



CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

TO: Planning Commissioners

FROM: Nathan Perez, Senior Planner

DATE: May 31, 2022

SUBJECT: **Item 7.b.** Follow-up City Response Letters, Additional Objection Letters, and Emails in Support of the Ethanac Road Truck Removal designation

As a follow-up to the Planning Commission staff report regarding the two (2) comment letters by *NAIOP Inland Empire Chapter* (NAIOP IE) dated May 23, 2022, and *Compass Danbe Real Estate Partners LLC* (CDRE Holdings LLC) dated May 26, 2022, expressing concerns about removing Ethanac Road as a truck corridor, staff has provided a formal written response (see attached).

In addition, staff received a third comment letter by *CADO Menifee, LLC*, dated May 31, 2022, supporting the NAIOP EI letter. A written response has also been included for this letter.

Further, staff received two (2) additional comments letters from the City of Menifee and *Rutan & Tucker, LLP* representing an industrial developer on the south of Ethanac in the Menifee, later in the evening on May 31, 2022. Staff has reviewed the letters with the City's environmental consultant and legal counsel and determined the letters do not change staff's conclusion that the Negative Declaration (ND) has been appropriately prepared and does not warrant recirculation of the ND.

Additionally, after the distribution of the Planning Commission package last week, staff received seventeen (17) emails from residents in support of Ordinance Amendment 22-05069 and General Plan Amendment 22-05068 to remove Ethanac Road as a truck route due to safety concerns with comingling truck traffic with auto traffic, air quality pollution, noise impact, and lower quality life associated with industrial development in close proximity to the residential area by the following individuals:

- Maribel Bittner
- Yolanda C. Doucette
- Steven Green
- Juan Ortiz
- Kevin Green
- Nancy Barcenas
- Tia Riggins

- Ryan Drumm
- Lauren Gilmore
- Teresa Camarino
- Laura Flores
- Azariah P.
- Gabriel Valencia Jr.
- Keri with M&M designs
- Andrea Marrojuin
- Lus Green
- Judd Wagner
- Jason Beeman

The additional objection letters, written responses, and emails supporting the Ethanac Road truck route removal designation are attached for your record.

Exhibits:

1. City Response letter to NAIOP Inland Empire Chapter (NAIOP IE) dated May 23, 2022
2. City Response letter to Compass Danbe Real Estate Partners LLC (CDRE Holdings LLC) dated May 26, 2022
3. City Response letter to CADO Menifee, LLC / Capstone Advisors dated May 31, 2021
4. City of Menifee Letter dated May 31, 2022
5. Rutan & Tucker, LLP dated May 31, 2022
6. Emails in support of Ethanac Road truck removal designation

EXHIBIT 1

City Response letter to NAIOP Inland Empire
Chapter (NAIOP IE) dated May 23, 2022

**SUBJECT: CITY RESPONSE TO NAIOP INLAND EMPIRE CHAPTER LETTER
DATED MAY 23, 2022**

DATE: JUNE 1, 2022

This letter has been prepared to respond to the comments submitted by NAIOP, Inland Empire Chapter (NAIOP IE) dated May 23, 2022, regarding the City of Perris Ordinance Amendment 22-05069 and General Plan Amendment 22-05068 application related to amending Perris Municipal Code Chapter 10.40 and the Circulation Element text and maps related to truck routes in South Perris to be consistent policies directing truck routes away from residential areas along Ethanac Road and Goetz Road. The City's responses are provided below.

Comment NAIOP-1

NAIOP, Inland Empire Chapter (NAIOP IE) is the commercial real estate development association and is the leading organization for developers, owners and investors of office, industrial, retail and mixed-use real estate. NAIOP IE is the key resource for the real estate industry in the Inland Empire. The Chapter is dedicated to providing leading-edge education and information, proactive legislative support and critical business development. Combined, these objectives support the Chapter's mission to advance the real estate profession by contributing to the local community in which we all live and work. It is the Industry's goal to positively impact economic development and improve the quality of life, throughout the Inland Empire.

The purpose of this letter is to express NAIOP IE's strong opposition and objection to the proposed removal of Ethanac Road as a designated truck route from westerly City limits to Barnett Road by the City of Perris (City) as part of General Plan Amendment GPA22- 05068 and Ordinance Amendment No. OA22-05069 (Project). We believe that the removal of Ethanac Road as a designated truck route is a misguided effort to establish "consistency" within the City's existing truck route network to the direct detriment of planned and pending industrial projects in the City of Menifee, which shares Ethanac Road with the City of Perris as a designated truck route and has long established its Northern Economic Development Corridor (NEDC) south of Ethanac Road for future industrial uses.

As outlined below, we believe that the proposed removal of Ethanac Road from Goetz Road, east to Barnett Road is inappropriate and should be rejected for the following reasons:

Response to Comment NAIOP-1

This comment introduces the NAIOP IE chapter and expresses its opposition to the proposed removal of Ethanac Road from the westerly City limit to Barnett Road from the City of Perris' list of designated truck routes. The specific comments that the NAIOP IE chapter provides are addressed below.

It should be noted, however, that Perris Municipal Code (PMC) Chapter 10.40 – Truck Routes was adopted in 1972 for the purpose of protecting commercial uses and residential neighborhoods. The chapter identified truck routes and established truck route regulations and enforcement procedures. The truck route code was

developed during a time when Perris was predominately undeveloped and primarily an agricultural community. The City has since significantly grown with a population of approximately 80,000 people with a mixture of residential, commercial, and industrial uses, and the need has arisen to separate truck traffic from auto traffic beyond a policy standard point by strategically conditioning industrial projects with truck traffic to be directed away from residential and commercially zoned areas.

In February 1990, the City of Perris City Council certified an Environmental Impact Report (EIR) and adopted the Green Valley Specific Plan. This project involves the development of a multi-use planned community on approximately 1,269 acres located north of Ethanac Road and between Goetz Road and the Interstate 215 (I-215) freeway. Residential uses allowed under the Specific Plan have already been constructed along Ethanac Road.

The City's efforts to keep trucks away from the existing and planned residential uses along Ethanac Road (including those within the City of Menifee) from the westerly City limit to Barnett Road and portions of Goetz Road go back as far as 2010 when the City of Perris City Council certified an EIR and approved the South Perris Industrial Distribution Center project which involved the development of three separate sites in the southcentral portion of the City. Two of the sites are located along Goetz Road. The City of Perris conditioned the project to ensure that all truck traffic accesses the I-215 Freeway via Case Road at Bonnie Drive/State Route 74 (SR-74). Truck traffic was not allowed to travel south of the South Perris Distribution Center site along Goetz Road or along Ethanac Road.

Most recently, in January 2022, the City of Perris City Council approved an update to the City's designated truck routes in the northern area of town, including the Perris Valley Commerce Center Specific Plan (PVCCSP) that excludes Perris Boulevard and Ramona Expressway.

These efforts are consistent with City of Perris General Plan Circulation Element Implementation Measure V.A.3, which states that the City shall "monitor commercial truck movements and operations in the City and establish new truck routes away from noise-sensitive areas where feasible."

Comment NAIOP-2

Assuming the City truly intends to limit trucks from accessing Ethanac from NEDC properties (which we believe would be illegal, as detailed below), it would effectively cut off all industrial projects for the NEDC that are all in various stages of entitlement and which would be left with no viable designated truck route to transport goods to and from their facilities to Interstate 215 and the surrounding highway network. Ethanac Road has specifically been designed to accommodate, and has been actively utilized for years by, trucks and other industrially-related traffic from both the City of Perris and the City of Menifee.

Response to Comment NAIOP-2

The City of Perris disagrees that changing the truck route designation for Ethanac Road from the westerly City limit to Barnett Road would cut off all industrial projects for the NEDC. This is for several reasons as discussed below.

As discussed in the Circulation Element of the City of Perris General Plan 2030, the designated truck routes are intended to indicate arterial streets which may be used by trucks, tractors, trailers, and other vehicles exceeding a maximum gross weight limit of five tons. However, in accordance with both local and State law, trucks or other vehicles with a maximum weight of five tons or more may use restricted streets when necessary for the purpose of making pickups and deliveries of goods, wares or merchandise from or to any building or structure located on a restricted street or for delivering materials or equipment to be used in repair, alteration, remodeling or construction of any building or structure on a restricted street. Many of the industrial properties within the City of Perris are not located along designated trucks routes. The trucks accessing the NEDC could do so from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area. The City of Perris has specifically retained Ethanac Road from Barnett Road to the I-215 Freeway as a designated truck route in order to provide freeway access from the City of Menifee.

On March 2, 2022, the City of Menifee City Council adopted new Good Neighbor Industrial Policies as an appendix to the City's Design Guidelines. The intent of the City of Menifee's Good Neighbor Policies, in siting new warehouse, logistics, and distribution uses, include:

1. Minimize impacts to sensitive uses.
2. Protect public health, safety, and welfare by regulating the design, location and operation of facilities.
3. Protect neighborhood character of adjacent communities.

The first General Performance Standard identified in the Good Neighbor Industrial Policies states that "truck traffic shall generally be routed to impact the least amount of sensitive receptors, (e.g. access locations, use of traffic control features, signage)." Because existing residential uses are located along Ethanac Road in both the City of Perris and the City of Menifee, providing the NEDC trucks access from Barnett Road rather than Ethanac Road would be consistent with the City of Menifee's new Good Neighbor Industrial Policies.

In addition, as discussed in the Negative Declaration/Initial Study, the southernmost lane of Ethanac Road from Goetz Road to Barnett Road is located within the City of Menifee. The City of Menifee could continue to designate this lane as a truck route and trucks exiting the NEDC could continue to travel east along Ethanac Road to the I-215 Freeway.

Therefore, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road.

Comment NAIOP-3

If adopted, the City's actions would deprive the property owners and developers of substantially all economically viable use of their property – which can only be utilized for industrial purposes in accordance with the City of Menifee's General Plan and long-term planning documents for the NEDC – thereby effecting a regulatory taking under Article I, Section 19 and the Fifth Amendment of the California and

United States constitutions, respectively, requiring the payment of just compensation. (Lucas v. South Carolina Coastal Council (1992) 505 U.S. 1003, 1019; Avenida San Juan Partnership v. City of San Clemente (2011) 201 Cal.App.4th 1256; Palazzolo, v. Rhode Island (2001) 533 U.S. 606, quoting Pennsylvania Coal Co. v. Mahon (1922) 260 U.S. 393, 415 [regulatory taking can occur even when a regulation goes “too far,” but stops short of denying all economically viable use].) The Project’s proposed removal of Ethanac Road as a designated truck route clearly goes “too far” and we believe will expose the City to significant risk of litigation and financial liability.

Response to Comment NAIOP-3

As discussed in the Response to Comment NAIOP-2, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road. The proposed removal of Ethanac Road from the westerly City limit to Barnett Road from the City of Perris’ list of designated truck routes would not deprive the property owners and developers of substantially all economically viable use of their property within the NEDC.

In addition, warehouse uses that generate substantial amounts of truck traffic are not the only uses that could be developed under the existing zoning within the NEDC. Other uses could be developed and operated, thereby not depriving the property owners and developers of all economically viable use of the property as stated in this comment.

Comment NAIOP-4

The City freely acknowledges that it shares Ethanac Road with the City of Menifee and that Menifee relies upon the mutual truck route designation to facilitate development within the NEDC; however, by unilaterally removing its truck route designation the City is treating Ethanac Road as if it is wholly within the City’s jurisdiction and in complete disregard to the interests and long-term planning goals of the City of Menifee and property owners and developers. All indications are that the City of Menifee did not take any adverse actions while the City of Perris rapidly expanded its industrial uses. Moreover, attempts to take such an injurious position without first consulting with the property owners most impacted goes against the very nature of proper planning and decision-making.

Response to Comment NAIOP-4

As discussed in the Negative Declaration/Initial Study, the area to the north of Ethanac Road is planned for residential uses within the Green Valley Specific Plan. No industrial uses are planned for within this area of the City of Perris or further to the west. As such, the segment of Ethanac Road from the westerly City limit to Barnett Road is not needed to be designated a truck route within the City of Perris and the City does not plan to modify the median within Ethanac Road to accommodate truck traffic.

As discussed in the Response to Comment NAIOP-2, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road.

Consideration and approval of the proposed General Plan Amendment and Ordinance Amendment is not occurring without input from property owners and the community in general. The Negative Declaration was published for a 20-day public review period and public hearings will be held before the City of Perris Planning Commission and City Council. Property owners and the community in general are afforded the opportunity to provide comments to the City of Perris in both written form and oral testimony before the General Plan Amendment and Ordinance Amendment are considered for adoption.

Comment NAIOP-5

The Initial Study/Negative Declaration (IS/ND) prepared by the City in accordance with the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq. (CEQA) is fatally defective and flawed in that the City failed to analyze the reasonably foreseeable direct and indirect potential physical impacts on the environment of removing Ethanac Road as a designated truck route. (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2016) 4 Cal.App.5th 103.) More specifically, the IS/ND fails to address the significant potential impacts to the City of Menifee and the surrounding region of redirecting truck traffic away from Ethanac Road to other, as-yet-unidentified roadways. The IS/ND completely fails to even analyze these impacts and the ripple effects of its proposed unilateral de-designation of Ethanac Road on the surrounding community.

Response to Comment NAIOP-5

As discussed in the Negative Declaration/Initial Study, no new unplanned roadways would have to be constructed to redistribute the truck traffic and no existing roadways would have to be modified. The proposed truck routes would also not require any change to the General Plan land use designations for the properties along the affected roadways. As discussed in the Response to Comment NAIOP-2, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road. Therefore, the Negative Declaration/Initial Study has evaluated the reasonably foreseeable direct and indirect potential physical impacts on the environment of removing Ethanac Road from the westerly City limit to Barnett Road as a designated truck route.

Comment NAIOP-6

The removal of Ethanac Road as a designated truck route is also contrary to the California Vehicle Code which precludes a local agency from adopting any regulation that would preclude trucks from accessing NEDC property. Specifically, Vehicle Code section 35703 states that “[n]o ordinance adopted [to prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit]

shall prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street....” Therefore, truck traffic from the projects planned for south of Ethanac Road in the City of Menifee would not be prevented from utilizing the segment of Ethanac Road east of Barnett Road – an “unrestricted street” – to access these developments via Ethanac Road west of Barnett Road – a proposed “restricted street” – in order to complete pickups and deliveries. As such, the proposed de- designation of Ethanac Road would not achieve its intended effect of eliminating truck traffic from Ethanac Road in the City of Perris.

Response to Comment NAIOP-6

As discussed in the Response to Comment NAIOP-2, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road.

Comment NAIOP-7

In sum, the Project’s proposal to remove Ethanac Road as a designated truck route from the westerly City limits east to Barnett Road is a misguided idea in every possible sense. The City’s actions would amount to a regulatory taking of these developers’ constitutionally-protected property interests and fly directly in the face of the shared municipal interest of the City of Menifee in the use Ethanac Road. Moreover, the IS/ND prepared by the City to support the Project is fatally deficient as it fails to address the indirect impacts of attempts to direct truck traffic away from Ethanac Road – a roadway specifically designed, intended and able to accommodate heavy trucks – to unidentified roadways in the surrounding community that may not be suitable for use as a truck route.

Response to Comment NAIOP-7

As discussed in the Response to Comment NAIOP-2, the City of Perris is aware that trucks or other vehicles with a maximum weight of five tons or more may use restricted streets when necessary for the purpose of making pickups and deliveries of goods, wares or merchandise from or to any building or structure located on a restricted street or for delivering materials or equipment to be used in repair, alteration, remodeling or construction of any building or structure on a restricted street in accordance with both local and State law. Trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road.

As discussed in the Response to Comment NAIOP-5, no new unplanned roadways would have to be constructed to redistribute the truck traffic and no existing roadways would have to be modified, and the proposed truck routes would also not require any change to the General Plan land use designations for the properties along the affected roadways. Therefore, the Negative Declaration/Initial Study has evaluated

the reasonably foreseeable direct and indirect potential physical impacts on the environment of removing Ethanac Road from the westerly City limit to Barnett Road as a designated truck route.

Comment NAIOP-8

We implore the City to consider the immediate and long-term effect of its proposed action to remove Ethanac Road as a designated truck route and (i) deny the Project or, alternatively (ii) modify the Project to allow Ethanac Road to remain a designated truck route. NAIOP IE and its stakeholders are committed to working with the City to address these issues and its concerns regarding the future truck uses on Ethanac Road, in the hopes of reaching a resolution that is to the benefit of all parties involved, including the City of Perris, the City of Menifee, NAIOP IE stakeholders and current and future residents of the community.

Response to Comment NAIOP-8

This comment expresses the NAIOP IE chapter's opposition to the changing the truck route designation for Ethanac Road from the westerly City limit to Barnett Road. This comment is noted for consideration by the City of Perris.



May 23, 2022

City of Perris Planning Commission and City Council
Attn: Nancy Salazar, City Clerk &
Kenneth Phung, Director of Development Services
101 North D Street
Perris, CA 92570

Re: June 1, 2022, Agenda Item:

South Perris Proposed Truck Routes (GPA22-05068 and OA22-05069) and Removal of Ethanac Road as Designated Truck Route

Dear Honorable Planning Commissioners and Mayor and Members of the City Council:

NAIOP, Inland Empire Chapter (NAIOP IE) is the commercial real estate development association and is the leading organization for developers, owners and investors of office, industrial, retail and mixed-use real estate. NAIOP IE is the key resource for the real estate industry in the Inland Empire. The Chapter is dedicated to providing leading-edge education and information, proactive legislative support and critical business development. Combined, these objectives support the Chapter's mission to advance the real estate profession by contributing to the local community in which we all live and work. It is the Industry's goal to positively impact economic development and improve the quality of life, throughout the Inland Empire.

The purpose of this letter is to express NAIOP IE's strong opposition and objection to the proposed removal of Ethanac Road as a designated truck route from westerly City limits to Barnett Road by the City of Perris (City) as part of General Plan Amendment GPA22-05068 and Ordinance Amendment No. OA22-05069 (Project). We believe that the removal of Ethanac Road as a designated truck route is a misguided effort to establish "consistency" within the City's existing truck route network to the direct detriment of planned and pending industrial projects in the City of Menifee, which shares Ethanac Road with the City of Perris as a designated truck route and

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has long established its Northern Economic Development Corridor (NEDC) south of Ethanac Road for future industrial uses.

As outlined below, we believe that the proposed removal of Ethanac Road from Goetz Road, east to Barnett Road is inappropriate and should be rejected for the following reasons:

- Assuming the City truly intends to limit trucks from accessing Ethanac from NEDC properties (which we believe would be illegal, as detailed below), it would effectively cut off all industrial projects for the NEDC that are all in various stages of entitlement and which would be left with no viable designated truck route to transport goods to and from their facilities to Interstate 215 and the surrounding highway network. Ethanac Road has specifically been designed to accommodate, and has been actively utilized for years by, trucks and other industrially-related traffic from both the City of Perris and the City of Menifee.
- If adopted, the City's actions would deprive the property owners and developers of substantially all economically viable use of their property – ***which can only be utilized for industrial purposes in accordance with the City of Menifee's General Plan and long-term planning documents for the NEDC*** – thereby effecting a regulatory taking under Article I, Section 19 and the Fifth Amendment of the California and United States constitutions, respectively, requiring the payment of just compensation. (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1019; *Avenida San Juan Partnership v. City of San Clemente* (2011) 201 Cal.App.4th 1256; *Palazzolo, v. Rhode Island* (2001) 533 U.S. 606, quoting *Pennsylvania Coal Co. v. Mahon* (1922) 260 U.S. 393, 415 [regulatory taking can occur even when a regulation goes “too far,” but stops short of denying all economically viable use].) The Project's proposed removal of Ethanac Road as a designated truck route clearly goes “too far” and we believe will expose the City to significant risk of litigation and financial liability.
- The City freely acknowledges that it shares Ethanac Road with the City of Menifee and that Menifee relies upon the

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mutual truck route designation to facilitate development within the NEDC; however, by unilaterally removing its truck route designation the City is treating Ethanac Road as if it is wholly within the City's jurisdiction and in complete disregard to the interests and long-term planning goals of the City of Menifee and property owners and developers. All indications are that the City of Menifee did not take any adverse actions while the City of Perris rapidly expanded its industrial uses. Moreover, attempts to take such an injurious position without first consulting with the property owners most impacted goes against the very nature of proper planning and decision-making.

- The Initial Study/Negative Declaration (IS/ND) prepared by the City in accordance with the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq. (CEQA) is fatally defective and flawed in that the City failed to analyze the reasonably foreseeable direct and indirect potential physical impacts on the environment of removing Ethanac Road as a designated truck route. (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2016) 4 Cal.App.5th 103.) More specifically, the IS/ND fails to address the significant potential impacts to the City of Menifee and the surrounding region of redirecting truck traffic away from Ethanac Road to other, as-yet-unidentified roadways. The IS/ND completely fails to even analyze these impacts and the ripple effects of its proposed unilateral designation of Ethanac Road on the surrounding community.
- The removal of Ethanac Road as a designated truck route is also contrary to the California Vehicle Code which precludes a local agency from adopting any regulation that would preclude trucks from accessing NEDC property. Specifically, Vehicle Code section 35703 states that “[n]o ordinance adopted [to prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit] shall prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on

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the restricted street....” Therefore, truck traffic from the projects planned for south of Ethanac Road in the City of Menifee would not be prevented from utilizing the segment of Ethanac Road east of Barnett Road – an “unrestricted street” – to access these developments via Ethanac Road west of Barnett Road – a proposed “restricted street” – in order to complete pickups and deliveries. As such, the proposed de-designation of Ethanac Road would not achieve its intended effect of eliminating truck traffic from Ethanac Road in the City of Perris.

In sum, the Project’s proposal to remove Ethanac Road as a designated truck route from the westerly City limits east to Barnett Road is a misguided idea in every possible sense. The City’s actions would amount to a regulatory taking of these developers’ constitutionally-protected property interests and fly directly in the face of the shared municipal interest of the City of Menifee in the use Ethanac Road. Moreover, the IS/ND prepared by the City to support the Project is fatally deficient as it fails to address the indirect impacts of attempts to direct truck traffic away from Ethanac Road – a roadway specifically designed, intended and able to accommodate heavy trucks – to unidentified roadways in the surrounding community that may not be suitable for use as a truck route.

We implore the City to consider the immediate and long-term effect of its proposed action to remove Ethanac Road as a designated truck route and (i) deny the Project or, alternatively (ii) modify the Project to allow Ethanac Road to remain a designated truck route. **NAIOP IE and its stakeholders are committed to working with the City to address these issues and its concerns regarding the future truck uses on Ethanac Road, in the hopes of reaching a resolution that is to the benefit of all parties involved, including the City of Perris, the City of Menifee, NAIOP IE stakeholders and current and future residents of the community.**

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NAIOP

COMMERCIAL REAL ESTATE
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INLAND EMPIRE CHAPTER

Please contact me if you have any questions or if you wish to discuss this matter in further detail.

Sincerely,

Bill Blankenship

Bill Blankenship, Director of Government Affairs

NAIOP IE Chapter

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EXHIBIT 2

City Response letter to Compass Danbe Real Estate Partners LLC (CDRE Holdings LLC) dated May 26, 2022

**SUBJECT: CITY RESPONSE TO COMPASS DANBE REAL ESTATE PARTNERS
LLC LETTER DATED MAY 26, 2022**

DATE: JUNE 1, 2022

This letter has been prepared to respond to the comments submitted by Compass Danbe Real Estate Partners LLC (CDREP) dated May 26, 2022, regarding the City of Perris Ordinance Amendment 22-05069 and General Plan Amendment 22-05068 application related to amending Perris Municipal Code Chapter 10.40 and the Circulation Element text and maps related to truck routes in South Perris to be consistent policies directing truck routes away from residential areas along Ethanac Road and Goetz Road. The City's responses are provided below.

Comment CDREP-1

The purpose of this letter is to express Compass Danbe Real Estate Partner's ["CDREP"] strong opposition and objection to the proposed removal of Ethanac Road as a designated truck route from westerly City limits to Barnett Road by the City of Perris (City) as part of General Plan Amendment GPA22-05068 and Ordinance Amendment No. OA22-05069 (Project). CDREP, under the entities of CDRE Holdings 20 LLC and CDRE Holdings 24 LLC, currently owns five (5) parcels within the City of Menifee's Northern Economic Development Corridor and proposes the development of five (5) light industrial buildings within this planning area. The removal of Ethanac Road as a designated truck route is detrimental to the planned and pending industrial projects in the City of Menifee which share Ethanac Road with the City of Perris as a designated truck route and has long established its Northern Economic Development Corridor (NEDC) south of Ethanac Road for future industrial uses.

As outlined more fully below, the proposed removal of Ethanac Road from Goetz Road, east to Barnett Road is inappropriate and should be rejected for the following reasons:

Response to Comment CDREP-1

This comment introduces CDREP and expresses its opposition to the proposed removal of Ethanac Road from the westerly City limit to Barnett Road from the City of Perris' list of designated truck routes. The specific comments that CDREP provides are addressed below.

It should be noted, however, that Perris Municipal Code (PMC) Chapter 10.40 – Truck Routes was adopted in 1972 for the purpose of protecting commercial uses and residential neighborhoods. The chapter identified truck routes and established truck route regulations and enforcement procedures. The truck route code was developed during a time when Perris was predominately undeveloped and primarily an agricultural community. The City has since significantly grown with a population of approximately 80,000 people with a mixture of residential, commercial, and industrial uses, and the need has arisen to separate truck traffic from auto traffic beyond a policy standard point by strategically conditioning industrial projects with truck traffic to be directed away from residential and commercially zoned areas.

In February 1990, the City of Perris City Council certified an Environmental Impact Report (EIR) and adopted the Green Valley Specific Plan. This project involves the development of a multi-use planned community on approximately 1,269 acres located north of Ethanac Road and between Goetz Road and the Interstate 215 (I-215) freeway. Residential uses allowed under the Specific Plan have already been constructed along Ethanac Road.

The City's efforts to keep trucks away from the existing and planned residential uses along Ethanac Road (including those within the City of Menifee) from the westerly City limit to Barnett Road and portions of Goetz Road go back as far as 2010 when the City of Perris City Council certified an EIR and approved the South Perris Industrial Distribution Center project which involved the development of three separate sites in the southcentral portion of the City. Two of the sites are located along Goetz Road. The City of Perris conditioned the project to ensure that all truck traffic accesses the I-215 Freeway via Case Road at Bonnie Drive/State Route 74 (SR-74). Truck traffic was not allowed to travel south of the South Perris Distribution Center site along Goetz Road or along Ethanac Road.

Most recently, in January 2022, the City of Perris City Council approved an update to the City's designated truck routes in the northern area of town, including the Perris Valley Commerce Center Specific Plan (PVCCSP) that excludes Perris Boulevard and Ramona Expressway.

These efforts are consistent with City of Perris General Plan Circulation Element Implementation Measure V.A.3, which states that the City shall "monitor commercial truck movements and operations in the City and establish new truck routes away from noise-sensitive areas where feasible."

Comment CDREP-2

Assuming the City truly intends to limit trucks from accessing Ethanac from NEDC properties (which would be illegal as detailed below), it would effectively cut off all industrial projects for the NEDC that are all in various stages of entitlement and which would be left with no viable designated truck route to transport goods to and from their facilities to Interstate 215 and the surrounding highway network. Ethanac Road has specifically been designed to accommodate, and has been actively utilized for years by, trucks and other industrially-related traffic from both the City of Perris and the City of Menifee.

Response to Comment CDREP-2

The City of Perris disagrees that changing the truck route designation for Ethanac Road from the westerly City limit to Barnett Road would cut off all industrial projects for the NEDC. This is for several reasons as discussed below.

As discussed in the Circulation Element of the City of Perris General Plan 2030, the designated truck routes are intended to indicate arterial streets which may be used by trucks, tractors, trailers, and other vehicles exceeding a maximum gross weight limit of five tons. However, in accordance with both local and State law, trucks or other vehicles with a maximum weight of five tons or more may use restricted streets when necessary for the purpose of making pickups and deliveries of goods, wares or merchandise from or to any

building or structure located on a restricted street or for delivering materials or equipment to be used in repair, alteration, remodeling or construction of any building or structure on a restricted street. Many of the industrial properties within the City of Perris are not located along designated trucks routes. The trucks accessing the NEDC could do so from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area. The City of Perris has specifically retained Ethanac Road from Barnett Road to the I-215 Freeway as a designated truck route in order to provide freeway access from the City of Menifee.

On March 2, 2022, the City of Menifee City Council adopted new Good Neighbor Industrial Policies as an appendix to the City's Design Guidelines. The intent of the City of Menifee's Good Neighbor Policies, in siting new warehouse, logistics, and distribution uses, include:

1. Minimize impacts to sensitive uses.
2. Protect public health, safety, and welfare by regulating the design, location and operation of facilities.
3. Protect neighborhood character of adjacent communities.

The first General Performance Standard identified in the Good Neighbor Industrial Policies states that "truck traffic shall generally be routed to impact the least amount of sensitive receptors, (e.g. access locations, use of traffic control features, signage)." Because existing residential uses are located along Ethanac Road in both the City of Perris and the City of Menifee, providing the NEDC trucks access from Barnett Road rather than Ethanac Road would be consistent with the City of Menifee's new Good Neighbor Industrial Policies.

In addition, as discussed in the Negative Declaration/Initial Study, the southernmost lane of Ethanac Road from Goetz Road to Barnett Road is located within the City of Menifee. The City of Menifee could continue to designate this lane as a truck route and trucks exiting the NEDC could continue to travel east along Ethanac Road to the I-215 Freeway.

Therefore, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road.

Comment CDREP-3

If adopted, the City's actions would deprive the property owners and developers of substantially all economically viable use of their property – which can only be developed for industrial purposes in accordance with the City of Menifee's General Plan and long-term planning documents for the NEDC – thereby effecting a regulatory taking under Article I, Section 19 and the Fifth Amendment of the California and United States constitutions, respectively, requiring the payment of just compensation.

Response to Comment CDREP-3

As discussed in the Response to Comment CDREP-2, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin

Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road. The proposed removal of Ethanac Road from the westerly City limit to Barnett Road from the City of Perris' list of designated truck routes would not deprive the property owners and developers of substantially all economically viable use of their property within the NEDC.

In addition, warehouse uses that generate substantial amounts of truck traffic are not the only uses that could be developed under the existing zoning within the NEDC. Other uses could be developed and operated, thereby not depriving the property owners and developers of all economically viable use of the property as stated in this comment.

Comment CDREP-4

The City freely acknowledges that it shares Ethanac Road with the City of Menifee and that Menifee relies upon the mutual truck route designation to facilitate development within the NEDC; however, by unilaterally removing its truck route designation the City is treating Ethanac Road as if it is wholly within the City's jurisdiction and in complete disregard to the interests and long-term planning goals of the City of Menifee and property owners and developers. All indications are that the City of Menifee did not take any adverse actions while the City of Perris rapidly expanded its industrial uses. Moreover, attempts to take such an injurious position without first consulting with the property owners most impacted goes against the very nature of proper planning and decision-making.

Response to Comment CDREP-4

As discussed in the Negative Declaration/Initial Study, the area to the north of Ethanac Road is planned for residential uses within the Green Valley Specific Plan. No industrial uses are planned for within this area of the City of Perris or further to the west. As such, the segment of Ethanac Road from the westerly City limit to Barnett Road is not needed to be designated a truck route within the City of Perris and the City does not plan to modify the median within Ethanac Road to accommodate truck traffic.

As discussed in the Response to Comment CDREP-2, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road.

Consideration and approval of the proposed General Plan Amendment and Ordinance Amendment is not occurring without input from property owners and the community in general. The Negative Declaration was published for a 20-day public review period and public hearings will be held before the City of Perris Planning Commission and City Council. Property owners and the community in general are afforded the opportunity to provide comments to the City of Perris in both written form and oral testimony before the General Plan Amendment and Ordinance Amendment are considered for adoption.

Comment CDREP-5

The Initial Study/Negative Declaration (IS/ND) prepared by the City in accordance with the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq. (CEQA) is troublesome in that the City failed to analyze the reasonably foreseeable direct and indirect potential physical impacts on the environment of removing Ethanac Road as a designated truck route. (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2016) 4 Cal.App.5th 103.) More specifically, the IS/ND fails to address the significant potential impacts to the City of Menifee and the surrounding region of redirecting truck traffic away from Ethanac Road to other, as-yet-unidentified roadways. The IS/ND is silent on analyzing these impacts and the ripple effects of its proposed unilateral de-designation of Ethanac Road on the surrounding community.

Response to Comment CDREP-5

As discussed in the Negative Declaration/Initial Study, no new unplanned roadways would have to be constructed to redistribute the truck traffic and no existing roadways would have to be modified. The proposed truck routes would also not require any change to the General Plan land use designations for the properties along the affected roadways. As discussed in the Response to Comment CDREP-2, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road. Therefore, the Negative Declaration/Initial Study has evaluated the reasonably foreseeable direct and indirect potential physical impacts on the environment of removing Ethanac Road from the westerly City limit to Barnett Road as a designated truck route.

Comment CDREP-6

The removal of Ethanac Road as a designated truck route is also contrary to the California Vehicle Code which precludes a local agency from adopting any regulation that would preclude trucks from accessing NEDC property. Specifically, Vehicle Code section 35703 states that “[n]o ordinance adopted [to prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit] shall prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street...” Therefore, truck traffic from the projects planned for south of Ethanac Road in the City of Menifee would not be prevented from utilizing the segment of Ethanac Road east of Barnett Road – an “unrestricted street” – to access these developments via Ethanac Road west of Barnett Road – an “unrestricted street” – to access these developments via Ethanac Road west of Barnett Road – a proposed “restricted street” – in order to complete pickups and deliveries. As such, the proposed de-designation of Ethanac Road would not achieve its intended effect of eliminating truck traffic from Ethanac Road in the City of Perris.

Response to Comment CDREP-6

As discussed in the Response to Comment CDREP-2, trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road.

Comment CDREP-7

In sum, the Project's proposal to remove Ethanac Road as a designated truck route from the westerly City limits east to Barnett Road creates unforeseen challenges for our development and many others within the NEDC planning area. The City's actions would amount to a regulatory taking of our constitutionally-protected property interests and does not take into account the shared municipal interest of the City of Menifee in the use Ethanac Road. Moreover, the IS/ND prepared by the City to support the Project is fatally deficient as it fails to address the indirect impacts of attempts to direct truck traffic away from Ethanac Road – a roadway specifically designed, intended and able to accommodate heavy trucks – to unidentified roadways in the surrounding community that may not be suitable for use as a truck route.

Response to Comment CDREP-7

As discussed in the Response to Comment CDREP-2, the City of Perris is aware that trucks or other vehicles with a maximum weight of five tons or more may use restricted streets when necessary for the purpose of making pickups and deliveries of goods, wares or merchandise from or to any building or structure located on a restricted street or for delivering materials or equipment to be used in repair, alteration, remodeling or construction of any building or structure on a restricted street in accordance with both local and State law. Trucks could continue to travel to and from the NEDC. Access to the NEDC properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the NEDC area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road.

As discussed in the Response to Comment CDREP-5, no new unplanned roadways would have to be constructed to redistribute the truck traffic and no existing roadways would have to be modified, and the proposed truck routes would also not require any change to the General Plan land use designations for the properties along the affected roadways. Therefore, the Negative Declaration/Initial Study has evaluated the reasonably foreseeable direct and indirect potential physical impacts on the environment of removing Ethanac Road from the westerly City limit to Barnett Road as a designated truck route.

Comment CDREP-8

We implore the City to consider the immediate and long-term effect of its proposed action to remove Ethanac Road as a designated truck route and (i) deny the Project or, alternatively (ii) modify the Project to allow Ethanac Road to remain a designated truck route.

Response to Comment CDREP-8

This comment expresses CDREP's opposition to changing the truck route designation for Ethanac Road from the westerly City limit to Barnett Road. This comment is noted for consideration by the City of Perris.

COMPASS DANBE REAL ESTATE PARTNERS LLC

999 N. Pacific Coast Highway, Suite 580, El Segundo, CA 90245 - 213.929.5047



May 26, 2022

City of Perris Planning Commission and City Council
Attn: Nancy Salazar, City Clerk &
Kenneth Phung, Director of Development Services
101 North D Street
Perris, CA 92570

Re: June 1, 2022, Agenda Item:

South Perris Proposed Truck Routes (GPA22-05068 and OA22-05069) and Removal of Ethanac Road as Designated Truck Route

Dear Honorable Planning Commissioners and Mayor and Members of the City Council:

The purpose of this letter is to express Compass Danbe Real Estate Partner's ["CDREP"] strong opposition and objection to the proposed removal of Ethanac Road as a designated truck route from westerly City limits to Barnett Road by the City of Perris (City) as part of General Plan Amendment GPA22-05068 and Ordinance Amendment No. OA22-05069 (Project). CDREP, under the entities of CDRE Holdings 20 LLC and CDRE Holdings 24 LLC, currently owns five (5) parcels within the City of Menifee's Northern Economic Development Corridor and proposes the development of five (5) light industrial buildings within this planning area. The removal of Ethanac Road as a designated truck route is detrimental to the planned and pending industrial projects in the City of Menifee which share Ethanac Road with the City of Perris as a designated truck route and has long established its Northern Economic Development Corridor (NEDC) south of Ethanac Road for future industrial uses.

As outlined more fully below, the proposed removal of Ethanac Road from Goetz Road east to Barnett Road is inappropriate and should be rejected for the following reasons:

- Assuming the City truly intends to limit trucks from accessing Ethanac from NEDC properties (which would be illegal as detailed below), it would effectively cut off all industrial projects for the NEDC that are all in various stages of entitlement and which would be left with no viable designated truck route to transport goods to and from their facilities to Interstate 215 and the surrounding highway network. Ethanac Road has specifically been designed to accommodate, and has been actively utilized for years by, trucks and other industrially-related traffic from both the City of Perris and the City of Menifee.
- If adopted, the City's actions would deprive the property owners and developers of substantially all economically viable use of their property – *which can only be developed for industrial purposes in accordance with the City of Menifee's General Plan and long-term planning documents for the NEDC* – thereby effecting a regulatory taking under Article I, Section 19 and the Fifth Amendment of the California and United States constitutions, respectively, requiring the payment of just compensation.



- The City freely acknowledges that it shares Ethanac Road with the City of Menifee and that Menifee relies upon the mutual truck route designation to facilitate development within the NEDC; however, by unilaterally removing its truck route designation the City is treating Ethanac Road as if it is wholly within the City's jurisdiction and in complete disregard to the interests and long-term planning goals of the City of Menifee and property owners and developers. All indications are that the City of Menifee did not take any adverse actions while the City of Perris rapidly expanded its industrial uses. Moreover, attempts to take such an injurious position without first consulting with the property owners most impacted goes against the very nature of proper planning and decision-making.
- The Initial Study/Negative Declaration (IS/ND) prepared by the City in accordance with the California Environmental Quality Act (Pub. Resources Code, §§ 21000, et seq. (CEQA)) is troublesome in that the City failed to analyze the reasonably foreseeable direct and indirect potential physical impacts on the environment of removing Ethanac Road as a designated truck route. (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2016) 4 Cal.App.5th 103.) More specifically, the IS/ND fails to address the significant potential impacts to the City of Menifee and the surrounding region of redirecting truck traffic away from Ethanac Road to other, as-yet-unidentified roadways. The IS/ND is silent on analyzing these impacts and the ripple effects of its proposed unilateral de-designation of Ethanac Road on the surrounding community.
- The removal of Ethanac Road as a designated truck route is also contrary to the California Vehicle Code which precludes a local agency from adopting any regulation that would preclude trucks from accessing NEDC property. Specifically, Vehicle Code section 35703 states that "[n]o ordinance adopted [to prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit] shall prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street..." Therefore, truck traffic from the projects planned for south of Ethanac Road in the City of Menifee would not be prevented from utilizing the segment of Ethanac Road east of Barnett Road – an "unrestricted street" – to access these developments via Ethanac Road west of Barnett Road – a proposed "restricted street" – in order to complete pickups and deliveries. As such, the proposed de-designation of Ethanac Road would not achieve its intended effect of eliminating truck traffic from Ethanac Road in the City of Perris.

In sum, the Project's proposal to remove Ethanac Road as a designated truck route from the westerly City limits east to Barnett Road creates unforeseen challenges for our development and many others within the NEDC planning area. The City's actions would amount to a regulatory taking of our constitutionally-protected property interests and does not take into account the shared municipal interest of the City of Menifee in the use Ethanac Road. Moreover, the IS/ND prepared by the City to support the Project is fatally deficient as it fails to address the indirect impacts of attempts to direct truck traffic away from Ethanac Road – a roadway specifically designed, intended and able to accommodate heavy trucks – to unidentified roadways in the surrounding community that may not be suitable for use as a truck route.

COMPASS DANBE REAL ESTATE PARTNERS LLC
999 N. Pacific Coast Highway, Suite 580, El Segundo, CA 90245 - 213.929.5047



We implore the City to consider the immediate and long-term effect of its proposed action to remove Ethanac Road as a designated truck route and (i) deny the Project or, alternatively (ii) modify the Project to allow Ethanac Road to remain a designated truck route.

Thank you for your considerations in this regard. Please contact the undersigned should you have any questions or require any additional information at this time at (310) 428-3302 or mark@cdrepartners.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'MB', followed by a long horizontal flourish.

Mark Bachli, Authorized Signer
CDRE Holdings 20 LLC
CDRE Holdings 24 LLC

EXHIBIT 3

City Response letter to CADO Menifee, LLC /
Capstone Advisors dated May 31, 2021

**SUBJECT: CITY RESPONSE TO CADO MENIFEE, LLC LETTER UNDATED
(RECEIVED MAY 31, 2022)**

DATE: JUNE 1, 2022

This letter has been prepared to respond to the comments submitted by CADO Menifee, LLC (CADO) received by the City on May 30, 2022, regarding the City of Perris Ordinance Amendment 22-05069 and General Plan Amendment 22-05068 application related to amending Perris Municipal Code Chapter 10.40 and the Circulation Element text and maps related to truck routes in South Perris to be consistent policies directing truck routes away from residential areas along Ethanac Road and Goetz Road. The City's responses are provided below.

Comment CADO-1

We, CADO Menifee, LLC ("CADO"), are the developer of a 40-acre industrial development located in the Economic Development Corridor – Northern Gateway of the City of Menifee ("Menifee"), which development depends upon Ethanac Road for its truck access.

We write this letter to express our strong opposition to the proposed removal of Ethanac Road from the City of Perris' ("City") designated truck route plan, which is proposed as part of General Plan Amendment GPA22-05068 and Ordinance Amendment No. OA22-05069.

Response to Comment CADO-1

This comment introduces CADO and expresses its opposition to the proposed removal of Ethanac Road from the westerly City limit to Barnett Road from the City of Perris' list of designated truck routes. This comment is noted for consideration by the City of Perris.

Comment CADO-2

On May 23, 2022, NAIOP submitted a letter objecting to the de-designation of Ethanac Road from the City's truck route plan and explaining the detrimental impacts the proposal would have to numerous industrial property owners in Menifee. We are one of the property owners who will be severely impacted.

We support NAIOP's May 23 objection letter, and we respectfully ask that the City reconsider this proposal to de-designate Ethanac Road.

Response to Comment CADO-2

The City of Perris has received the letter from the NAIOP, Inland Empire Chapter (NAIOP IE) and has prepared a letter providing responses to their comments. CADO's support for this letter is noted for consideration by the City of Perris.

**CADO Menifee, LLC
c/o Capstone Advisors
1545 Faraday Avenue
Carlsbad CA 92009**

RE: Agenda Item No. 7.B (GPA 22-05068 and OA 22-05069): Objection to Removal of Ethanac Road from the City's Truck Routes

Dear Honorable Planning Commissioners:

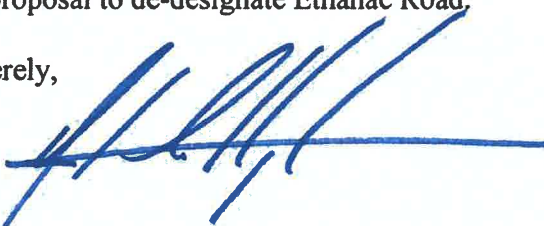
We, CADO Menifee, LLC ("CADO"), are the developer of a 40-acre industrial development located in the Economic Development Corridor – Northern Gateway of the City of Menifee ("Menifee"), which development depends upon Ethanac Road for its truck access.

We write this letter to express our strong opposition to the proposed removal of Ethanac Road from the City of Perris' ("City") designated truck route plan, which is proposed as part of General Plan Amendment No. 22-05068 and Ordinance Amendment No. 22-05069.

On May 23, 2022, NAIOP submitted a letter objecting to the de-designation of Ethanac Road from the City's truck route plan and explaining the detrimental impacts the proposal would have to numerous industrial property owners in Menifee. We are one of the property owners who will be severely impacted.

We support NAIOP's May 23 objection letter, and we respectfully ask that the City reconsider this proposal to de-designate Ethanac Road.

Sincerely,



Mark A. Hayden,
Vice President of Capstone Advisors

cc file

EXHIBIT 4

City of Menifee Letter dated May 31, 2022

Community Development Department

May 31, 2022

Nathan Perez
Senior Planner
City of Perris
135 N. D Street
Perris, CA 92570-2200

RE: City of Perris Proposed Truck Routes 2 (GPA22-05068 and OA22-05069)

Dear Mr. Perez,

Thank you for the opportunity to review above Notice of Public Hearing and Environmental Initial Study/Negative Declaration for the proposed City of Perris Ordinance Amendment and General Plan Amendment amending code provisions and circulation element policies related truck parking and truck routes to direct truck routes away from residential areas. This proposal includes the removal of truck routes along Ethanac Road, Goetz Road south of San Jacinto River and adding a truck route along Case Road. The City of Menifee has reviewed the project and offers the following comments:

The IS/ND analysis characterizes the proposed project as adjustments to designated truck routes within the southern and central portions of the City of Perris. The City of Menifee considers this to be an inaccurate representation of the project, since the project eliminates several miles of existing truck routes, including almost two miles of truck route along Ethanac Road, constructed as a four-lane arterial roadway but designated as an Expressway (184' ROW) per Exhibit CE-12 of the City of Perris Circulation Element. Ethanac Road is also located at the border of the City of Perris and the City of Menifee between Goetz Road and Barnett Road; the southern portion of Ethanac Road being in the City of Menifee. Adjustments would be a more appropriate term if the proposal involved minor changes such as elimination of short section of truck route on a roadway segment that will never be needed or used by the City of Perris or any other jurisdiction, or changes to correct alignments for consistency with planned, proposed or existing circulation element roadway classifications or physical improvements.

While the IS/ND includes a description of planned uses north of Ethanac Road within the City of Perris, and notes that Ethanac Road is designated as a truck route by the City of Menifee, it fails to make any mention of or recognize planned industrial land uses, per the General Plan, south of Ethanac Road within the City of Menifee. Simply put, the environmental analysis does not consider what is beyond the border of the City of Perris and does not demonstrate any attempt on the part of the City of Perris to coordinate its planning efforts with the City of Menifee. The City of Perris has failed to communicate any information about this proposal with the City of Menifee prior to the public notice/environmental notice for this proposed project.

For discussion of all impact areas, the IS/ND concludes that,

“there will be no impact or less than significant impact for all impact areas because the project involves adjustments to designated truck routes within the southern and central portions of the City of Perris. All of the roadways proposed to be designated as truck routes are presently constructed and open to traffic. No new roadways would be constructed as part of the project and no existing roadways would have to be modified. The proposed truck routes would not change the land use designations for any properties within the City of Perris.”

However, the IS/MND analysis does not consider or provide any technical analysis of traffic, noise or air quality/health risk that could occur with the re-distributing of truck traffic from existing truck routes that will be removed, resulting in potential increase truck traffic by diverting trucks to other existing and proposed truck routes, particularly the new truck route proposed on Case Road.

Land Use and Planning:

The Land Use and Planning Section does not adequately evaluate impacts due to a conflict with any land use plan, as it fails to discuss or consider whether the proposed project conflicts with the City of Menifee’s General Plan. The Project Description of the IS/ND, states that the southern eastbound lane of Ethanac Road is located within the City of Menifee, yet the Land Use Section provides no further discussion related to the southern eastbound portion of Ethanac Road beyond the City of Perris Boundaries. The IS/MND fails to acknowledge that Ethanac Road from Goetz Road to Barnett Road is an important major roadway shared by and essential to both the cities of Perris and Menifee and that Ethanac Road is designated as a 6 to 8-Lane Divided Expressway and Truck Route in the Circulation Element of the City of Menifee General Plan. The IS/MND fails to acknowledge that the designated truck routes within the City of Menifee have been selected because of their accessibility to the freeway and key industrial/commercial areas. The IS/MND fails to acknowledge that properties within the City of Menifee along the southern eastbound lane of Ethanac Road are designated as Economic Development Corridor - Northern Gateway land use in the Land Use Element of the City of Menifee General Plan (the EDC-NG designated area includes approximately 594 acres generally bounded by Ethanac Road to the north, Mc Laughlin Road to the south, Goetz Road to the west and Barnett Road to the east). The IS/ND fails to acknowledge that the EDC-NG designation of the General Plan envisions this area for business park development and traditional industrial uses. Because the IS/ND does not consider the impact that removal of an existing designated truck route will have on the City of Menifee and does not consider potential impacts due to conflicts with Menifee’s General Plan Circulation and Land Use Elements, the analysis is inadequate and cannot clearly show that impacts related to Land Use Planning are not significant or less than significant. Therefore, a fair and reasonable argument can be made that impacts due to conflicts with the City of Menifee General Plan could be significant.

Transportation:

The Transportation Section does not adequately evaluate or mitigate impacts due to a conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, as it fails to discuss or consider or evaluate conflicts with the City of Menifee's General Plan Circulation Element which designates Ethanac Road as a 6 to 8-Lane Divided Expressway and Truck Route. Because the IS/ND does not consider the impact that removal of an existing designated truck route will have on the City of Menifee and does not consider potential impacts due to conflicts with Menifee's General Plan Circulation and Land Use Elements, the analysis is inadequate and cannot clearly show that impacts related to transportation are not significant or less than significant. Therefore, a fair and reasonable argument can be made that impacts due to conflicts with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities could be significant.

Furthermore, on June 25, 2019, the County of Riverside and the cities of Lake Elsinore, Perris and Menifee entered into agreement for a Corridor Development Planning Study connecting the I-15 & Nichols Road interchange to the I-215 & Ethanac Road Interchange. Per the agreement, "The initial focus of the CORRIDOR STUDY will evaluate extending Ethanac Road to connect State Route 74 and to evaluate connecting the Nichols Road and Interstate 15 Interchange to State Route 74 by means of new road segments..." East-west traffic in western Riverside County is currently carried primarily on Interstate 10 and State Routes 60 and 91. These corridors are already experiencing significant gridlock and the situation is projected to worsen. The Corridor Study was intended to provide guidance on implementing transportation projects that will improve east-west mobility to the benefit of the PARTIES to this AGREEMENT." This includes the transportation of commerce as Ethanac is identified as a Truck Route. As part of the agreement, Riverside County Transportation Commission contributed \$2,000,000, the County of Riverside contributed \$475,000 and the cities provided \$175,000 each with the understanding that this project would ultimately relieve east-west congestion in the region.

Air Quality:

The Initial Study states that the City of Perris assesses the air quality impacts of new development projects, requires mitigation of potentially significant air quality impacts by conditioning discretionary permits and claims that no air quality impacts exist because the request is only to remove or add truck routes into the Circulation Element of the General Plan. The Initial Study fails to analyze the additional air quality impacts resulting from the addition of the new truck route or the distribution of truck traffic due to the elimination of Ethanac Road as a truck route.

Tribal Cultural Resources:

The Tribal Consultation discussion describes the tribal consultation process that was conducted for the project and states that on March 15, 2022, the City provided notification of consultation opportunity to California Native American tribes traditionally and culturally affiliated with Riverside County and that tribes

were provided 30 days from receipt of formal notice to request consultation. However, the discussion makes no mention of tribal consultation conducted to comply with the requirements of Senate Bill (SB) 18. Senate Bill 18 (Government Code §65352.3) requires that prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the Native American Heritage Commission) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe. Since tribes were only provided 30 days to request consultation instead of 90 days as required under SB 18, the City of Perris has not complied with the requirements of SB 18 as required for the proposed General Plan Amendment.

Cumulative Impacts Analysis

The IS/ND and its conclusions of "No Impact" are deficient in numerous respects due to its failure to analyze, or even mention, cumulative impacts of the project relating significant planned development projects in the immediate area, both inside and outside of Perris city limits.

Instruction No. 2 in the 2022 State CEQA Guidelines Appendix G, Initial Study Checklist states as follows: "All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts."

The IS/ND fails to perform this analysis with respect to the City of Perris's own project, known as the Green Valley Specific Plan (GVSP), which is situated just south of Case Road and north of Ethanac Road, between Goetz Road and Interstate 215. According to Section 1.1 of the Final Certified GVSP (page 1-2), the northern portion of the GVSP (which immediately borders the proposed truck route on Case Road) is contemplated to undergo significant development for residential, commercial, and industrial uses. Although there are no specific development proposals at this time, the GVSP clearly indicates that environmental analysis is needed for the northern portion of that project area: "Nonetheless, for the purposes of preparing an adequate cumulative impact analysis in the EIR Addendum covering past, present and reasonably foreseeable future projects in the area affected by the currently proposed project, some general assumptions have been made about the northern portion of the Specific Plan area, based on future changes to the Land Use Map . . ." As such, Perris has recognized that the scope of future development of the northern portion of the GVSP is sufficiently specific for the purposes of including it in the EIR Addendum. The impacts of the proposed truck routes on these developments should be considered in the IS/ND.

There are other development projects which would be affected by the proposed truck route changes, including but not limited to the project known as Panattoni Industrial Island 3, located just south of Ethanac Road in the City of Menifee. The City of Perris is well aware of this project, having submitted comments to Menifee by letters dated August 26 and September 7, 2021. The IS/ND failed to consider the impacts of the proposed amended truck routes on truck traffic to and from these proposed new and existing developments, as well as the impacts of the potential necessity of re-routing truck routes through areas of Menifee which are not currently designated as such (if such re-routing is even possible).

Mandatory Findings of Significance:

The City is confident that there are cumulative impacts associated with the removal of Ethanac Road as a truck route. The Initial Study acknowledges that there are past, current and future projects in Perris and that the analyses throughout the Initial Study demonstrates that the project would not contribute to cumulative impacts elsewhere in Perris or Riverside County. However, the document fails to analyze any impacts to the City of Menifee as it relates to the development projects along the Ethanac corridor which shows clear deficiencies in the document which have resulted in an incomplete assessment of the impacts to the neighboring areas. In addition, it does not study the impacts that will be created in the region, specifically the east-west movements that already exist in western Riverside County that are identified in the Corridor Development Planning Study.

We strongly urge the Planning Commission to continue the public hearing until all these issues are fully addressed and better coordination takes place between the City of Perris, City of Menifee, County of Riverside and Riverside County Transportation Commission.

If you have questions, please contact me at 951-723-3706 or by e-mail at ckitzerow@cityofmenifee.us.

Sincerely,

Cheryl Kitzerow

Cheryl Kitzerow, AICP
Community Development Director

Nicolas Fidler

Nicolas Fidler, PE
Director of Public Works and Engineering

Cc: Armando Villa, City Manager
Jeff Melching, Rutan & Tucker

EXHIBIT 5

Rutan & Tucker, LLP dated May 31, 2022

May 31, 2022

VIA E-MAIL AND
FIRST CLASS MAIL

Honorable Chairperson and Planning
Commissioners
City of Perris
Perris City Hall
101 N. D. Street
Perris, CA 92570
cityclerk@cityofperris.org

Re: Objection to June 1, 2022 Planning Commission Hearing Item No.7B

Dear Honorable Chairperson and Planning Commissioners:

On behalf of our clients, Panattoni Development Company, PDC Social LP, LLC and their affiliates, we object to the City of Perris' ("City") proposed de-designation of certain truck routes within the southern and central portions of the City (Nos. GPA22-05068 and OA22-05069).

Based on the scant records available online, it is our understanding that the City is considering the adoption of General Plan Amendment No. GPA22-05068 and Ordinance Amendment No. OA22-05069, which will have the effect of de-designating Ethanac Road as a truck route along the northern side of the road (the "Project"). In addition, the Project would result in the de-designation of other roads as truck routes, and to establish one new truck route through the center of the City.

For the reasons outlined below, the City's attempt to modify its designated truck routes through a General Plan and Ordinance Amendment is both improper and illegal.

1. **The City has Failed to Comply with CEQA By Not Preparing an Environmental Impact Report**

The proposed Project will have far-reaching and significant environmental impacts both within the City itself, and on the region as a whole. As such, the City's facile attempt to avoid preparing an environmental impact report through the preparation of a conclusory negative declaration is wholly inappropriate, is not supported by substantial evidence, or in fact, any evidence.

Compliance with CEQA is generally required before the City may take any legislative action, such as the Project at issue here, that may potentially have a significant impact on the

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environment. (Pub. Res. Code §§ 21080, 21151; *Union of Medical Marijuana Patients v. City of San Diego* (2019) 7 Cal.5th 1171, 1187 [adoption of an amended zoning ordinance was a “project” subject to CEQA review].) Further, an agency’s reliance on a negative declaration will only withstand judicial scrutiny if there is no “substantial evidence in the record [that] supports a ‘fair argument’ significant impacts or effects may occur.” (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 730.) As explained by the California Court of Appeal:

In the CEQA context, substantial evidence “means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Guidelines, § 15384, subd. (a).) Substantial evidence includes “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts” (*id.* subd. (b)), but not “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment.” (*Id.* subd. (a).)

“Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence.” (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.) “For example, an adjacent property owner may testify to traffic conditions based upon personal knowledge.” (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173.) Because substantial evidence includes “reasonable assumptions predicated upon facts” (Guidelines, § 15384, subd. (b)) and “reasonable inferences” (*id.*, subd. (a)) from the facts, factual testimony about existing environmental conditions can form the basis for substantial evidence.

(*Keep Our Mountains Quiet, supra*, 236 Cal.App.4th at p. 730.)

Put simply, the bar for the amount and type of evidence needed to support a fair argument is a low one that can be easily met. Likewise, it is abundantly clear that the City is willfully ignoring the mountain of evidence that demonstrates that there is a fair argument that the proposed Project will have significant effects on the environment.

Here, the proposed IS/ND for the Project claims that the Project will not result in any impacts because it is not requiring the construction or alteration of any of the existing roadways within the City, and because it will “*not increase the number of vehicles operating within the City of Perris.*” However, aside from this conclusory remark (which is repeated throughout the IS/ND), the IS/ND is entirely silent as to the environmental impacts that will likely result if the Project is approved and the various roadways are de-designated.

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First, the proposed alteration of the truck routes will necessarily result in the redirection of truck traffic within the City. For example, the proposed modification would create a new truck route through the middle of the City. This roadway has never previously been designated as a truck route, and the proposed route does not seem to be placed next to any uses that would potentially use the truck route. As such, by creating this new truck route and redirecting existing traffic to that location, the City will increase the vehicle miles traveled by trucks within the City, which could result in significant environmental impacts in the form of air quality impacts, GHG impacts, or traffic impacts.

Second, the proposed alteration of the truck routes will actually create a dead end on Goetz Road, which will force certain truck traffic to “double-back” rather than continuing onto Ethanac Road. In so doing, the Project will result in increased vehicle miles traveled within the City, while also increasing the total amount of greenhouse gas emissions as a result of this increased travel distance.

Third, the proposed alteration would essentially make it so no trucks could access the only major on-ramp within the City in southern Perris, where Ethanac meets the I-215 Freeway. In so doing, the City would essentially be forcing all industrial and commercial users along Ethanac Road to utilize alternative routes, potentially using Goetz Road, which would increase miles traveled by trucks so that they can access the interstate freeway system.

Fourth, the City’s own staff report for this item admits that the stated purpose, and desired effect, of the Project is to redirect truck routes from residential and commercial areas along certain existing truck routes, such as Ethanac Road. (See Staff Report, p. 1.) Likewise, the proposed Resolution Number 22-14 claims that there is no potential for an environmental impact in one section, but then later states that the City is intending to move truck routes from some areas to “provide safe movement,” for some uses, and without addressing the impacts could occur to the property adjacent to the new truck routes. In other words, the City admits that by removing the truck routes from one area they are moving those impacts to new areas that were not previously analyzed. (See Staff Report, Exhibit A.)

Lastly, the City’s IS/ND focuses solely on the potential for environmental impacts *within* the City. In so doing, the City is purposefully ignoring any environmental impacts to the City’s surrounding communities, such as Romoland and Menifee. For example, as support for de-designating the northern side of Ethanac Road, the City claims that the area to the “*north of Ethanac Road is planned for residential uses within the Green Valley Specific Plan. No industrial uses are planned within this area of the City of Perris or further to the west. As such, the City does not plan to modify the median with Ethanac Road to accommodate truck traffic.*”

Yet, the proposed IS/ND ignores the fact that the property located along the southern half of Ethanac, located within the City of Menifee, is currently zoned “Economic Development

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Corridor Northern Gateway (EDC-NG),” which specifically calls for the development of both “business park” and “intensive industrial uses” along that roadway. (Attached hereto as Exhibit A and B, respectively, are copies of the relevant portion of the City of Menifee’s Zoning Map, and an excerpt from the City of Menifee’s Development Code.) Additionally, the Green Valley Specific Plan also designates certain parcels along the northern edge of Ethanac Road as “commercial” uses, which will invariably require truck deliveries. (Attached hereto as Exhibit C is a copy of the land use map for the Green Valley Specific Plan.) The City’s IS/ND fails to adequately consider the Project’s impact on these likely industrial, commercial and office uses along the Ethanac corridor.¹

If these parcels are developed in accordance with their current zoning, the buildings will have no way to access their properties along Ethanac, and some would be forced to take longer, circuitous, routes to get to their properties. As such, the proposed Project would again result in longer traveling distances, as well as increased GHG emissions that must be addressed as a part of an EIR.

Similarly, the proposed Project would push much of the truck traffic to other intersections within the City, and/or push the truck traffic outside of the City’s limits. In so doing, the proposed Project would have deleterious impacts on the surrounding environment, all of which would go unstudied if the City were to continue down this path.

In short, the City’s environmental analysis is sorely lacking, and purposefully avoids addressing the impacts that will result if the City de-designates the various truck routes. In particular, the City seems to be purposefully ignoring these impacts at the expense of its neighbors. However, CEQA does not condone such narrow analysis focusing only on the lead agency’s jurisdiction. When considering the potential environmental impacts of a project, the City must consider the impacts to the environment outside of the project area, which includes the communities surrounding the City in addition to the impacts within the City itself. (See, e.g., 14 Cal. Code Regs § 15125(c) [“Knowledge of the regional setting is critical to the assessment of the environmental impacts. . . . The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.”]; Pub. Res. Code § 21060.5 [defining “environment” for purposes of CEQA to mean “the physical conditions which exist within the area which will be affected by a proposed project”]; *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 92 [“The EIR must describe the existing physical conditions from both a local and regional perspective. . . . The scope and

¹ In fact, the City doubles down on this error in its proposed Resolution Number 22-14, when it claims that it is only removing those truck routes that do not abut “industrial zoned properties.” As explained above, property directly adjacent to Ethanac Road is zoned for industrial uses. (See Staff Report, Ex. A.)

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detail of an EIR’s discussion of the regional environmental setting is driven by the scope and extent of the project’s potential impacts.”.) The IS/ND fails to address this issue, and is therefore deficient. Further, the Project will likely result in significant GHG, air quality and transportation impacts both within and outside of the City. As such, the City is required to prepare an environmental impact report.

2. The City’s Proposal Constitutes Improper Piecemealing

On December 14, 2021, the City Council for the City of Perris approved the initial modification of the truck routes in the northern part of the City of Perris. In so doing, the City de-designated numerous roadways as truck routes all while purporting to keeping central and southern Perris the same. Under CEQA, local agencies cannot piecemeal projects in a way to avoid a claim of substantial impacts. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1222 [“CEQA forbids ‘piecemeal’ review of the significant environmental impacts of a project.”].) Put another way, “[a]gencies cannot allow ‘environmental considerations [to] become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.’” (*Id.*) “It has been recognized that “ ‘[a] curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance.’” (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Com’rs* (2001) 91 Cal.App.4th 1344, 1358.)

Here, the City has altered the truck routes within the northern part of the City in the five months. Based on records made available to the public, it is clear that the City is pursuing a concerted strategy to prohibit truck traffic from entering the City from areas beyond the City’s jurisdiction. Indeed, comments made by the Mayor and other City Council members during the December 14, 2021 hearing further confirm that the City Council was pursuing its original action as a means of limiting truck access to the City of Perris, and further confirms that the City Council was not concerned with any potential impacts that could result on the surrounding communities.

Fast forward merely five months after the approval of the original action, the City is again trying to alter the truck routes throughout the rest of the City. Indeed, based on the ALUC approval letter, dated April 2022, it is clear that the City knew that it was going to proceed with modifying the remainder of the City’s truck routes at roughly the same time it was also approving the alterations to North Perris’ truck routes.

By failing to address the impacts from the City’s decision to de-designate numerous truck routes throughout the City, and instead fragmenting its analysis, the City has failed to comply with the requirements of CEQA.

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3. **The Proposed De-Designation Would Create Unlawful Inconsistencies with the City's General Plan**

All local land use actions must be consistent with the applicable General Plan. (*Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 153.) City actions that create inconsistencies with an existing General Plan are invalid and are “void ab initio,” as the Supreme Court stated in *Leshar Communications v. City of Walnut Creek* (1990) 52 Cal.3d 531. “While a given general plan is in effect, neither local governments nor electors can enact a zoning ordinance inconsistent with it.” (*City of Morgan Hill v. Bushey* (2018) 5 Cal.5th 1068, 1079.)

If the City proceeds with its plan to de-designate Ethanac Road as a truck route, such a change would be inconsistent with the City's Circulation Element of its General Plan, both as it currently stands as well as with the proposed amendments. We note that the Circulation Element identifies Ethanac Road's future condition in 2030 as an “expressway” accommodating six lanes of traffic and including an astonishingly wide 184-foot right of way, and that the proposed General Plan amendment does not seek to change this designation. That the City would remove Ethanac Road's truck route designation in 2022, despite the anticipated nature of the road being a major thoroughfare for the City in only a few short years, is unconscionable. It defies logic to think that an expressway would ever be properly restricted to vehicles having weights less than five tons, and any such proposal would be in direct contravention with the General Plan as presently adopted, would be internally inconsistent with the General Plan, and would therefore be void.

4. **Conclusion**

For the foregoing reasons, the City cannot adopt the current version of the proposed General Plan Amendment and Ordinance Amendment, as such action would violate California Planning & Zoning laws and CEQA. We therefore request that the City make the necessary revisions to address the foregoing issues.

Sincerely,

RUTAN & TUCKER, LLP



Hans Van Ligten

HVL:tv
Enclosures

Exhibit A

PERRIS

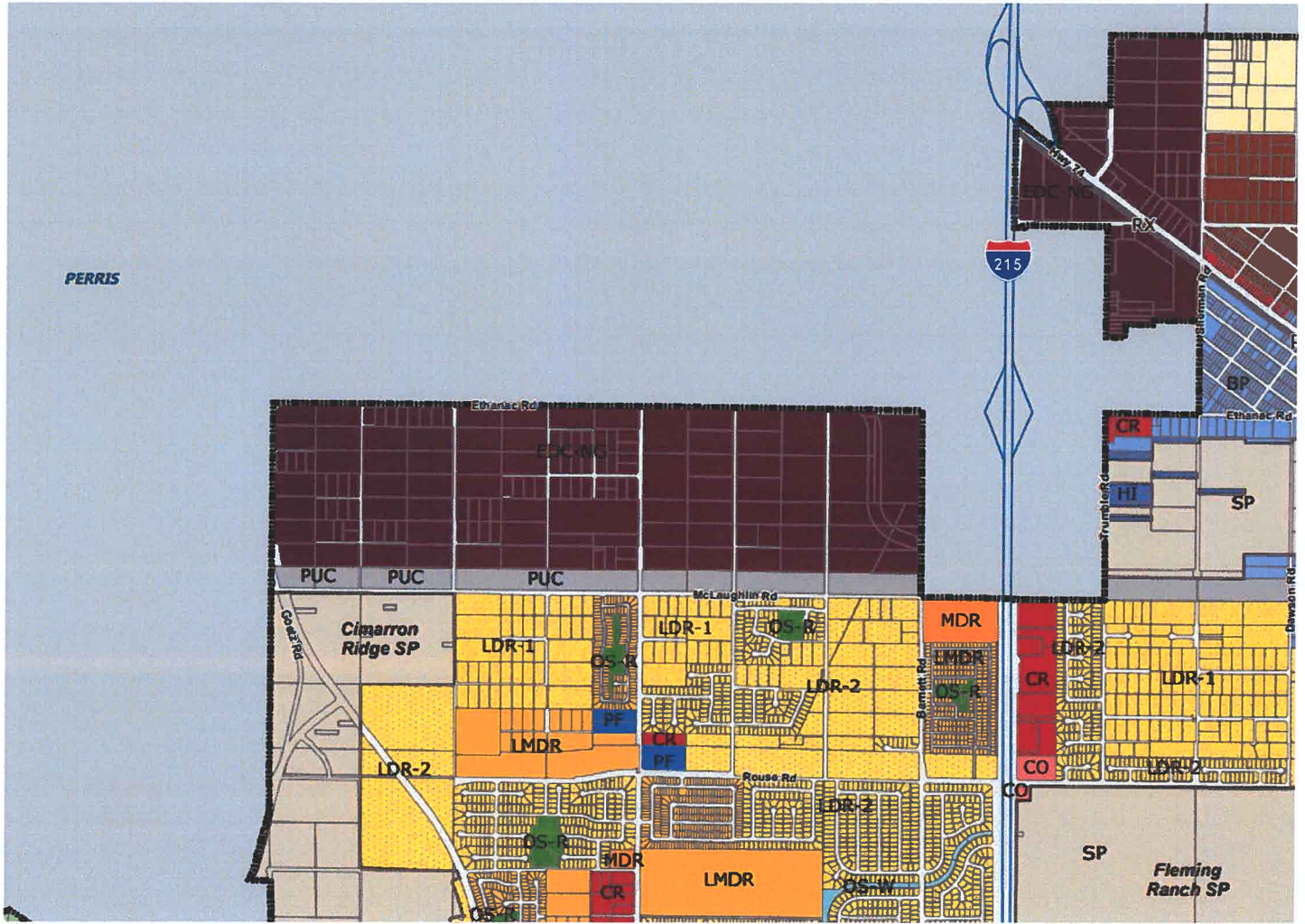


Exhibit B

Chapter 9.145 Economic Development Corridor Zones

Contents:

9.145.010 Purpose

9.145.020 Description and Intent of Zone

9.145.030 Allowed Uses and Approval Requirements

9.145.040 Development Standards

9.145.050 Special Requirements for Mixed Uses and Residential Uses in Economic Development Corridor Zones

9.145.010 Purpose

The purpose of this chapter is to establish business districts in the City that provide appropriate locations for commercial, office, industrial and economic development. These districts are consistent with and implement the City's General Plan.

9.145.020 Description and Intent of Zone EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. **Economic Development Corridor Northern Gateway (EDC-NG)**. Envisioned as a business park area with more intensive industrial uses (less office) than envisioned for the Scott Road EDC area. Provides a buffer and transition between the commercial uses in Perris to the north and the residential uses in Menifee, south of McLaughlin Road.
- B. **Economic Development Corridor McCall Boulevard (EDC-MB)**. Envisioned as a mix of office, medical, and residential uses (assisted living, senior apartments, townhomes, etc.) that would be compatible with the Regional Medical Center and would provide health-related services in close proximity to Sun City residents.
- C. **Economic Development Corridor Community Core (EDC-CC)**. The Community Core is envisioned as the City's primary activity center and gathering place. Civic and entertainment uses are envisioned here that are complemented with commercial retail uses and higher density housing options that encourage walkability and reduce the use of the automobile. This area is intended to function as the ceremonial "heart" or downtown of the City of Menifee and will serve as a transition from existing rural lots to more concentrated retail and office development moving east toward I-215.
- D. **Economic Development Corridor Newport Road (EDC-NR)**. The Newport Road Corridor is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development to the north and south. Business park, office, or residential uses are envisioned along Bradley Road, to provide a buffer the commercial corridor and a logical transition to the adjacent single-family residential neighborhoods to the north.
- E. **Economic Development Corridor Southern Gateway (EDC-SG)**. Southern Gateway will feature a business park style of development consisting of light industrial and office uses, with commercial use opportunities. The objective is to allow development while preserving the rural character of the Southern Gateway area.

Exhibit C



FIGURE 25

COMMERICAL

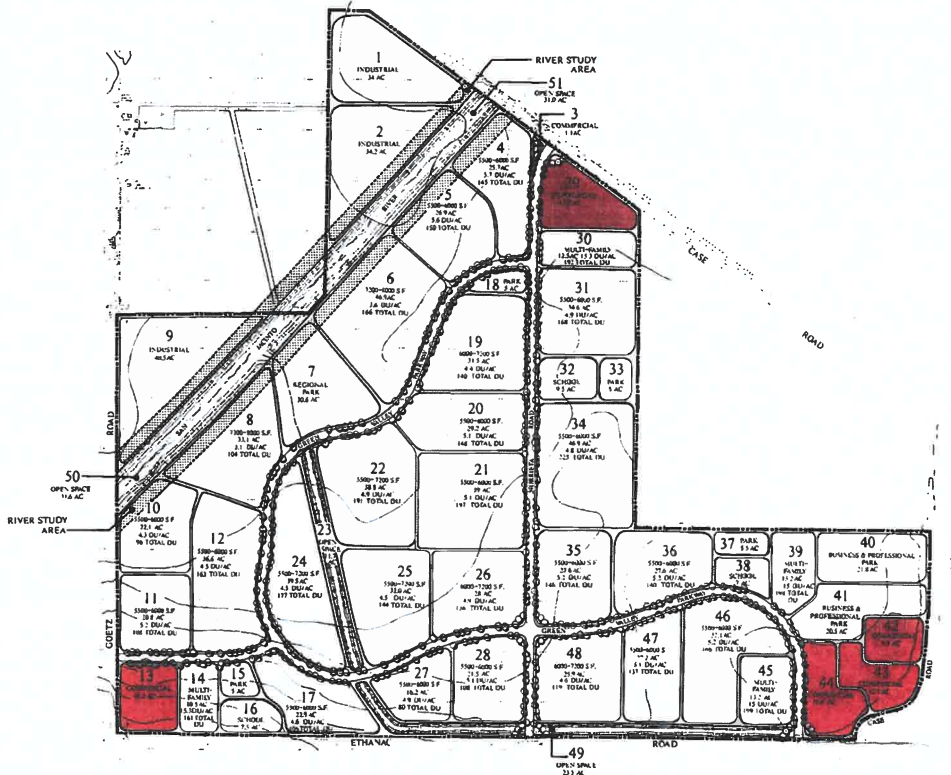


EXHIBIT 6

Emails in support of Ethanac Road truck
removal designation

Nathan Perez

From: Kenneth Phung
Sent: Monday, May 30, 2022 9:46 AM
To: Nathan Perez
Subject: Fwd: Remove Ethanac as truck route

FYI

Sent from my iPhone

Begin forwarded message:

From: maribel bittner <varitasmom@yahoo.com>
Date: May 30, 2022 at 7:31:04 AM PDT
To: Kenneth Phung <kphung@cityofperris.org>
Subject: Remove Ethanac as truck route
Reply-To: maribel bittner <varitasmom@yahoo.com>

“Hi my name is Maribel Bittner. I have lived in Monument Ranch community in South Perris for 16 years. I understand discussions are and or will take place regarding making Ethanac a truck route. I strongly support removing Ethanac as a truck route because of safety concerns, traffic, and pollution, and also because this is one of the safest prettiest areas of Perris. Menifee has plenty of other streets to use as truck routes. We pay some of the highest city taxes and I do not mind as long as you leave our area as it is. We are a growing community for families. Please do not agree to this.

Thank you

Maribel Bittner 295 Monument Parkway

[Sent from Yahoo Mail on Android](#)

Nathan Perez

From: Kenneth Phung
Sent: Monday, May 30, 2022 9:47 AM
To: Nathan Perez
Subject: Fwd: Item 7B

FYI

Sent from my iPhone

Begin forwarded message:

From: yolonda callies <yoliebugs@sbcglobal.net>
Date: May 29, 2022 at 11:53:50 PM PDT
To: Kenneth Phung <kphung@cityofperris.org>
Subject: Item 7B
Reply-To: yolonda callies <yoliebugs@sbcglobal.net>

Hello my name is Yolonda Doucette. I live in Siuth Perris at Seasons Green Valley Ranch community. I strongly support removing Ethanac as a truck route due to safety concerns, traffic and pollution. If the city of Menifee is strongly against having trucks use their city streets I am opposed to trucks clogging up the street in addition heavy weight trucks cause damage to the roads. I do not secure to see trucking traffic on the main traffic street near my home.

Regards,

Yolonda C Doucette.

[Sent from AT&T Yahoo Mail on Android](#)

Nathan Perez

From: Kenneth Phung
Sent: Monday, May 30, 2022 3:04 PM
To: Nathan Perez
Subject: Fwd: Item 7B of The Perris Planning Commission

FYI

Sent from my iPhone

Begin forwarded message:

From: ChannelNiine <brocko129@gmail.com>
Date: May 30, 2022 at 2:55:57 PM PDT
To: Kenneth Phung <kphung@cityofperris.org>
Subject: **Item 7B of The Perris Planning Commission**

Hello Mr. Phung,

My name is Steven Green, I live in the Monument Park community of Perris. I strongly support removing Ethanac Road as a truck route because of multiple safety concerns, traffic, and both noise and air pollution.

Respectfully,

Steven Green

Nathan Perez

From: Kenneth Phung
Sent: Monday, May 30, 2022 3:04 PM
To: Nathan Perez
Subject: Fwd:

FYI

Sent from my iPhone

Begin forwarded message:

From: JCNLALA <jcnlala@gmail.com>
Date: May 30, 2022 at 1:18:42 PM PDT
To: Kenneth Phung <kphung@cityofperris.org>

Hi my name is Juan Ortiz, I live in Monument Ranch community. I strongly support removing Ethanac road as a truck route because of safety concerns, traffic and pollution.

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 8:27 AM
To: Nathan Perez
Subject: FW: Item 7B of The Perris Planning Commission

FYI

From: Kevin Green <kevingreen.1029@gmail.com>
Sent: Monday, May 30, 2022 4:15 PM
To: Kenneth Phung <Kphung@cityofperris.org>
Subject: Item 7B of The Perris Planning Commission

My name is Kevin Green, and I live in the Monument Park community of Perris. I strongly support removing Ethanac Road as a truck route because of safety concerns, traffic gridlock, and air and noise pollution.

Sincerely,

Kevin Green

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 8:27 AM
To: Nathan Perez
Subject: FW: Support Removing Ethanac as a truck route

FYI

From: Nancy B. <calderon0629@yahoo.com>
Sent: Monday, May 30, 2022 4:36 PM
To: Kenneth Phung <kphung@cityofperris.org>
Subject: Support Removing Ethanac as a truck route

Hi my name is Nancy Barcnas I live in Monument Ranch community. I strongly support removing Ethanac as a truck route because of safety concerns, traffic, and pollution, and also this increase accidents between trucks and cars we move this neighborhood for the peace gives us. Our streets aren't built high demand.

Sincerely,

Nancy Barcnas

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 8:30 AM
To: Nathan Perez
Subject: FW:

FYI. I have already forwarded the request to IT for the property owner to register for the zoom meeting link for the PC meeting.

Kenneth

From: Laspark <lasparks30@gmail.com>
Sent: Monday, May 30, 2022 10:28 PM
To: Kenneth Phung <Kphung@cityofperris.org>
Subject:

Hello.

I live in the Season Green Valley Community. I strongly support removing Ethanac as a truck route because of safety concerns, traffic, pollution, and also concerns with property values in the area. There are enough warehouses in the city. Is there a Zoom link for the planning commission on Wednesday, June 1?

Thank You,
Tia Riggins

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 11:48 AM
To: Nathan Perez
Subject: FW: Ethanac Truck route

FYI

From: Ryan Drumm <kawirocket674@gmail.com>
Sent: Tuesday, May 31, 2022 11:47 AM
To: Kenneth Phung <kphung@cityofperris.org>
Subject: Ethanac Truck route

Hi my name is Ryan Drumm and live on 201 Alabaster Loop off Ethanac and Goetz road and I strongly support removing Ethanac Rd as a truck route due to traffic and Safety concerns. As a father of 2 younger daughters, I feel the added big rig traffic is a safety concern especially when they are out riding their bikes along Ethanac going to the Starbucks at the Winco shopping center. Please remove Ethanac as a truck route asap. Thank you for your time and consideration.

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 3:11 PM
To: Nathan Perez
Subject: FW: Item 7B- Ethanac Truck Route Removal

FYI

From: Lauren Gillmore <lbfillmore@gmail.com>
Sent: Tuesday, May 31, 2022 3:02 PM
To: Kenneth Phung <kphung@cityofperris.org>
Subject: Item 7B- Ethanac Truck Route Removal

To whom it may concern,

My name is Lauren Gillmore and I live in the Monument Park Community of South Perris. I have recently become aware of the possibility that Ethanac will be an access road for warehouses in Menifee and I am NOT okay with this. I strongly support removing Ethanac as a truck route for many reasons... safety concerns, traffic, pollution, and also because I take pride in the community that has been established on the South end of Perris. My husband and I purchased our home brand new just over 9 years ago. We've seen the city make countless improvements on the Perris side of Ethanac (and just the general area!). In these 9 years we have gotten married and started our family here and very much so enjoy raising our babies here. To this day I drive down Ethanac and think "Menifee should invest money in creating sidewalks and trails like Perris has". Much to my recent surprise I know a family who is in contract with these builders and they are paying BIG \$\$\$ to buy this beautiful home with a brand new pool just to tear it all down/fill it up with warehouses. I now understand why they haven't and why they never will. I may not have a say in THAT, but I WILL have a say in the fact that Perris should NOT be responsible for Menifee's decisions. Also... Menifee is literally building more houses off of Goetz before Quail Valley! So that traffic alone is going to cause more congestion for us Perris residents. So Menifee gets to build build build and not have a better plan for THEIR traffic? They'll just use our roads and trash them, no big deal, right?

As a proud Perris resident, please remove Ethanac as a truck route. Please do not allow for these warehouses to have access to OUR Perris roads.

Thank you,

Lauren B. Gillmore

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 9:54 PM
To: Teresa Camarino
Cc: Nathan Perez
Subject: Re: 7B

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On May 31, 2022, at 9:41 PM, Teresa Camarino <TCamarino@msn.com> wrote:

Hi my name is Teresa Camarino and I live in the Monument Ranch community. I strongly support removing Ethanac as a truck route because of safety concerns, traffic, and pollution, not to mention it would drive down home values dramatically.

The traffic is already heavy on Ethanac and trucks would make it even worse not to mention the noise level that would be generated.

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 9:55 PM
To: laura.flores2011@yahoo.com
Cc: Nathan Perez
Subject: Re: Support in Removing Ethanac Road ("Ethanac") as a Truck Route

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On May 31, 2022, at 9:16 PM, laura.flores2011@yahoo.com wrote:

Hello, my name is Laura Flores. I live in the Perris community of Monument Park, and have done so for the past seven years. Up to now, I've considered our community a highly desirable, safe and quiet community, but this may no longer hold true if Ethanac is not removed as a truck route. I very strongly support this motion because of, among other things, new personal and property safety concerns, crime, vandalism, increase in traffic, air pollution, noise pollution, damage to roadways, etc. Ethanac runs parallel behind my home, and having Ethanac serve as a truck route brings these concerns to the highest levels. This would also severely bring down the property value of my purchased home, and all homes, which residents work so very hard to maintain as to retain their highest property value. Our community, among others in the area, have contributed to bringing Perris to a new life, and continuing to utilize Ethanac as a truck route would severely defeat our accomplishments and damage the reputation of our growing City (of Perris). As a resident of this community, I strongly urge you to fight to remove Ethanac Road as a truck route, for the sake of the residents and our growing communities.

Thank you,

Laura Flores
Muir Woods Road
Perris Ca 92570

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 9:55 PM
To: Azariah Escalante
Cc: Nathan Perez
Subject: Re: No to Etanac Truck Routes.

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On May 31, 2022, at 8:59 PM, Azariah Escalante <azariahescalante@gmail.com> wrote:

Hi My name is Azariah P. I have lived in Perris for 20 years in the Monument Ranch Community, since I was six years old, I have seen Perris go from dessert land to beautiful homes, new shopping centers, and widening of streets. But I have also seen congestion, homelessness and crime grow as well. I do NOT support the use of Ethanac as a truck route. As a wife of a Trucker myself we stand in agreement of not supporting this change to our community due to safety, congestion, pollution and the destruction of our new roads. Our new community neighbors as well did not sign up to lose what is left of our land to hideous warehouses. I would greatly appreciate if you took your community members opinions I'm consideration. We as home owners deserve a say in this matter. Thank you for your time.

-Azariah P.

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 9:56 PM
To: Gabe Valencia
Cc: Nathan Perez
Subject: Re: Ethanac truck route

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On May 31, 2022, at 8:47 PM, Gabe Valencia <gabrielvalenciajr@icloud.com> wrote:

Greetings. I'm a resident of chaparral ridge homes and have lived here for 19 years. The reason for this correspondence is to voice my thoughts on Ethanac road being a truck route and the future plans of menifee. I feel ethanac should be posted no trucks for the safety and well being of all the voting residents in the chaparral, monument and surrounding areas. Menifee has a business complex planned that is going to increase truck traffic on ethanac and the streets surrounding it. For the safety of our residents, I feel ethanac should be posted no truck traffic. Ethanac and the streets surrounding it are not suffice to handle increased truck traffic and will pose a traffic hazard. Please for the safety of our streets and the air around us please post ethanac for no truck traffic. Thank you for your time and consideration.

Gabriel Valencia jr
626-786-7196

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 9:56 PM
To: Kari Lopez
Cc: Nathan Perez
Subject: Re: Menifee warehouse

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On May 31, 2022, at 8:44 PM, Kari Lopez <kariannlopez@yahoo.com> wrote:

Hi my name is Kari, I live in Monument Ranch community. I strongly support removing Ethanac as a truck route because of safety concerns, traffic, and pollution, and also the young & reckless crowd it would bring (warehouse workers). Our friends is one of the houses on Floyd Ave that Amazon is buying and as soon as they were approached and told us we said we would be getting the heck out of Perris because we do not want this! If this does go through (hoping not) we will be leaving Perris.

Kari with M + M Designs
M-MDesigns.net

<https://vm.tiktok.com/ZMeVbjNVg/>

https://instagram.com/mm_designs21?igshid=1nmejai8bxkir

(909)489-9609

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 9:57 PM
To: Andrea Marroquin
Cc: Nathan Perez
Subject: Re: No to truck routes!

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On May 31, 2022, at 8:10 PM, Andrea Marroquin <marroquin.andrea@yahoo.com> wrote:

My name is Andrea Marroquin. I am a resident of monument ranch. I highly oppose that ethanac rd. Is used for truck routes! We barely expanded our streets to make it a faster route to get access to the freeway. I refuse to have pollution, congested traffic on this street! Instead of bringing a truck route we need more places to shop and restaurants! Menifee needs to focus on building the sidewalk that they haven't brought to ethanac rd instead of trying to make our lives harder by bringing truck routes! Take that to Newport rd! Oh wait, they don't need any more traffic. Therefore, they are trying to make us deal with it! And I highly oppose!!

Nathan Perez

From: Kenneth Phung
Sent: Wednesday, June 1, 2022 6:51 AM
To: luz marina green
Cc: Nathan Perez
Subject: Re: Item 7B Of The Perris Planning

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On May 31, 2022, at 10:30 PM, luz marina green <kkjd74@yahoo.com> wrote:

The Perris Commission
Hello Mr. Phung,

My name is Luz Green, I have lived in the Monument Park community of Perris for over 7 years. I strongly support removing Ethanac Road as a truck route because of safety concerns, traffic gridlock, air and noise pollution, and a lower quality of life.

Sincerely,

Luz Green

Nathan Perez

From: Kenneth Phung
Sent: Wednesday, June 1, 2022 7:05 AM
To: Judd Wagner
Cc: Wagner, Judd R.; Nathan Perez
Subject: Re: Remove Ethanac as a Truck Route

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On Jun 1, 2022, at 6:52 AM, Judd Wagner <judd_wagner@hotmail.com> wrote:

Hello Planning Director,

My name is Judd Wagner, I live in the Monument Ranch neighborhood in South Perris. I strongly support removing Ethanac as a truck route because of safety concerns, traffic pollution and also the area is currently being developed with new residential homes and parks for kids. What is the reasoning that the Planning Commission would allow/try to turn this into a WareHouse district?! Doing this would definitely increase the safety issues, crime, trash, congestion, pollution, prostitution, (I could go on and on) we already have within the area. Focus should be on making this a BETTER place to live for the residents. I've been a resident of Perris, California since 2016 after moving here from out of state; at the time it was just my wife and I (we were proud to live here); we now also have two young kids. We have openly decided that if the trajectory of this state continues the way it is going, we plan to move out of California (we're not so proud to live here anymore). Allowing a truck route on Ethanac will help speed up our intention of leaving the state.....If the goal is to make it **less desirable** to live in this area then go ahead with the Truck Route.

If you can please provide some positive reasons for allowing a truck route that would alleviate my concerns, I am all ears and would LOVE to hear reasoning for moving forward with this along with how it will positively benefit the citizens that live within the area.

Thanks & Regards,
Judd Wagner
(563) 663-1922

Nathan Perez

From: Kenneth Phung
Sent: Tuesday, May 31, 2022 9:57 PM
To: Jason Beeman
Cc: Nathan Perez
Subject: Re: Ethanac Road

Received. This will be part of the record for tomorrow's PC meeting.

Sent from my iPhone

On May 31, 2022, at 7:40 PM, Jason Beeman <JasonBeeman@msn.com> wrote:

Hi my name is Jason Beeman, I live in Monument Ranch community. I strongly support removing Ethanac Road as a truck route because of safety concerns, traffic, and pollution.

With the city of Menifee wanting to put warehouses in the northern portion of their city, which will be our southernmost portion of the city. This will bring a lot of commercial traffic in the form of tractor trailers driving to and from these warehouses. While they wait to get into the yards, they will congest Ethanac Road along with any other roads that encompass this commercial corridor. This will bring a lot of noise pollution, air pollution and traffic congestion as the overpass of Ethanac Road is a single lane eastbound. As it is right now, there is a lot of commercial traffic driving to the gas station on the south side of Ethanac Road and Barton Road. Barton Road is already a mess due to the commercial traffic in and out that gas station and the road shows severe wear and tear.

Additionally, with the warehouses being built, our city streets will see an increase of regular vehicle traffic commuting to and from the warehouses. With the added traffic and congestion, we will also see an increase in traffic code violations, such as speed, failure to stop for red lights, as well as vehicles impeding traffic to drop of passengers for the warehouses. Obviously, this increase in traffic code violations will see an increase in traffic collisions. As it is, the average speed on Ethanac Road is 65 miles an hour and above. Very seldom is traffic enforcement from the city of Perris in the area and I have never seen the traffic enforcement from the city of Menifee, so undoubtedly this will become more of a race track.

I by no means want to interfere with a city advancing, but I do not agree that Ehtanac Road should be a commercial route and I think the city of Perris and the city of Menifee should work with one another in reference to this business corridor and how it will negatively impact the residents of Perris.

I would highly suggest the City Council of Perris to travel north to the city of Moreno Valley and take a look at the warehouse corridor. Specifically the Amazon warehouse at San Michelle Road at Heacock Street and Indian Avenue. This is a complete mess with commercial trucks parked along side of the roadway waiting for their turn to enter the facilities. This congestion creates so many issues, which I have already addressed above and have been involved in first hand.

I strongly urge the City Council to do its part to fight this for their communities this will negatively impact.

Thank You,

Jason Beeman