters:

- Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare 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 truck check-in point is inside the Proposed Project site to ensure no trucks are 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.

¹⁸ 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/ourdiesel/ourdiesel.htm>.

¹⁹ CARB's optional low-NOx emission standard is available at: <https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards>.

E13
Cont.

Brett Hamilton

November 9, 2023

Lastly, the Lead Agency is also recommended to review the following references when considering the inclusion of additional mitigation measures in the Final EIR:

- State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act²⁰
- South Coast AQMD 2022 South Coast Air Quality Management Plan,²¹ specifically:
 - Appendix IV-A – South Coast AQMD’s Stationary and Mobile Source Control Measures
 - Appendix IV-B – CARB’s Strategy for South Coast
 - Appendix IV-C – SCAG’s Regional Transportation Strategy and Control Measures
- United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation²²

E13
Cont.

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would also require the use of stationary equipment, including but not limited to emergency generators, emergency fire pump(s), boilers, etc., air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Section 15086, the Lead Agency is required to consult with South Coast AQMD. In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Final EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project.

E14

The Final EIR should also include calculations and analyses for construction and operation emissions for the new stationary and portable sources, as this information will also be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD’s webpage at <http://www.aqmd.gov/home/permits>.

Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to support the conclusions reached sufficiently. If the requested information and analysis are not included in the Final EIR, the Lead Agency should provide reasons for not doing so.

E15

²⁰ State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. Access at: <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>

²¹ 2022 South Coast AQMP. Access at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan>

²² United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation. Access at: <https://www.epa.gov/mobile-source-pollution/environmental-justice-and-transportation>

Brett Hamilton

November 9, 2023

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SW:DN
RVC231003-01
Control Number

E15
Cont.

**Responses to Comment Letter E – South Coast Air Quality Management District
Danica Nguyen, Air Quality Specialist, CEQA-IGR**

- E1** The Commenter’s confirmation that all requested data files were received has been noted. Responses to the South Coast Air Quality Management District’s follow up letter are provided in Responses to Comments E7 through E15.
- E2** The comment shows the City’s email to the Commenter that includes requested data for the Project. No further response is warranted.
- E3** Refer to Response to Comment E2 above. No further response is warranted.
- E4** This comment includes introductory statements and therefore, no further response is warranted.
- E5** This comment includes a public records request for all technical documents related to air quality, health risk, and GHG analyses, electronic versions of all emission calculation files, and air quality modeling and health risk assessment files. Pursuant to Response to Comment E1, the commenter’s confirmation was noticed in response to their request. No further response is warranted.
- E6** As requested by the Commenter, the City sent the request data files on October 16 (refer to Response to E1 for more information).
- E7** Refer to the following Response to Comments E9 through E15 below. The issues raised in these comments have been addressed in detail, and the City’s responses have been provided in good faith, and contain reasoned analysis, without resort to unsupported conclusory statements.
- E8** The commenter provides general introductory and background information as well as a summary of the Project, existing nearby sensitive receptors, and air quality analysis. The City appreciates and values these comments during the EIR participation process. Responses to specific comments are provided below.
- E9** The comment notes an inconsistency with the number of truck trips modeled in CalEEMod for the Air Quality Assessment (Draft EIR Appendix B1) versus what was identified in the Traffic Study (Draft EIR Appendix K). Different trip generation rates were intentionally selected for the Air Quality Assessment and the Traffic Study to conservatively capture a worst-case scenario for each study. It should be noted that the proposed Project is a speculative warehouse, and the end user is unknown.

The Traffic Study estimates vehicle trips based on Institute of Transportation Engineers (ITE) land use code 155 to capture the worst-case number of overall trips. However, the Air Quality Analysis estimates vehicle trips based on ITE land use code 150 to capture the worst-case truck trips, as truck trips are a greater contributor to air quality emissions than passenger cars. The difference in truck trips is explained in footnote 4 at the bottom of page 19 in the Air Quality Assessment.

The comment also incorrectly identifies a discrepancy between the truck trips reported on page 19 of the Air Quality Assessment (562 truck trips) and the number of truck trips in the CalEEMod outputs (526 truck trips). In the Air Quality assessment, on page 19, it is stated that 562, not 526 truck trips were modeled, which is consistent with the number of truck trips modeled and shown in the CalEEMod outputs. Therefore, the Air Quality Assessment is internally consistent and uses a conservative number of truck trips to evaluate the worst-case air quality emissions.

E10 The comment provides an opinion that the fleet mix assumptions may result in underestimating operational emissions. However, as noted above in Response to Comment E9, the Air Quality Assessment modeled a conservative number of vehicle trips, including truck trips. Specifically, although the Traffic Study identified 165 daily truck trips, the Air Quality Assessment modeled 526 daily truck trips. The 526 daily truck trips modeled in the Air Quality Assessment represent 27 percent of the total modeled vehicle trips and 25.5 percent of the total vehicle trips identified in the traffic study. As such, the modeled fleet mix is more conservative than the 20.4 percent trucks suggested in the comment. Therefore, the comment that the fleet mix assumptions underestimate operational emissions is incorrect.

E11 The Air Quality Assessment used a truck trip length of 33.2 miles in the emissions modeling based on the California Air Resources Board document Emissions Estimation Methodology for On-Road Diesel-Fueled Heavy-Duty Drayage Trucks at California Ports and Intermodal Rail Yards. It should be noted that this distance is specific to transloading/local distribution facilities and the longest (i.e., most conservative) distance identified in the study for the South Coast Air Basin. Shorter distances are identified for other locations such as off-terminal and intermodal facilities. The CARB study used GIS to estimate travel distances. CARB explains that that estimating travel distances to/from the Ports of Los Angeles and Long Beach to distribution and transloading facilities is complicated because there are thousands of facilities and the number of trips to each facility and location of each facility is unknown. Therefore, CARB used the Ports' truck trip origin and destination (O-D) survey data to estimate distribution center travel distances.

The CalEEMod methodology uses average trip lengths, which accounts for some longer trips (e.g., to/from the Ports or other location) and some shorter trips (e.g., to/from other facilities or warehouses in the area). Goods movement can involve several steps (i.e., origin and destination) between the port and a particular warehouse, intermodal facility, or other facility. Each step would be a separate trip. As such, not all truck trips would originate from the Ports; some trips may be from intermodal facilities, storage warehouses, cross-dock warehouses, distribution centers, retail stores, etc. Truck trips would likely be redistributed from other existing locations. As described above, the CARB truck trip lengths used in the Air Quality Assessment are based on substantial evidence and representative of warehouse truck trips to/from the Ports in the South Coast Air Basin (i.e., the region where the Project is located).

E12 As noted in the comment, Project construction emissions would not exceed SCAQMD's construction thresholds with **MMs AQ-1** and **AQ-2**. **MM AQ-1** requires the Project to use low VOC paint and **MM AQ-2** prohibits heavy equipment idling for more than three minutes. **MM AQ-2**

also prohibits equipment from being in the “on” position for more than 10 hours per day and requires the Project's general contractor to designate an officer to monitor the construction equipment operators on-site for compliance.

Construction emissions were modeled with CalEEMod as recommended by the SCAQMD. CalEEMod calculates emissions based on CARB emission factors and construction equipment rates derived from SCAQMD survey data. The comment suggests additional construction mitigation because the NOX emissions are close to the threshold. Additional mitigation only would be considered if construction emissions remained above thresholds. Draft EIR Table 4.2-8 shows construction emissions below SCAQMD thresholds, resulting in a less than significant impact. CEQA Guidelines Section 15126.4 requires mitigation measures only for significant environmental effects identified in the EIR. Additionally, CEQA Guidelines Section 15041 and Section 15126.4(a)(4) require mitigation of significant impacts to be consistent with the nexus and rough proportionality standards. CEQA Guidelines Section 15126.4(a)(3) states that mitigation measures are not required for effects which are not found to be significant. As the Project does not exceed thresholds, there is no nexus for additional mitigation. As the Project's construction emissions are mitigated below the SCAQMD's thresholds of significance, additional mitigation is not required under CEQA.

E13 The City drafted the four air quality mitigation measures and eight greenhouse gas (GHG) mitigation measures to require strategies which can be feasibly implemented at the time Project construction and operations are expected to begin. **MM AQ-1** requires the Project to use low VOC paint and **MM AQ-2** prohibits heavy equipment idling for more than three minutes. Draft EIR Table 4.2-10 shows that operational emissions would be reduced to less than significant levels (i.e., below the SCAQMD's operational thresholds of significance) with the implementation of **MMs AQ-3** and **AQ-4** and additional mitigation in Draft EIR Section 4.7 (Greenhouse Gas Emissions). **MMs AQ-3** and **AQ-4** requires the Project to reduce operational emissions by utilizing all-electric cargo handling equipment and appropriate signage for on-site circulation and limiting idling emissions. **MMs GHG-2, GHG-4, GHG-5, and GHG-7** have been identified to reduce mobile source operational emissions. Specifically, **MM GHG-2** requires a transportation demand management program when the operator has more than 100 employees in an effort to reduce single-occupant vehicle trips. **MM GHG-4** requires providing tenants with information on incentive programs such as the Moyer program and Smartway Program to increase transportation efficiency. **MM GHG-5** requires EV ready infrastructure and Level 2 Quickcharge EV charging stations in employee parking lots. **MM GHG-7** requires electrical conduit for future electric trucks.

MMs GHG-1 through **GHG-8** also require the installation of solar photovoltaic (PV) panels, a Transportation Demand Management (TDM) program, prohibiting cold storage, providing information on incentives for emissions reduction programs and implementation measures for tenants, EV infrastructure for employee parking, diversion of 75 percent of landfill waste, and providing electrical conduits for future electric truck charging stations, and limiting natural gas consumption during Project operations to 10 million kBtu/year.

As noted above, CEQA Guidelines Section 15041 and Section 15126.4 require mitigation for significant impacts consistent with the nexus and rough proportionality standards. Mitigation measures are not required for effects that are not found to be significant. Draft EIR Table 4.2-10 shows that **MM AQ-3** would mitigate operational emissions to less than significant levels. Therefore, additional mitigation is not required under CEQA.

This comment provides a list of recommended additional mitigation measures to reduce the Project's operational NO_x emissions, principally generated by trucks. The Draft EIR identifies a number of Laws, Ordinances, and Regulations, as well as Policies, standard conditions, and Mitigation Measures to reduce impacts from the proposed Project. The City disagrees that the suggested additional mitigation measures are necessary and feasible. The applicability and feasibility of these measures are discussed below:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks.

In addition to not being required by CEQA, the suggested measures contained in the comment related to ZE or NZE vehicles are not feasible to implement, because the availability of vehicles equipped with such technology in the opening year is speculative. Even with adoption of CARB's Advanced Clean Truck Rule, CARB acknowledges that it will take time for zero- and near-zero emission (ZE and NZE) vehicles to become commercially available and to penetrate the market.

As discussed in Draft EIR page 4.7-29, trucks accessing the Project site would be subject to the following standard conditions including Advanced Clean Truck Regulation, CARB's Mobile Source Strategy, CARB's Sustainable Freight Action Plan, and CARB's Emissions Reduction Plan for Ports and Goods Movement. Additionally, trucks are subject to the Heavy-Duty Low NO_x Omnibus Regulation. As noted in the comment, these regulations are required for all trucks. These suggested mitigation measures are already part of the existing regulatory environment and would not be considered mitigation under CEQA. For example, CARB already regulates truck emissions with the Advanced Clean Truck Regulation, the Mobile Source Strategy (including the low-NO_x engine emissions standard), the Sustainable Freight Action Plan, and the Emissions Reduction Plan for Ports and Goods Movement, among others. As these regulations are already required to be complied with, they do not represent CEQA mitigation for the Project.

- At a minimum, require the use of a 2010 model year that meets CARB's 2010 engine emissions standards.

The CARB Truck and Bus Regulation required trucks to be upgraded to 2010 or new model year engines. The Truck and Bus regulation has been in effect since December 2008 and the final deadline for the last replacement phase of the regulation was January 1, 2023. As this regulation is already required to be complied with, it does not represent CEQA mitigation for the Project.

- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document.

The City disagrees with the suggestion that the Final EIR should include a limit on the daily number of trucks allowed at the proposed Project to levels that were analyzed in the Final EIR (526 daily truck tips) and require re-evaluating impacts through CEQA should daily truck trips from the proposed Project be anticipated to exceed those levels. The EIR is based on a set of realistic, but conservative, set of assumptions regarding the magnitude of potential activities resulting from the proposed Project, including truck trip estimates. As described on page 19 of the Air Quality Assessment (footnote 4) and discussed above in Response to Comment E9, the Project-generated emissions are conservative, as heavy truck trips are higher for a warehousing use compared to a high-cube fulfillment center. Therefore, the City does not anticipate truck trips to exceed those, and future re-evaluation is not necessary.

- Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical conduits should be provided for truckers to plug in any onboard auxiliary equipment.

MM GHG-5 requires EV ready infrastructure and Level 2 Quickcharge EV charging stations in employee parking lots and **MM GHG-7** requires electrical conduit for future electric trucks. Therefore, the Project would be consistent with this recommended measure.

- Maximize the use of solar energy by installing solar energy arrays.

MM GHG-1 requires the installation of solar photovoltaic (PV) panels. Therefore, the Project would be consistent with this recommended measure.

- Use light-colored paving and roofing materials.

California's Title 24, Part 6 Building Energy Efficiency Standards includes cool roof requirements for new and existing buildings. These requirements are in the following sections of the 2022 Title 24, Part 6 standards:

- Section 10-113(a,b) (Mandatory Certification and Labeling of Roofing Product Reflectance and Emittance)
- Section 110.8(i) (Mandatory Insulation, Roofing Products & Radiant Barriers)
- Section 140.1 (Performance Approach: Energy Budgets (Nonresidential))
- Section 140.2 (Prescriptive Approach (Nonresidential))
- Section 140.3(a)1 (Prescriptive Requirements for Building Envelopes (Nonresidential))

Therefore, the Project would be consistent with this recommended measure.

- Utilize only Energy Star heating, cooling, and lighting devices and appliances.

2022 Title 24, Part 6 Building Energy Efficiency Standards include requirements to meet or exceed Energy Star standards. Therefore, the Project would be consistent with this recommended measure.

- Clearly mark truck routes with trailblazer signs.

Draft EIR MM AQ-4 requires the Project Applicant to post signs that direct trucks to truck routes and away from sensitive receptors. The City's Industrial Good Neighbor Policies also require truck traffic to be routed to impact the least amount of sensitive receptors with the usage of traffic control features and signage. Therefore, the Project would be consistent with this recommended measure.

- 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.

The City's Industrial Good Neighbor Policies require truck traffic to be routed to impact the least amount of sensitive receptors, (e.g., access locations, use of traffic control features, signage). Sufficient landscape buffers and walls are also required to be provided on-site to screen sensitive receptors from truck access, parking, and storage. The Industrial Good Neighbor Policies also require check-in gates and/or guard booths to be positioned with a minimum of 150 feet inside the property line for on-site truck queuing. An additional 75 feet of on-site queuing is required to be added for every 20 loading docks beyond 40 up to 300 feet. Multiple lanes (minimum lane width of 12 feet) are permitted to achieve the required on-site truck queuing. The general queuing and spill-over of trucks onto surrounding public streets are prohibited. Therefore, the Project would be consistent with this recommended measure.

- Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.

As described above, the City's Industrial Good Neighbor Policies include requirements for truck-check-in points and queuing. Therefore, the Project would be consistent with this recommended measure.

- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.

As described above, the City's Industrial Good Neighbor Policies require truck traffic to be routed to impact the least amount of sensitive receptors, (e.g., access locations, use of traffic control features, signage). Therefore, the Project would be consistent with this recommended measure.

- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

The Project is required to provide adequate on-site parking in accordance with the City's parking standards. The City's Industrial Good Neighbor Policies also require facilities to provide adequate on-site parking and queuing for trucks/trailers away from sensitive receptors and prohibit commercial truck and/or trailer parking on the public road right-of-

way or adjacent to sensitive receptors. Therefore, the Project would be consistent with this recommended measure.

E14 As the Project is a speculative warehouse it is currently unknown if stationary equipment would be required. However, if stationary equipment is needed, the end user would be required to obtain a permit from the SCAQMD prior to installation. Stationary equipment would be required to implement SCAQMD's Best Available Control Technology (BACT) and comply with applicable SCAQMD Rules, such as Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines). In order to provide a conservative analysis, the Draft EIR included emissions associated with backup generators based on general assumptions (see Draft EIR page 4.2-33) and the associated calculations are included in Draft EIR Appendix B1. However, the Project would be developed for as-of-yet-unknown future tenants, to fulfill their specific, but speculative business needs.

E15 Refer to Response to Comments E8 through E14 above. The issues raised in these comments have been addressed in detail, and the City's responses have been provided in good faith, and contain reasoned analysis, without resort to unsupported conclusory statements.

The comment requests that the City comply with CEQA when responding to SCAQMD's comments. As requested, the City's responses to SCAQMD's comments will be sent to the SCAQMD as part of the Final EIR distribution prior to certification of Final EIR. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR or the Project's environmental effects, no further response is warranted. The comment is included here to provide a complete record of the SCAQMD's letter. The comment will become part of the administrative record and will be considered by the decision-makers.

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Comment Letter F – City of Perris – Planning Division
Danica Nguyen, Air Quality Specialist, CEQA-IGR



CITY OF PERRIS

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

November 13, 2023

Brett Hamilton, Senior Planner
City of Menifee
Community Development Department
Planning Division
29844 Haun Road
Menifee, CA 92586

SUBJECT: CITY OF PERRIS COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT PREPARED FOR PLANNING CASES TPM-38432 (PLN22-0114) AND MAJOR PLOT PLAN (PLN22-0115) – PROPOSED 1.1 MILLION SQUARE FOOT MOTTE BUSINESS CENTER – LOCATED SOUTH SIDE OF ETHANAC ROAD BETWEEN DAWSON ROAD AND ANTELOPE ROAD (APNs: 331-150-036, 331-150-037, 331-150-039, 331-150-040, 331-150-041, 331-150-042, 331-150-044, 331-150-045)

Dear Mr. Hamilton:

The City of Perris appreciates the opportunity to comment on the Draft Environmental Impact Report prepared for the "Motte Business Center" ("Proposed Project") proposal to construct a tilt up industrial building totaling 1,138,638 square feet on a 43.94-acre project site, located generally south of Ethanac Road between Dawson Road and Antelope Road, within the City of Menifee.

F1

Given the Project's proximity to the City of Perris, consider the following comments:

1. **California Environmental Quality Act (CEQA).** The Project needs to address the cumulative impacts of all 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). Based on the cumulative projects list provided in Section 3.2 - Cumulative Projects List, the following comments are provided:
 - a. The cumulative projects list provided in Table 3-1 – List of Cumulative Projects does not include the 1.1 million square foot warehouse facility on approximately 60 acres, proposed west of Murrieta Road, east of Bryers Road, and south of Ethanac Road. Without the inclusion of this project, Perris is concerned the cumulative impact analysis is inadequate. Please clarify if this project has been withdrawn or if it has changed and is listed with different square footage.

F2

01006.0005/938172.1

2. Transportation

a. **Page 5, Figure 3: Existing Lane Configuration and Traffic Control.** As shown in Figure 3, the project site is located just south of Ethanac Road and impacts intersections within (or adjacent to) the City of Perris including intersections #5, #6, #7, #8 and #9 along Ethanac Road. The study also included intersections #1, #2, #3, and #4 along SR-74 also within (or adjacent to) the City of Perris. These intersections and roadway segments are of concern to the City of Perris since potential improvements have been identified along these roadways and intersections. All recommended improvements for City of Perris intersections/roadway segments shall be reviewed and confirmed by City of Perris Engineering Department.

F3

b. **Page 6, Level of Service Standards and Measure of Significance.** Since the traffic study analyzes City of Perris intersections, the City of Perris significance criteria/thresholds should also be included and used to evaluate impacts at City of Perris intersections.

F4

c. **Page 15, Table 1: Summary of Intersections Operation - Existing Conditions.** An additional column should be added to all LOS tables clarifying which jurisdiction each intersection is located in. For all City of Perris intersections, the City of Perris significance criteria/thresholds shall be utilized.

F5

d. **Page 17, Project Trip Generation & Page 18, Table 3: Summary of Project Trip Generation.** Recommend using the latest version of the passenger car and truck splits from the ITE 11th edition be utilized for the project trip generation. The latest ITE 11th edition trip generation manual indicates that for ITE Trip Code 155 (High Cube Fulfillment Center – non-sort) the daily truck splits should be 12.7%, the AM truck splits should be 13.3% and the PM peak hour truck splits should be 6.3%.

F6

Furthermore, the truck type splits should be based on the splits provided by SCAQMD (without cold storage). The City of Fontana Truck Trip Generation Study (2003) is outdated and newer information is provided via ITE and SCAQMD. As such, City of Perris does not support the use of the Fontana Truck Trip Generation Study splits.

F7

This would impact the level of service at study area intersections, especially during the AM peak hour.

e. **Page 23, Table 4, Summary of Intersection Operations - Existing Plus Project.** As indicated in Table 4, even with the currently assumed truck splits the project has a direct impact to intersection #7 (Encanto Drive at Ethanac Road) and intersection #9 (Sherman Road at Ethanac Road). A direct impact implies that the project shall be 100% responsible that all necessary improvements are installed to mitigate these impacts (or via some other defined improvement program) prior to project occupancy.

F8

f. **Page 26, Figure 10: Location of Cumulative Projects & Page 27 Table 6: Summary of Cumulative Projects.** The traffic consultant did not reach out to the City of Perris to confirm

F9

01006.0005/938172.1

which cumulative projects should be included. The City of Perris should confirm the list of cumulative projects in the City of Perris.

F9
cont.

g. **Page 33 and Page 35, Table 9: Summary of Intersection Operation Opening Year 2025 Cumulative Plus Project.** This evaluation indicates that several intersections in the vicinity of the City of Perris including intersections #5, #6, #7, #8 and #9 are not meeting level service standards and the project has a cumulative impact at these locations. The study indicated what improvements are needed at those intersections and an accompanying project fair-share cost percentage. However, it is unclear how these improvements would be implemented and who would be responsible for providing the required improvements. Additional detail is needed on the funding mechanisms that will be utilized to make these required improvements.

F10

h. **Page 43, Table 13, Summary of Project Fair Share Opening Year 2025 Cumulative Plus Project.** The project directly impacts both intersection #7 (Encanto Drive at Ethanac Road) and intersection #9 (Sherman Road at Ethanac Road). As such, the project shall be 100% responsible for implementing the improvements or identifying other applicable funding sources.

F11

i. **General.** The City of Perris is concerned about the project's impact to queuing/progression along Ethanac Road at the I-215 interchange because of the potential for creating unsafe and hazardous driving conditions. A simulation analysis should be conducted to identify any queuing deficiencies, and if applicable, improvements should be identified.

F12

3. The developer/property owner shall be advised that Riverside County Transportation Department, in cooperation with Caltrans, has proceeded with a Project Study report (PSR)/Project Development Support (PDS) for the I-215/Ethanac Road Interchange Improvements, of which may impact the development of the referenced project. The developer/property owner should contact Azan Junaid with Riverside County Transportation Department for information regarding the PSR/PDS.

F13

4. **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.

F14

The City of Perris reserves the right to provide further comments on other environmental topics analyzed in the Draft EIR as the project moves forward in the process. We appreciate the opportunity to comment on this project and related EIR. Please feel free to contact me at (951) 943-5003, extension 355, if you have any questions or would like to discuss the above concern in further detail.

F15

Responses to Comment Letter F – City of Perris – Planning Division
Patricia Brenes, Planning Manager

- F1** This comment includes introductory statements and therefore, no further response is warranted.
- F2** Based on discussion with City staff, the noted project formally withdrew its development application on June 22, 2022. The NOP for the proposed Motte Business Center project was released on December 6, 2022. As a result, the noted project was not included in the Cumulative Projects list because it was withdrawn over 5 months prior to issue of the NOP.
- F3** Under CEQA Guidelines section 15064.3, automobile delay is no longer considered an environmental impact. The Project's land use impacts are based in part upon determining compliance with the City's General Plan. The Project Applicant is proposing to improve roadways along the Project's frontage per the City of Menifee General Plan. The Project Applicant will also improve Ethanac Road from I-215 to Dawson Road to increase the roadway's vehicle capacity to accommodate the Project and other nearby project traffic as forecasted by the Project's Traffic Study. All roadway improvements associated with the proposed Project would be consistent with the City of Menifee General Plan Circulation Element. Any improvements to intersections or of roadways shared with the City of Perris would be coordinated between the City of Menifee and City of Perris prior to final engineering for the Project.
- F4** As discussed above, automobile delay no longer is considered as a significant impact under CEQA and thus, this response is provided for informational purposes only. Based on the City of Perris, *LOS Standards and Significance Criteria For Traffic Studies* significant project effects shall be based on the following criteria:
- A project-related effect is considered direct and significant when a study intersection operates at an acceptable Level of Service for existing conditions (without the project) and the addition of 50 or more a.m. or p.m. peak hour project trips causes the intersection to operate at an unacceptable Level of Service for existing plus project conditions.
 - A project-related effect is considered direct and significant when a study intersection operates at an unacceptable Level of Service for existing conditions (without the project) and the addition of 50 or more a.m. or p.m. peak hour project trips causes the intersection delay to increase by 2 seconds or more.
 - A cumulative effect is considered significant when a study intersection is forecast to operate at an unacceptable Level of Service with the addition of cumulative/background traffic and 50 or more a.m. or p.m. peak hour project trips.

Based on review of the study intersections noted in Comment F3, below are study intersections located within Caltrans right-of-way (ROW) or located entirely or a majority within the City of Perris:

1. I-215 SB Ramps/SR-74 at Bonnie Drive (Caltrans)
2. I-215 NB Ramps at SR-74 (Caltrans)

5. I-215 SB Ramps at Ethanac Road (Caltrans)
6. I-215 NB Ramps at Ethanac Road (Caltrans)
7. Encanto Drive at Ethanac Road (City of Perris)
8. Trumble Road at Ethanac Road (City of Perris)

Based on review of the City of Perris significance criteria and applicable intersections located within the City of Perris, the recommended improvements noted in the Traffic Study at deficient study intersections and roadway segments would cause the study location to operate at an acceptable Level of Service (LOS), would more than offset the project-related impacts, and would address the City of Perris significance criteria.

As noted in Response to Comment F3, under CEQA Guidelines section 15064.3, automobile delay no longer is considered an environmental impact.

F5 See Response to Comment F4.

F6 As discussed above, automobile delay no longer is considered as a significant impact under CEQA, and thus this response is provided for informational purposes only. Passenger vehicles and truck splits were taken from the ITE Trip Generation Manual (10th Edition Supplement). The truck mix percentages were calculated based on a ratio between the ITE truck split and the truck mix for Heavy Warehouse from the City of Fontana Truck Trip Generation Study. The truck mix percentages for the Fontana study and the SCAQMD study were reviewed, and there is an insignificant difference in trips between using the City of Fontana Truck Trip Generation Study truck mix and the SCAQMD Warehouse Truck Trip Study truck mix.

In addition, it should be noted that the Traffic Scoping Agreement with the trip generation assumptions as noted on Table 3 of the Traffic Study for the proposed Motte Business Center project was sent to the City of Perris for review on January 13, 2023. The City of Perris did not provide comments on the Traffic Scoping Agreement. It should be noted that the City of Perris provided a NOP Comment Letter (dated January 13, 2023), which included comments regarding Transportation, but did not provide comments with regards to the methodology for the proposed project trip generation estimates.

F7 See Response to Comment F6.

F8 The noted intersections currently operate at an unacceptable Level of Service (LOS) under Existing Conditions without the project. As noted in Response to Comment F4, the only noted intersections located entirely or a majority within the City of Perris is the following intersection:

7. Encanto Drive at Ethanac Road (City of Perris)
8. Trumble Road at Ethanac Road (City of Perris)

With regards to the delay at both intersections #7 and #9, which are both unsignalized, page 13 of the Traffic Study states that: “The Level of Service for an unsignalized intersection is reported

based on the single approach movement with the highest delay, which in this case, would be the northbound approach for intersections #7 and #9. The side street traffic at these intersections experience delay during the peak hours while waiting for an acceptable gap in traffic on Ethanac Road. While the side street approaches operate at a deficient Level of Service based on the highest delay approach, the overall intersection delay would be acceptable. Any queuing that occurs on the side streets are contained on the minor intersection approaches and do not impact the progression of traffic on the main arterials.”

Based on the reasons noted above, both Intersections #7 and #9 were considered to have a cumulative effect, as opposed to a direct project effect. Any improvements to portions of intersections shared with the City of Perris would be coordinated between the City of Menifee and City of Perris prior to final engineering for the Project.

F9 As discussed above, automobile delay no longer is considered as a significant impact under CEQA, and thus this response is provided for informational purposes only. The Traffic Scoping Agreement, including a list of Cumulative Projects (including development projects within the City of Perris) as noted on Table 6 of the Traffic Study for the Motte Business Center project, was sent to the City of Perris for review on January 13, 2023. The City of Perris did not provide comments on the Traffic Scoping Agreement. It should be noted that the City of Perris provided a NOP Comment Letter (dated January 13, 2023), which included comments regarding Transportation, but did not provide comments with regards to Cumulative Projects within the City of Perris to be included as part of the Traffic Study.

F10 As discussed above, automobile delay no longer is considered as a significant impact under CEQA, and thus this response is provided for informational purposes only. The Traffic Study only provides recommended improvements to study intersections and roadway segments that would cause the deficient study locations to operate at an acceptable Level of Service (LOS) and would more than offset the project-related effect. The implementation of improvements is based on direct discussion between City staff and the Applicant via the Conditions of Approval process. Based on DRAFT Conditions of Approval, the project would be conditioned to the following traffic-related improvement requirements prior to Certificate of Occupancy.

- **Dawson Road** – Project shall improve Dawson Road frontage to the ultimate half-width plus 12’ in accordance with City of Menifee Industrial Collector Roadway Standard Plan No. 112, including off-site transitions back to existing roadway conditions, approved by the City Engineer/Public Works Director.
- **Antelope Road** – Project shall improve Antelope Road (along the Project frontage) to the ultimate half-width plus 12’ in accordance with the City of Menifee Secondary Roadway Standard Plan No. 111, including appropriate off-site transitions back to existing roadway conditions, approved by the City Engineer/Public Works Director.
 - Unpaved Antelope Road shall be improved south of the project frontage to McLaughlin Road with one lane in each direction. The improvements on either side of the roadway shall include 12 foot paved lanes plus a 6 foot paved shoulder

and the necessary drainage improvements such as swales and culverts to maintain existing drainage patterns. The improvements shall include appropriate transitions subject to the approval of the Public Works Director / City Engineer.

- The improvements to Antelope Road south of the project frontage to McLaughlin Road may require obtaining right of way from Southern California Edison. In the event that the right of way acquisition impacts the project schedule, the developer / property owner may defer completion of the improvements as approved of the Public Works Director / City Engineer.
- **Ethanac Road** – Ethanac Road improvements from Dawson to Encanto Drive shall be constructed to the recommended configuration (4-Lane Arterial) as approved by the City Engineer/Public Works Director.
- **Antelope Road/Ethanac Road** – At the intersection of Antelope Road and Ethanac Road, provide the following improvements, approved by the City Engineer/Public Works Director:
 - Add a dedicated westbound left-turn lane
 - Widen Ethanac road to provide two-way left turn lane through the intersection
- **Dawson Road/Ethanac Road** – At intersection of Dawson Road and Ethanac Road, provide the following improvements, approved by the City Engineer/Public works Director:
 - Install Traffic Signal
 - Add a dedicated westbound left turn lane
 - Add a dedicated eastbound right turn lane
 - Add a dedicated northbound left turn lane
- Fair Share Cost Participation for Off-site Improvements – The developer / property owner shall pay fair share costs for off-site improvements as detailed in the Traffic Study and identified below prior to issuance of a certificate of occupancy. The fair share cost estimates shall be based on conceptual exhibits prepared by the developer, reviewed and approved by the Public Works Director / City Engineer. These fair shares are determined as follows:
 - I-215 SB Ramps at Ethanac Road– The developer / property owner shall contribute a fair share construction cost of 2.7%.
 - I-215 NB Ramps at Ethanac – The developer / property owner shall contribute a fair share construction cost of 4.8%.
 - Trumble Road at Ethanac Road – The developer / property owner shall contribute a fair share construction cost of 7.4%.
 - Sherman Road at Ethanac Road – The developer / property owner shall contribute a fair share construction cost of 10.8%

Any improvements to portions of intersections or roadways shared with the City of Perris would be coordinated between the City of Menifee and City of Perris prior to final engineering for the Project.

- F11** See Responses to Comments F8 and F10.
- F12** The comment is noted and no further response is warranted.
- F13** This comment has been noted and no further response is warranted.
- F14** This comment has been noted and no further response is warranted.
- F15** This comment includes conclusionary statements and therefore, no further response is warranted.

Comment Letter G – The Pechanga Band of Indians Molly Earp, Cultural Resources Specialist

From: Brett Hamilton <bhamilton@cityofmenifee.us>
Sent: Wednesday, October 11, 2023 10:44 AM
To: Ebru Ozdil <eozdil@pechanga-nsn.gov>; Molly Earp <mearp@pechanga-nsn.gov>
Subject: Motte Business Center Draft EIR

Hello Ebru and Molly,


As a follow-up to our meeting, I pulled up the Draft EIR for Motte Business Center to ensure that the standard conditions of approval are referenced. I also pulled out the cultural resources section and attached to this email.

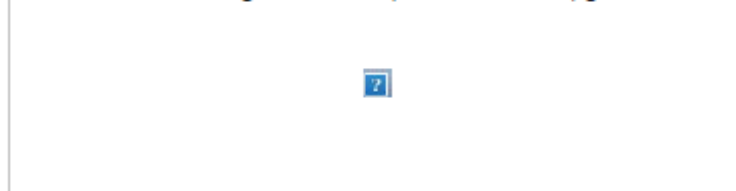
<https://www.cityofmenifee.us/DocumentCenter/View/18873/Motte-Business-Center-Draft-EIR>

Section 4.4 Cultural Resources begins on PDF page 156 of 460 of the Draft EIR. The standard cultural Conditions of Approval are included, beginning on page 171 to 175 (4.4-16 to 4.4-20). It includes human remains, non-disclosure of location reburials, inadvertent archaeological find, cultural resources disposition, archaeologist retained, tribal monitoring, and Phase III and IV archaeology report.

Thank you,

Brett Hamilton, AICP | Senior Planner
Community Development Department – Planning Division
City of Menifee | 29844 Haun Road | Menifee, CA 92586
Direct: (951) 723-3747 | City Hall: (951) 672-6777 | Fax: (951) 723-2579
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A screenshot of a video game  Description automatically generated



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G1

From: [Molly Earp](#)
To: [Brett Hamilton](#)
Cc: [Orlando Hernandez](#); [Ebru Ozdil](#); [Paul Macarro](#); [Juan Orhos](#)
Subject: RE: Motte Business Center Draft EIR
Date: Friday, November 3, 2023 4:15:27 PM
Attachments: [image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image002.png](#)

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Brett,

Thank you for the clarification. We were under the impression they would be mitigation measures and seeing only one mitigation measure for CR and TCR we were concerned. Looking through the DEIR again I see that the CR COAs are on pages 171- 174 and again referenced on page 402 in the TCR section.

G2

With the inclusion of the COAs as presented in the DEIR, The Pechanga Band of Indians ("Tribe") thanks the City of Menifee for working with us to develop the appropriate conditions of approval to be implemented during the development of the Motte Business Center [DEV 2022-014] Project. With this e-mail and the inclusion of the conditions, we consider our AB 52 consultation complete at this time. Please forward us a copy of the final Environmental Impact Report (EIR) when it is available. The Tribe would like the City to be aware that should additional measures or conditions be applied/deleted/modified that could impact cultural and archaeological resources during the public hearing(s), the Tribe and the City should meet and discuss the revisions before the Project goes to hearing.

G3

The Pechanga Band thanks the City of Menifee for the opportunity to review and comment on this Project and work together to complete the mandates of AB 52. We look forward to continuing our good working relationship on future projects.

Molly Earp
Office: (951) 770-6314

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Responses to Comment Letter G – The Pechanga Band of Indians

Molly Earp, Cultural Resources Specialist

- G1** This City provided a link to the Draft EIR to the Commenter regarding standard conditions of approval for tribal cultural resources. No further response is warranted.
- G2** The Commenter’s clarification of available standard conditions of approval has been noted.
- G3** The City appreciates the Commenter’s comment letter and has noted the conclusion of AB 52 consultation with the Tribe. As requested, the City has provided a link to the Final EIR in the Notice of Availability. No further response is warranted.

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Comment Letter H – Southern California Gas Company
William Liao, Regional Planning Supervisor

From: [Liao, William](#)
To: [Brett Hamilton](#)
Cc: [SCG SE Region Redlands Utility Request; Leone-Wesolowski, Becky E](#)
Subject: PLN22-0114 and -0115
Date: Monday, October 16, 2023 2:13:48 PM
Attachments: [image001.png](#)

You don't often get email from wliao@socalgas.com. [Learn why this is important](#)

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Hey Brett.

Regarding PLNs 22-0114 and 22-0115, I have no concerns at this time. Please advise builder there is no gas to the properties, with the nearest source of supply being our high pressure main on Ethanac between Dawson / Antelope.

Please help us ensure safety by having builder call in Dig Alert / 811 prior to any excavation activities so that we can get out to locate and mark. Also, if builder needs gas, please have them visit our Builder Services site at <https://www.socalgas.com/for-your-business/builder-services> to begin the application process as soon as practicable.

Please let me know if you have any questions

Will Liao
Region Planning Supervisor
Redlands HQ / Southeast Region
Desk: 213-244-4543
Mobile: 840-213-5899

H1

Responses to Comment Letter H – Southern California Gas Company
Molly Earp, Cultural Resources Specialist

H1 The Commenter’s “no concern at this time” has been noted, and therefore, no further response is warranted.

Comment Letter I – Riverside County Airport Land Use Commission
Jackie Vega, Urban Regional Planner II

From: [Vega, Jacqueline](#)
To: [Brett Hamilton](#)
Subject: PLN22-0114, PLN22-0115
Date: Friday, October 20, 2023 1:15:54 PM
Attachments: [image001.png](#)

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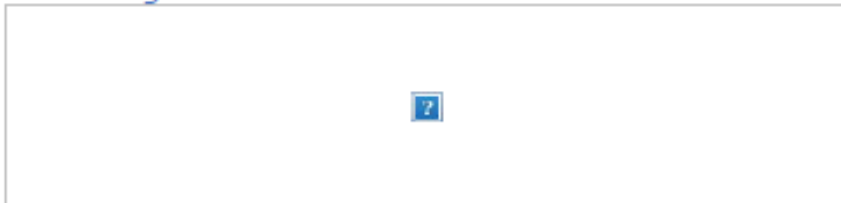
Hello Brett,

Thank you for transmitting the above referenced project to ALUC for review. Please note that the proposed project is located within zone E of March AIA, and review by ALUC is not required because the City of Menifee is consistent with the compatibility plan for March and the project does not propose a legislative action.

11

Should you have any questions, please contact me.

Jackie Vega
Urban Regional Planner II



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[County of Riverside California](#)

***Responses to Comment Letter I – Riverside County Airport Land Use Commission
Jackie Vega, Urban Regional Planner II***

- 11** Comment noted and no further response is warranted.

Comment Letter J – Native American Heritage Commission
Andrew Green, Cultural Resources Analyst



STATE OF CALIFORNIA

Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

November 8, 2023

Brett Hamilton, Senior Planner
City of Menifee
29844 Haun Road
City of Menifee, CA 92586

CHAIRPERSON
Reginald Pogaling
Chumash

Re: 2023110162, Murrieta Road Warehouse Project, Riverside County

VICE-CHAIRPERSON
Bully McQuillen
Yokayo Pomo, Yuki,
Nomlaki

Dear Mr. Hamilton:

SECRETARY
Sara Dulschke
Milwuk

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).

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

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.

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Vacant

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.

EXECUTIVE SECRETARY
Raymond C. Hiltchcock
Milwuk, Nisenan

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

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

[AB 52](#)

J1

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, subs. (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)).

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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).

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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_CalEPA.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.

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).

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Cont.

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:

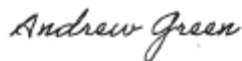
1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - 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.

J1
Cont.

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

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse

***Responses to Comment Letter J – Native American Heritage Commission
Andrew Green, Cultural Resources Analyst***

J1 This comment letter was submitted after the close of the 45-day comment period. Nevertheless, the City appreciates the commenter’s letter and has provided the following response.

In accordance with Assembly Bill (AB) 52, the City requested formal tribal consultation with tribes on June 1, 2022. The following tribes were contacted for consultation: Agua Caliente Band of Cahuilla Indians (ACBCI), Pechanga Band of Indians (PBI), previously named Pechanga Band of Luiseño Indians), Rincon Band of Luiseño Indians (RBLI) Cultural Resources Department, and Soboba Band of Luiseño Indians (SBLI). To date, written responses have been received from RBLI, and ACBCI and are detailed in Draft EIR Section 4.14: Tribal Cultural Resources. As concluded in the Draft EIR, with implementation of mitigation measures and standard conditions of approval, the Project would comply with AB 52. SB 12 is not applicable to the Project.

Section 3.0 Errata to the Draft EIR

3.1 INTRODUCTION TO THE ERRATA

In accordance with Section 15132 of the CEQA Guidelines, the FEIR for the Motte Business Center Project includes the DEIR, dated September 2023, as well as any proposed revisions or changes to the DEIR.

The changes to the DEIR do not affect the overall conclusions of the environmental document, and instead represent changes to the DEIR to provide clarification, amplification and/or insignificant modifications, as needed as a result of public comments on the DEIR, or due to additional information received during the public review period. These clarifications and corrections do not warrant recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5.

None of the changes or information provided in the comments identify a new significant environmental impact, a substantial increase in the severity of an environmental impact for which mitigation is not proposed, or a new feasible alternative or mitigation measure that would clearly lessen significant environmental impacts but is not adopted. In addition, the changes do not reflect a fundamentally flawed or conclusory DEIR.

Changes to the DEIR are listed by Section, page, paragraph, etc. to best guide the reader to the revision. Changes are identified as follows:

- Deletions are indicated by ~~strikeout text~~.
- Additions are indicated by underlined text.

3.2 CHANGES TO THE DRAFT EIR

Page 2-3, Second Full Paragraph

The site's existing land use designation is "Menifee North Specific Plan (SP)" (see **Exhibit 2-3: Existing General Plan Land Use Designations**). The Project's proposed industrial uses are consistent with the existing land use designation. The City's General Plan (GP) Land Use Map was amended March 23, 2023 ~~December 15, 2021~~.¹ The Project site's existing zoning is Menifee North SP Industrial (see **Exhibit 2-4: Existing Zoning**). The Project's proposed industrial uses are consistent with the existing zoning. The City's Zoning Map was amended ~~February 18, 2022~~ March 23, 2023.²

Page 2-4, Last Paragraph

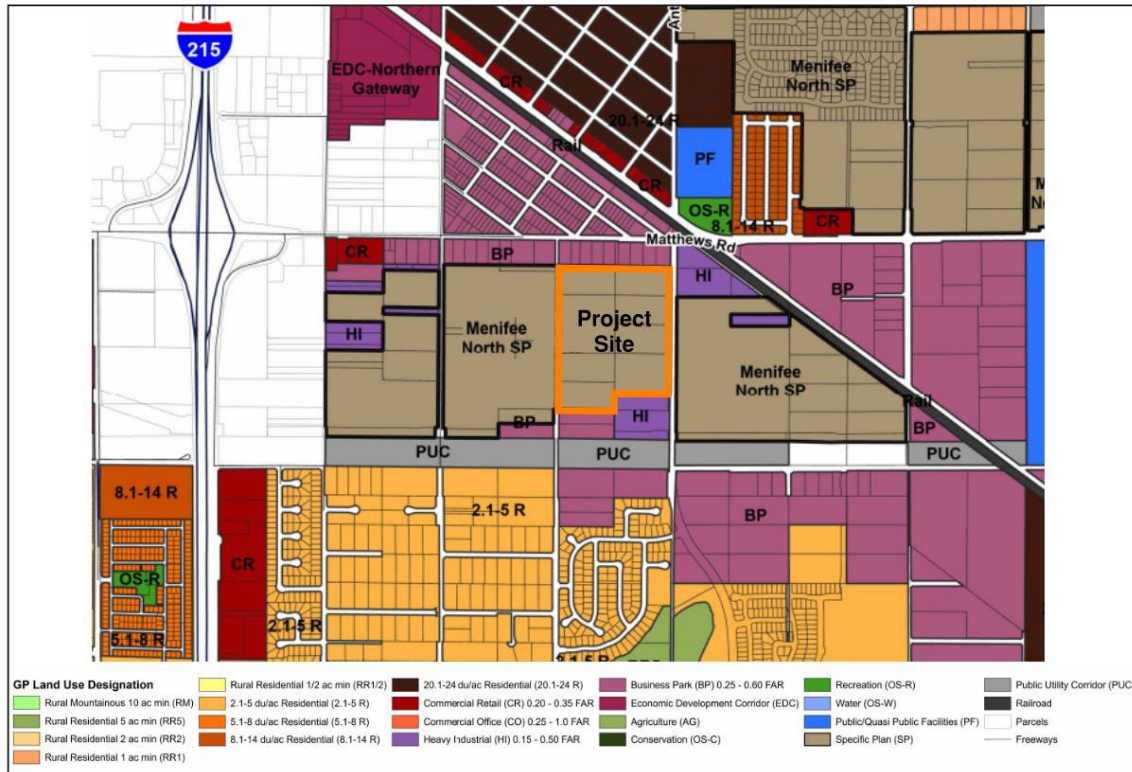
The Project applicant proposes the development of one warehouse building, approximately 1,138,638 square feet (sq. ft.) of non-sort warehouse space which includes 10,000 sq. ft. of office, 928,638 sq. ft.

¹ City of Menifee. ~~2021~~2023. *General Plan Land Use Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map--December-2021>~~https://www.cityofmenifee.us/DocumentCenter/View/11043/General-Plan--Land-Use-Map--March-2023~~ (accessed ~~September 16, 2022~~ November 30, 2023).

² City of Menifee. ~~2022~~2023. *Zoning Map*. Retrieved at: <https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map--February-2022>~~https://www.cityofmenifee.us/DocumentCenter/View/11042/Zoning-Map--March-2023~~ (accessed ~~September 16, 2022~~ November 30, 2023).

of ground floor warehouse and 200,000 sq. ft. of mezzanine warehouse on an approximately 44 net-acre site. The building is contemplated to have a structural height of approximately 50 feet (see **Exhibit 2-6: Conceptual Elevations**) and includes 1016 automobile parking spaces, 224 truck trailer parking spaces, and 128 dock high doors. The building is speculative in nature; however, the Project will be evaluated as a non-sort warehouse for purposes of this Draft EIR analysis. Refer to **Exhibit 2-7: Conceptual Site Plan**.

Page 2-10, Exhibit 2-3: Existing General Plan Land Use Designations



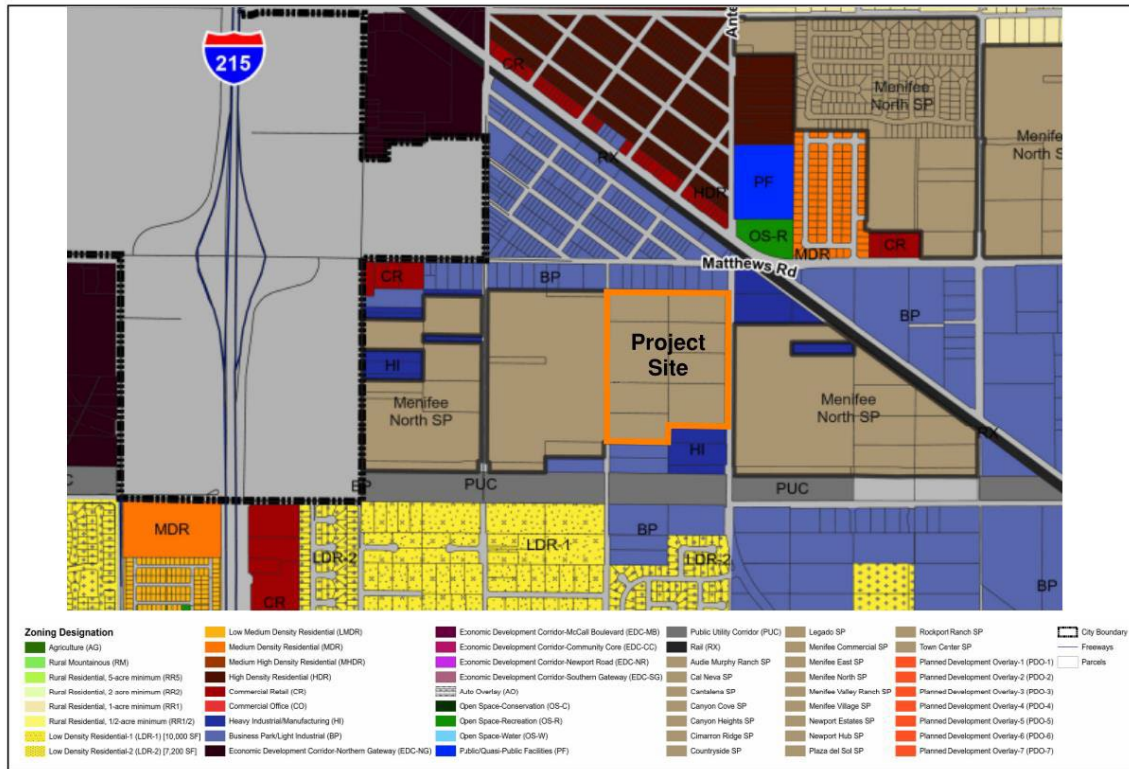
Source: City of Menifee, (2023). General Plan Land Use Map

Exhibit 2-3: Existing General Plan Land Use Designations
 City of Menifee
 Motte Business Center



Kimley»Horn

Page 2-10, Exhibit 2-4: Existing Zoning



Source: City of Menifee, (2023) Zoning Map

Exhibit 2-4: Existing Zoning Classification
City of Menifee
Motte Business Center



Kimley»Horn

Not to Scale

Page 4.3-21, Mitigation Measure BIO-1

MM BIO-1 If grading or construction activities, including vegetation removal, occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The results of the survey shall be submitted to the City prior to obtaining a grading permit. The Project Applicant shall ensure that impacts to nesting bird species at the Project site and off-site improvement areas are avoided through the implementation of preconstruction surveys, ongoing monitoring, and if necessary, establishment of minimization measures. The Project Applicant shall adhere to the following:

- a. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and

minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

- b. Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.
- c. If an active avian nest is confirmed, the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest (generally 300 feet for migratory and non-migratory songbirds and 500 feet raptors and special-status species) based on their best professional judgement and experience. The Designated Biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in such Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such Project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.

Pages 4.6-13 through 4.6-18, Mitigation Measure GEO-1

MM GEO-1: Incorporation of and compliance with the recommendations in the Project geotechnical Investigation. All grading, construction and operations shall be conducted in conformance with the recommendations included in the Geotechnical Investigation for the Project site prepared by Southern California Geotechnical Inc., specifically the Geotechnical Investigation of Proposed Warehouse East Side of Dawson Road, 330± Feet South of Ethanac Road Menifee, California for Core5 Industrial Partners, dated June 17, 2021. Specific recommendations in the geotechnical investigation address the following and

shall be incorporated into the final Project plans and construction-level geotechnical report:

1. Removal of undocumented fill soils in their entirety and any soils disturbed during site stripping and demolition operations (remedial grading) and replace these materials as compacted structural fill soils.
2. Proper moisture conditioning of all building pad subgrade soils to a moisture content of 2 to 4 percent above the ASTM D-1557 optimum during site grading. In addition to adequately moisture conditioning the subgrade soils and fill soils during grading, special care shall be taken to maintaining moisture content of these soils at 2 to 4 percent above the optimum moisture content. This will require the contractor to frequently moisture condition these soils throughout the grading process, unless grading occurs during a period of relatively wet weather, as determined by the City Engineer.
3. Additional soluble sulfate testing shall be conducted by a qualified geologist at the completion of rough grading and prior to issuance of a building permit to verify the soluble sulfate concentrations of the soils which are present at pad grade within the building area. If soluble sulfate concentrations above 0.10 percent are present, specialized concrete mix designs shall be required to reduce degradation of concrete which comes into contact with these soils. A qualified geologist will determine the specialized concrete mix for construction, if needed, upon results of lab testing of soluble sulfate soils.
4. Due to the presence of corrosive soils on site for iron and copper piping, polyethylene protection for cast iron or ductile iron pipes shall be required.
5. Demolition of the existing CAB pavements and canopy in the northern region of the site is required. Additionally, any existing improvements that will not remain in place for use with the new development shall be removed in their entirety. This shall include all utilities, and any other subsurface improvements associated with the existing pavements. Debris resultant from demolition shall be disposed of off-site. Alternatively, the existing CAB may be re-used as compacted fill, provided they are cleaned from any debris or organic content, and well mixed with sandy soils. Mixing CAB with clayey soils is not recommended.

Initial site stripping shall include removal of any surficial vegetation from the unpaved areas of the site. This shall include any weeds, grasses, shrubs, and trees. Root systems associated with the trees shall be removed in their entirety, and the resultant excavations shall be backfilled with compacted structural fill soils. Any organic materials shall be removed and disposed of off-site, or in non-structural areas of the property. The actual extent of site stripping shall be determined in the field by the geotechnical engineer, based on the organic content and stability of the materials encountered.

6. Remedial grading shall be performed within the proposed building area in order to remove the existing undocumented fill soils, any soils disturbed during

demolition, and a portion of the near-surface native alluvium. Based on conditions encountered at the boring locations, the existing soils within the proposed building area are recommended to be over-excavated to a depth of at least 3 feet below existing grades and to a depth of at least 3 feet below proposed building pad subgrade elevations, whichever is greater. The depth of the over-excavation shall also extend to a depth sufficient to remove all undocumented fill soils and soils disturbed during site striping and demolition. Within the influence zones of the new foundations, the over-excavation shall extend to a depth of at least 2 feet below proposed foundation bearing grade.

The over-excavation areas shall extend at least 5 feet beyond the building and foundation perimeters, and to an extent equal to the depth of fill placed below the foundation bearing grade, whichever is greater. If the proposed structure incorporates any exterior columns (such as for a canopy or overhang) the area of over-excavation shall also encompass these areas.

Following completion of the over-excavation, the subgrade soils within the building area shall be evaluated by the geotechnical engineer to verify their suitability to serve as the structural fill subgrade, as well as to support the foundation loads of the new structure. This evaluation shall include proof-rolling and probing to identify any soft, loose, or otherwise unstable soils that must be removed. Some localized areas of deeper excavation may be required if additional fill materials or loose, porous, or low-density native soils are encountered at the base of the over-excavation.

After a suitable over-excavation subgrade has been achieved, the exposed soils shall be scarified to a depth of at least 12 inches and moisture conditioned to achieve a moisture content of 2 to 4 percent above optimum moisture content. The subgrade soils shall then be recompacted to at least 90 percent of the ASTM D-1557 maximum dry density. The building pad area may then be raised to grade with previously excavated soils or imported structural fill.

7. The existing soils within the areas of any proposed retaining walls and site walls shall be over-excavated to a depth of 2 feet below foundation bearing grade and replaced as compacted structural fill as discussed above for the proposed building pad. Any undocumented fill soils or disturbed native alluvium within any of these foundation areas shall be removed in their entirety. The over-excavation areas shall extend at least 2 feet beyond the foundation perimeters, and to an extent equal to the depth of fill below the new foundations. Any erection pads for tilt-up concrete walls are considered to be part of the foundation system. Therefore, these over-excavation recommendations are applicable to erection pads. The over-excavation subgrade soils shall be evaluated by the geotechnical engineer prior to scarifying, moisture conditioning to within 2 to 4 percent above the optimum moisture content, and recompacting the upper 12 inches of exposed subgrade soils. The previously excavated soils may then be replaced as compacted structural fill.

If the full lateral recommended remedial grading cannot be completed for the proposed retaining walls and site walls located along property lines, the foundations for those walls shall be designed using a reduced allowable bearing pressure. Furthermore, the contractor shall take necessary precautions to protect the adjacent improvements during rough grading. Specialized grading techniques, such as A-B-C slot cuts, will likely be required during remedial grading. The geotechnical engineer of record shall be contacted if additional recommendations, such as shoring design recommendations, are required during grading.

8. Subgrade preparation in the new flatwork, parking and drive areas shall initially consist of removal of all soils disturbed during stripping and demolition operations.

The geotechnical engineer shall then evaluate the subgrade to identify any areas of additional unsuitable soils. Any such materials shall be removed to a level of firm and unyielding soil. The exposed subgrade soils shall then be scarified to a depth of 12± inches, moisture conditioned to 2 to 4 percent above the optimum moisture content, and recompact to at least 90 percent of the ASTM D-1557 maximum dry density. Based on the presence of variable strength surficial soils throughout the site, it is expected that some isolated areas of additional over-excavation may be required to remove zones of lower strength, unsuitable soils.

The grading recommendations presented above for the proposed flatwork, parking and drive areas assume that the owner and/or developer can tolerate minor amounts of settlement within these areas. The grading recommendations presented above do not mitigate the extent of undocumented fill or compressible/collapsible native alluvium in the flatwork, parking and drive areas. As such, some settlement and associated pavement distress could occur. If the owner cannot tolerate the risk of such settlements, the flatwork, parking and drive areas shall be over-excavated to a depth of 2 feet below proposed pavement subgrade elevation, with the resulting soils replaced as compacted structural fill.

9. Fill soils shall be placed in thin (6± inches), near-horizontal lifts, moisture conditioned (or air dried) to 2 to 4 percent above the optimum moisture content, and compacted.
 - a. On-site soils may be used for fill provided they are cleaned of any debris to the satisfaction of the geotechnical engineer.
 - b. All grading and fill placement activities shall be completed in accordance with the requirements of the latest CBC and the grading code of the ~~city~~City of Menifee.
 - c. All fill soils shall be compacted to at least 90 percent of the ASTM D-1557 maximum dry density. Fill soils shall be well mixed.

- d. Compaction tests shall be performed periodically by the geotechnical engineer as random verification of compaction and moisture content. These tests are intended to aid the contractor. Since the tests are taken at discrete locations and depths, they may not be indicative of the entire fill and therefore shall not relieve the contractor of his responsibility to meet the job specifications.
10. All imported structural fill shall consist of very low expansive ($EI < 20$), well graded soils possessing at least 10 percent fines (that portion of the sample passing the No. 200 sieve).
11. All utility trench backfill shall be compacted to at least 90 percent of the ASTM D-1557 maximum dry density. As an alternative, a clean sand (minimum Sand Equivalent of 30) may be placed within trenches and compacted in place (jetting or flooding is not recommended). Compacted trench backfill shall conform to the requirements of the local grading code, and more restrictive requirements may be indicated by the City of Menifee. All utility trench backfills shall be witnessed by the geotechnical engineer. The trench backfill soils shall be compaction tested where possible; probed and visually evaluated elsewhere.
12. Utility trenches which parallel a footing, and extending below a 1h:1v (horizontal to vertical) plane projected from the outside edge of the footing shall be backfilled with structural fill soils, compacted to at least 90 percent of the ASTM D-1557 standard. Pea gravel backfill should not be used for these trenches.
13. Any soils used to backfill voids around subsurface utility structures, such as manholes or vaults, shall be placed as compacted structural fill. If it is not practical to place compacted fill in these areas, then such void spaces may be backfilled with lean concrete slurry.

Additional site testing and final design evaluation shall be conducted by the Project geotechnical consultant to refine and enhance these requirements. The Project Applicant/Developer shall require the Project geotechnical consultant to assess whether the requirements in that report need to be modified or refined to address any changes in the Project features that occur prior to the start of grading. If the Project geotechnical consultant identifies modifications or refinements to the requirements, the Project Applicant/Developer shall require appropriate changes to the final Project design and specifications. Design, grading, and construction shall be performed in accordance with the requirements of the City of Menifee Municipal Code and the California Building Code applicable at the time of grading, appropriate local grading regulations, and the requirements of the Project geotechnical consultant as summarized in a final written report, subject ~~for~~ review by the City of Menifee City Engineer, or designee, prior to commencement of grading activities.

Grading plan review shall also be conducted by the City of Menifee City Engineer or designee prior to the start of grading to verify that the requirements developed during the geotechnical design evaluation have been appropriately incorporated into the Project plans. Design, grading, and construction shall be conducted in accordance with the specifications of the Project Geotechnical Consultant as summarized in a final report based on the California Building Code applicable at the time of grading and building, and the City of Menifee’s Municipal Code. On-site inspection during grading shall be conducted by the Project geotechnical consultant and the City of Menifee City Engineer, or designee, to ensure compliance with geotechnical specifications as incorporated into project plans. Prior to final of grading permits, the Project geotechnical engineer shall submit a Final Testing and Observation Geotechnical Report for Rough Grading to the City of Menifee City Engineer, or designee.

Page 4.9-6, First Paragraph

FEMA Flood Insurance Rate Map (FIRM) shows the Project site being covered by one map panel: 06065C2060H (effective 8/18/2014).⁵ Based on a review of this map panel, the Letter of Map Revision (LOMR) 17-09-1814P went into effect 3/19/2018 and identifies the northeastern portion northern half of the Project site within the 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square of the Project site is largely within an area determined to be outside the 0.2 percent annual chance floodplain, identified as Zone X. The southern half of the Project site is located within an area of minimal flood hazard, identified as Zone X. Additionally, a small The southwestern portion of Antelope Road, adjacent to the northeastern corner of the Project site, is located within a special flood hazard area subject to inundation by the one percent annual chance flood, identified as Zone A. The one percent annual chance flood is also referred to as the base flood or 100-year flood. Zone A are areas for which no base flood elevations have been determined (refer to Exhibit 4.9-2).

Page 4.9-19, Second Paragraph

The northeastern northern half portion of the Project site is largely within an area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile determined to be outside the 0.2 percent annual chance floodplain within the 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square, identified as Zone X. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. The southern half of the Project site is located within an area of minimal flood hazard, identified as Zone X. Additionally, a small portion of Antelope Road, adjacent to ~~The~~ the southwestern-northeastern corner portion of the Project site, is located within a special flood hazard area subject to inundation by the one percent annual chance flood area of minimal flood hazard, identified as Zone A. The one percent annual chance flood is also referred to as the base flood or 100-year flood. Zone A are areas for which no base flood elevations have been determined.

Page 4.9-20, MM HYD-3

MM HYD-3: Prior to issuance of off-site grading permits, ~~the tentative parcel maps,~~ off-site grading plans, and final drainage study shall demonstrate compliance with applicable City and

~~County drainage plans and, policies, design guidelines and regulations~~ including but not limited to City of Menifee Municipal Code Chapter 8.26 Grading Regulations and at the discretion of the City Engineer/Public Works Director.

Page 4.9-20, Second Paragraph, 1st and 2nd Sentences

As stated above, ~~northeastern northern half~~ portion of the Project site is largely ~~within an area determined to be outside the 0.2 percent annual chance floodplain~~ within the 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square, identified as Zone X. The southern half of the Project site is located within an area of minimal flood hazard, identified as Zone X. Additionally, a small portion of Antelope Road, adjacent ~~The~~ the southwestern-northeastern corner portion of the Project site, is located within a special flood hazard area subject to inundation by the one percent annual chance flood, identified as Zone A.

Page 7-5, First Full Paragraph

7.6 Wildfire

Impact 7.6-1: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Level of Significance: No Impact

Construction and Operations

According to CAL FIRE’s Fire and Resource Assessment Program, FHSZ Viewer,³ the Project site is not located in or near a State Responsibility Area (SRA); the nearest SRA to the Project site located approximately 1.3 miles to the northeast of the Project site, north of the intersection of Menifee Road and Mapes Road. The Project site is located in a Local Responsibility Area. In addition, the Project site does not contain lands classified as a very high fire hazard severity zone (VHFHSZ). The closest VHFHSZ is located approximately 1.5 miles to the southeast of the Project site, south of McCall Boulevard and encompasses the Menifee mountains. Review of Exhibit S-6: High Fire Hazard Areas of the City’s GP further supports the finding that the Project site is not located in or near an SRA and the Project site is not within a VHFHSZ.⁴ Therefore, no impact associated with the substantial impairment of an adopted emergency response plan would occur.

Impact 7.6-2: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Level of Significance: No Impact

³ CAL FIRE. (2023). Fire Hazard Severity Zones in State Responsibility Area. Available at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008> (accessed November 2023).

⁴ City of Menifee. (2013). City of Menifee General Plan Exhibit S-6: High Fire Hazard Areas. Available at: https://www.cityofmenifee.us/DocumentCenter/View/1033/S-6_HighFireHazardAreas_HD0913?bidId= (accessed November 2023).

Construction and Operations

Refer to Impact 7.6-1 above. The Project site is not located in or near an SRA and the Project site does not contain lands classified as VHFHSZs. The Project would not exacerbate wildfire risks or expose Project occupants to pollutant concentrations or the uncontrolled spread of a wildfire. Therefore, no impact would occur.

Impact 7.6-3: *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Level of Significance: No Impact

Construction and Operations

Refer to Impact 7.6-1 above. The Project site is not located in or near an SRA and does not contain lands classified as VHFHSZs. The Project would include construction of warehouse facilities, with parking and landscaping included. Construction and operation of the Project would not increase the risk of fire nor would it require the installation/maintenance of infrastructure that would exacerbate fire risk. Therefore, no impact would occur.

Impact 7.6-4: *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Level of Significance: No Impact

Construction and Operations

Refer to Impact 7.6-1 above. The Project site is not located in or near an SRA and does not contain lands classified as VHFHSZs. Because the site is located within an urbanized area, it would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no impact would occur.