



CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Nathan Perez, Senior Planner

DATE: June 14, 2022

SUBJECT: **Item 11.c.** Three Additional Objection Letters to the Truck Route Update, and Emails in Support of the Ethanac Road Truck Removal designation

Attached are three (3) additional objection letters received after the distribution of the City Council staff report by *Compass Danbe Real Estate Partners LLC* (CDRE Holdings LLC) dated June 8, 2022, *HAS Investment LLC*. dated June 13, 2022, and *Rutan & Tucker LLP* on behalf of the City of Menifee dated June 13, 2022, expressing concerns about removing Ethanac Road as a truck corridor.

The opposition letter by CDRE Holdings LLC is substantively the same letter that was submitted as part of the staff report package to the Planning Commission for their review consideration on June 1, 2022. The letter by *Rutan & Tucker LLP* on behalf of the City of Menifee is a combination of comments submitted by the City of Menifee and another letter prepared by *Rutan & Tucker LLP* on behalf of Panattoni Development (*who is proposing an industrial development on the south side of Ethanac Road*) that was submitted as part of the staff report package to the Planning Commission. The additional letter by Has Investment is related to the loss of value of land on the south side of Ethanac Road associated with the truck route update and a potential class action against the City of Perris if the truck route is updated.

Staff has reviewed the letters with the City's environmental consultant and legal counsel and provided a written response (see Exhibits 1, 2, and 3), which 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 City Council package, staff received an additional eight (8) 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.

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 Compass Danbe Real Estate Partners LLC (CDRE Holdings LLC) dated June 14, 2022
2. City Response letter to *HAS Investment LLC* dated June 14, 2022
3. City Response letter to *Rutan & Tucker LLP* on behalf of the City of Menifee dated June 14, 2022
4. Additional emails in support of Ethanac Road truck removal designation

EXHIBIT 1

City Response letter to Compass Danbe Real Estate Partners LLC (CDRE Holdings LLC) dated June 14, 2022

**SUBJECT: CITY RESPONSE TO COMPASS DANBE REAL ESTATE PARTNERS II LLC
LETTER DATED JUNE 8, 2022**

DATE: JUNE 14, 2022

This letter has been prepared to respond to the comments submitted by Compass Danbe Real Estate Partners LLC (CDREP) dated June 8, 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. Substantively, this is the same letter dated May 26, 2022, that was submitted as part of the staff report package to the Planning Commission for their review consideration on June 1, 2022. The primary difference is that this letter addresses the City Council and, further, states that they object to the Planning Commission's recommendation to approve Ordinance Amendment 22-05069 and General Plan Amendment 22-05068. The City's responses are provided below with additional information to the previous response dated June 1, 2022, highlighted in BOLD.

Comment CDREP-1

The purpose of this letter is to express Compass Danbe Real Estate Partners II LLC's ["CDREP"] strong opposition and objection to Planning Commission's action last week to recommend 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 - Northern Gateway (EDC-NG) 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. CDREP submitted a letter to the City of Perris Planning Commission and City Council on May 26, 2022, that expresses the same comments as those submitted in this current letter. The specific comments that CDREP provides are addressed again below with additional information provided in the City's responses.

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. Only two small commercial properties are located along the northern side of Ethanac Road; the majority of uses along Ethanac Road in Perris are residential.

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 EDC-NG properties (which would be illegal as detailed below), it would effectively cut off all industrial projects for the EDC-NG 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 EDC-NG. 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 EDC-NG could do so from Barnett Road via McLaughlin Road and other roadways internal to the EDC-NG 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 EDC-NG 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 EDC-NG could continue to travel east along Ethanac Road to the I-215 Freeway.

Therefore, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG 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.

The City of Perris also disagrees with the statement that Ethanac Road has specifically been designed to accommodate industrially-related traffic from both the City of Perris and the City of Menifee. Several years ago, the City of Perris consulted with the City of Menifee regarding roadway and median improvements along this segment of Ethanac Road. The City of Menifee chose not to participate in the improvement process. The roadway and median improvements have been completed based on the City of Perris General Plan not having industrial uses planned for within this area of the City of Perris or further to the west. As such, the median within Ethanac Road has not been designed and constructed for truck traffic and the City of Perris does not plan to modify the median to accommodate truck traffic. It would be difficult for trucks to access the EDC-NG under the existing design and construction of the median within 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 EDC-NG – 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 above in the Response to Comment CDREP-2, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the EDC-NG area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road. The median within Ethanac Road has not been designed and constructed for truck traffic and the City of Perris does not plan to modify the median to accommodate truck traffic. It would be difficult for trucks to access the EDC-NG under the existing design and construction 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 EDC-NG.

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 EDC-NG. 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 EDC-NG; 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 above in the Response to Comment CDREP-2, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG 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. A public hearing was held before the City of Perris Planning Commission on June 1, 2022 during which property owners and the community in general were afforded the opportunity to provide comments on the project. A public hearing will also be held before the City of Perris City Council during which property owners and the community in general will be afforded additional opportunity to provide comments 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 above in the Response to Comment CDREP-2, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG properties could occur within the

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

As also discussed above in the Response to Comment CDREP-2, the City of Perris completed roadway and median improvements along Ethanac Road based on the City of Perris General Plan not having industrial uses planned for within this area of the City of Perris or further to the west. The City of Menifee chose not to participate in the improvement process. The median within Ethanac Road has not been designed and constructed for truck traffic and the City of Perris does not plan to modify the median to accommodate truck traffic. It would be difficult for trucks to access the EDC-NG under the existing design and construction of the median within 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 EDC-NG 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 above 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 EDC-NG. Access to the EDC-NG properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the EDC-NG 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 above 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 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.



June 8, 2022

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

Re: June 14, 2022, Agenda Item: -

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

Dear Honorable Mayor and Members of the City Council:

The purpose of this letter is to express Compass Danbe Real Estate Partners II LLC's ["CDREP"] strong opposition and objection to Planning Commission's action last week to recommend 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 Economic Development Corridor – Northern Gateway (EDC-NG) 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 EDC-NG properties (which would be illegal as detailed below), it would effectively cut off all industrial projects for the EDC-NG 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 EDC-NG* – 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.

COMPASS DANBE REAL ESTATE PARTNERS II LLC

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



- 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 EDC-NG; 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 EDC-NG 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 EDC-NG 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 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 II 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 if we may provide any additional information at this time at 310.428.3302 or via email at Mark@CDREpartners.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'MB', with a long horizontal flourish extending to the right.

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

EXHIBIT 2

**City Response letter to HAS Investment LLC
dated June 14, 2022**

SUBJECT: CITY RESPONSE TO HAS INVESTMENT LLC LETTER. DATED JUNE 13, 2022

DATE: JUNE 14, 2022

This letter has been prepared to respond to the comments submitted by HAS Investment LLC (HAS) received by the City on June 13, 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 HAS-1

We strongly opposed to City of Perris for their decision of removal of section of Ethenec [sic] Road as truck route, from the western City limit to Barnett Road and two sections of Goetz Road as truck route. As City well aware that opposite side of Ethenec [sic] Road is City of Menifee and they have designated all area from west of I215 to Goetz Road as Economic Development Corridor and zoned [sic] as Industrial Commercial and Retail.

Response to Comment HAS-1

This comment expresses the commenter's opposition to the proposed removal of Ethanac Road from the westerly City limit to Barnett Road as well as two segments of Goetz Road from the City of Perris' list of designated truck routes. This comment is noted for consideration by the City of Perris.

Comment HAS-2

Removal of this section of Ethenec [sic] will impact industrial development in Menifee North.

Currently lot of those properties along with our property on Wheat and Ethenec [sic] i.e (23245 Ethenec [sic] Road, Menifee) are in talk with developers to build warehose [sic]. If this ordinance passed it will impact values of our land. Please reconsider removing Ethenec [sic] Road from this ordinance. If needed we will bring class action against City of Perris for their decision. Both cities must work together for well being of each other.

Response to Comment HAS-2

The City of Perris disagrees that changing the truck route designation for Ethanac Road from the westerly City limit to Barnett Road would negatively impact the value of properties with the City of Menifee's Economic Development Corridor - Northern Gateway (EDC-NG). 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 EDC-NG could do so from Barnett Road via McLaughlin Road and other roadways internal to the EDC-NG 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 EDC-NG 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, the westbound two lanes, the median, and the northern eastbound lane are all located within the City of Perris. Only the southern eastbound lane 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 EDC-NG could continue to travel east along Ethanac Road to the I-215 Freeway.

Therefore, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG 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.

In addition, the median within Ethanac Road has not been designed and constructed for truck traffic. Several years ago, the City of Perris consulted with the City of Menifee regarding roadway and median improvements along this segment of Ethanac Road. The City of Menifee chose not to participate in the improvement process. The roadway and median improvements have been completed based on the City of Perris General Plan not having industrial uses planned for within this area of the City of Perris or further to the west. As such, the median within Ethanac Road has not been designed and constructed for truck traffic and the City of Perris does not plan to modify the median to accommodate truck traffic. It would be difficult for trucks to access the EDC-NG under the existing design and construction of the median within Ethanac Road.

The City of Perris understands that the commenter may choose to bring legal action against it if the project is approved as proposed. Although the segment of Ethanac Road is currently designated as a truck route in both the City of Perris General Plan and the City of Menifee General Plan, it is the discretion of either city to change the designation of the lanes within its jurisdiction if so desired. The City of Perris is not required to provide a designated truck route to properties within the City of Menifee. As discussed above, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG 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.

HAS INVESTMENT LLC

10759 SAFFRON ST.

FONTANA CA 92337

PH: - 90945593499

TO:-

CITY CLERK'S OFFICE

CITY OF PERRIS

101 N. D STREET

PERRIS CA 92570

SUBJECT: - OPPOSITION TO PROPOSED REMOVAL OF TRUCK ROUTE ON ETHENEC ROAD.

WE STRONGLY OPPOSED TO CITY OF PERRIS FOR THEIR DECISION OF REMOVAL OF SECTION OF ETHENEC ROAD AS TRUCK ROUTE, FROM THE WESTERN CITY LIMIT TO BARNETT ROAD AND TWO SECTIONS OF GOETZ ROAD AS TRUCK ROUTE. AS CITY WELL AWARE THAT OPPOSITE SIDE OF ETHENEC ROAD IS CITY OF MENIFEE AND THEY HAVE DESIGNATED ALL AREA FROM WEST OF I215 TO GOETZ ROAD AS ECONOMIC DEVELOPMENT CORRIDOR AND ZONED AS INDUSTRIAL COMMERCIAL AND RETAIL.

REMOVAL OF THIS SECTION OF ETHENEC WILL IMPACT INDUSTRIAL DEVELOPMENT IN MENIFEE NORTH.

CURRENTLY LOT OF THOSE PROPERTIES ALONG WITH OUR PROPERTY ON WHEAT AND ETHENEC I.E **(23245 ETHENEC ROAD, MENIFEE)** ARE IN TALK WITH DEVELOPERS TO BUILD WAREHOUSE. IF THIS ORDINANCE PASSED IT WILL IMPACT VALUES OF OUR LAND. PLEASE RECONSIDER REMOVING ETHENEC ROAD FROM THIS ORDINANCE. IF NEEDED WE WILL BRING CLASS ACTION AGAINST CITY OF PERRIS FOR THEIR DECISION. BOTH CITIES MUST WORK TOGETHER FOR WELL BEING OF EACH OTHER .

THANK YOU


SUKHCHARAN SINGH (MEMBER)

HAS INVESTMENT LLC

06/13/22

EXHIBIT 3

City Response letter to Rutan & Tucker LLP on
behalf of the City of Menifee dated June 14,
2022

SUBJECT: CITY RESPONSE TO THE LETTER FROM RUTAN & TUCKER, LLP ON BEHALF OF THE CITY OF MENIFEE DATED June 13, 2022

DATE: JUNE 14, 2022

This letter has been prepared to respond to the comments submitted by Rutan & Tucker, LLC (Rutan) on behalf of the City of Menifee dated June 13, 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 Rutan-1

This office serves as the City Attorney for the City of Menifee. The purpose of this letter is to express Menifee's strong opposition to the above-referenced project, which proposes 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 documents and offers the following comments.

Response to Comment Rutan-1

This comment introduces the commenter and its client 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 commenter provides are addressed below.

Comment Rutan-2

First of all, the City of Menifee takes great exception to the City of Perris' complete lack of collaboration regarding this project. Menifee and Perris staff had been working together regarding industrial proposals in Menifee and access/truck route options along Ethanac over the course of the last six months. Menifee staff spoke with Perris staff as recently as May 6, and Perris staff did not mention the proposed project, even though the notice of public hearing relating to the project was already mailed. With a shared roadway and project immediately adjacent to Menifee, the City of Perris should have consulted Menifee when the project was initiated. This lack of consultation fits with Menifee's belief that the decision to approve the project was already made by Perris prior to any Planning Commission or City Council hearings or environmental analysis, as was made apparent by comments made at the Planning Commission hearing and by public documents. For example, the Planning Commission Chairman stated prior to the vote: "I think this was a no-brainer before I even started. We can go through the motions..."

Response to Comment Rutan-2

As discussed in the following responses, the City of Perris' 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. Several years ago, the City of

Perris consulted with the City of Menifee regarding roadway and median improvements along this segment of Ethanac Road. The City of Menifee chose not to participate in the improvement process. The roadway and median improvements have been completed based on the City of Perris General Plan not having industrial uses planned for within this area of the City of Perris or further to the west. As such, the median within Ethanac Road has not been designed for truck traffic and the City of Perris does not plan to modify the median to accommodate truck traffic.

Comments provided by members of the City of Perris Planning Commission reflect that there is substantial support for the project by the residents of the City of Perris. The Planning Commissioners did conduct a thorough public hearing on June 1, 2022, during which members of the public spoke both in support and opposition for Ordinance Amendment 22-05069 and General Plan Amendment 22-05068 (Amendments). The people who spoke in support of the Amendments are all residents of the City of Perris. No residents of the City of Perris spoke in opposition to the Amendments. The Planning Commission acknowledged overwhelming Perris resident participation and support of the Amendments and expressed that it is their responsibility to protect Perris residents from air quality, noise, traffic, and quality of life from potential impacts resulting from activities, including truck corridors that would impact residential neighborhoods on the north side of Ethanac Road. The Commission also pointed out that the City of Menifee has other options to provide truck access to the I-215 freeway through Barnett Avenue, provided the appropriate studies and improvements are done at the freeway interchange. It was also noted that the City of Menifee recently adopted Good Neighbor Policies to protect sensitive receptors, promote public health, and protect the neighborhood character of adjacent communities which outlines that truck traffic shall generally be routed to impact the least number of sensitive receptors. The Planning Commissioner further observed that the planned industrial developments on the south side of Ethanac Road within the City of Menifee do not adhere to their very own policies.

The City of Perris has received notices of multiple proposed industrial developments in Menifee going back to August 2021 in which the City has repeatedly sent multiple letters (e.g., August 26, 2021, September 7, 2021, November 14, 2021, November 30, 2021, December 22, 2021, April 8, 2022, May 5, 2022 and May 16, 2022) to Menifee expressing concerns and recommendations to explore alternate truck routes so as to not impact the residential areas on the north side Ethanac Road.

Comment Rutan-3

The Initial Study/Negative Declaration 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.

Response to Comment Rutan-3

While the City of Menifee may not consider the proposed changes to the City of Perris' designated truck routes to be "adjustments," this semantic consideration does not affect the description of the project or the analysis of project impacts in the Negative Declaration/Initial Study.

Comment Rutan-4

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.

Response to Comment Rutan-4

All of the roadway segments and lanes proposed to be designated as truck routes in the Perris Municipal Code and Circulation Element are located within the City of Perris. 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 Economic Development Corridor Northern Gateway (EDC-NG) could continue to travel east along Ethanac Road to the I-215 Freeway. The trucks accessing the EDC-NG could do so from Barnett Road via McLaughlin Road and other roadways internal to the EDC-NG area.

It should be noted that Chapter 9.145 of the City of Menifee Development Code describes the EDC-NG as "a business park area with more intensive industrial uses" providing "a buffer and transition between the commercial uses in Perris to the north and the residential uses in Menifee, south of McLaughlin Road." The description of the uses in the City of Perris are inaccurate. In February 1990, the City of Perris City Council certified an Environmental Impact Report (EIR) and adopted the Green Valley Specific Plan, which includes the relevant areas north of Ethanac Road in the City of Perris described above. The Green Valley Specific Plan 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. Only two small commercial properties are located along the northern side of Ethanac Road; the majority of uses along Ethanac Road in Perris are residential. While the Negative Declaration/Initial Study for the proposed Amendments does not describe the uses in the City of Menifee, this is because the Amendments do not involve any changes to these uses. On the other hand, the City of Menifee has identified the incorrect uses in the City of Perris in its decisions

to locate "more intensive industrial uses" along the southern side of Ethanac Road. Chapter 9.145 of the City of Menifee Development Code was adopted many years after the Green Valley Specific Plan was approved.

Comment Rutan-5

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.

Response to Comment Menifee-5

As discussed above in the Response to Comment Rutan-4, City of Perris City Council certified an Environmental Impact Report (EIR) and adopted the Green Valley Specific Plan in February 1990. 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 that 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. The air quality, noise, and traffic-related impacts associated with this truck trip distribution were evaluated in the EIR. As such, the City's efforts to require trucks to use Case Road rather than Ethanac Road are part of the City's existing baseline or existing conditions rather than an impact of the proposed Amendments.

The Air Quality and Noise sections of the Negative Declaration/Initial Study discuss how Case Road from "G" Street to the I-215 freeway would be the only new designated truck route and there are no sensitive uses along this roadway segment. Therefore, the Negative Declaration/Initial Study concludes that the Amendments would not generate any expected increase in long-term operational air pollutant emissions or noise levels at sensitive receptors. No impacts would occur.

Comment Rutan-6

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.

Response to Comment Rutan-6

All of the roadway segments and lanes proposed to be designated as truck routes in the Perris Municipal Code and Circulation Element are located within the City of Perris. As discussed on the Negative Declaration/Initial Study, the segment of Ethanac Road from Goetz Road to Barnett Road is shared with the City of Menifee, which also designates Ethanac Road as a truck route. This segment of Ethanac Road is a four-lane Primary Arterial with a median. The westbound two lanes, the median, and the northern eastbound lane are all located within the City of Perris. Only the southern eastbound lane is located within the City of Menifee.

Although this segment of Ethanac Road is currently designated as a truck route in both the City of Perris General Plan and the City of Menifee General Plan, it is the discretion of either city to change the designation of the lanes within its jurisdiction if so desired. The City of Menifee does not have any authority over properties within the City of Perris, just as the City of Perris does not have any authority over properties within the City of Menifee.

Several years ago, the City of Perris consulted with the City of Menifee regarding roadway and median improvements along this segment of Ethanac Road. The City of Menifee chose not to participate in the improvement process. The roadway and median improvements have been completed based on the City of Perris General Plan not having industrial uses planned for within this area of the City of Perris or further to the west. As such, the median within Ethanac Road has not been designed for truck traffic and the City of Perris does not plan to modify the median to accommodate truck traffic.

As discussed above in the Response to Comment Rutan-4, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the EDC-NG area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road. The Amendments would not change the land use designations of any properties within the EDC-NG and the City of Menifee General Plan Circulation Element can continue to designate the southern eastbound lane of Ethanac Road as a truck route.

Because the Amendments would only involve adjustments to the designated truck routes within the City of Perris, the City of Menifee is not a responsible agency under CEQA for the Amendments and an analysis of project consistency with the City of Menifee General Plan is not required in the Negative Declaration/Initial Study.

However, because the City of Menifee has raised the issue of consistency with its General Plan, the City of Perris has reviewed Menifee's new Good Neighbor Policies. 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 EDC-NG trucks access from Barnett Road rather than Ethanac Road would be consistent with the City of Menifee's new Good Neighbor Industrial Policies.

Comment Rutan-7

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.

Response to Comment Rutan-7

As discussed in the Response to Comment Rutan-4, trucks could continue to travel to and from the NEDC. Access to the EDC-NG properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the EDC-NG area and travel from the properties could continue to occur within the City of Menifee via the southern eastbound lane of Ethanac Road. The Amendments would not change the land use designations of any properties within the EDC-NG and the City of Menifee General Plan Circulation Element can continue to designate the southern eastbound lane of Ethanac Road as a truck route. The City of Menifee could also add additional traffic lanes within its jurisdiction consistent with its Circulation Element. However, this is not an impact of the proposed Amendments that would have to be evaluated in the Negative Declaration/Initial Study. Those improvements would be evaluated by the City of Menifee in its own environmental documents.

Because the Amendments would only involve adjustments to the designated truck routes within the City of Perris, the City of Menifee is not a responsible agency under CEQA for the project and an analysis of project consistency with the City of Menifee General Plan is not required in the Negative Declaration/Initial Study.

Comment Rutan-8

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.

Response to Comment Rutan-8

In June 2011, the City of Perris City Council passed a resolution associated with the Mid-County Parkway asking the Riverside County Transportation Commission (RCTC) to investigate the feasibility of an Ethanac Corridor. In August 2020, the Riverside County Transportation Department prepared a report entitled Ethanac Expressway Corridor Development Report. It was also called a Vision Study. The City of Perris has been unable to confirm whether that report went to the Riverside County Board of Supervisors for receipt and file.

A comprehensive traffic analysis was used for long-term and short-term planning. A preliminary environmental review was conducted to evaluate development constraints. However, Ethanac Road through Perris and Menifee was planned to be evaluated as a separate project and that roadway segment was planned to be constructed by others. The City of Perris participated in an outreach event (bus tour) in 2019 and provided feedback to the County. The City of Perris has not adopted any of the suggestions of the report.

Comment Rutan-9

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.

Response to Comment Rutan-9

As discussed above in the Response to Comment Rutan-5, the City of Perris has required trucks from the South Perris Industrial area to use Case Road rather than Ethanac Road since 2010. As such, the use of Case Road by trucks is part of the City's existing baseline or existing conditions rather than an impact of the proposed project.

The Air Quality and Noise sections of the Negative Declaration/Initial Study discuss how Case Road from "G" Street to the I-215 freeway would be the only new truck route and there are no existing or planned sensitive uses along this roadway segment. Therefore, the Negative Declaration/Initial Study concludes that the project would not generate any expected increase in long-term operational air pollutant emissions or noise levels at sensitive receptors. No impacts would occur.

Comment Rutan-10

Response to Comment Rutan-10

SB 18 does not require consultation to conclude before an environmental document may be published. It only requires that consultation conclude before a decision is made on the project by the Lead Agency. In the case of the proposed project, SB 18 consultation concluded on June 7, 2022. Consultation was not requested by any Native American tribe.

That being said, no new roadways would be constructed as part of the project and no existing roadways would have to be modified. Since no construction will occur, the Negative Declaration/Initial Study concludes that there would be no effect on tribal cultural resources.

Comment Rutan-11

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.

It should also be noted that a driveway along the north side of Ethanac in Perris west of Barnett provides truck access to an existing commercial center, which houses, among other things, a Home Depot and WinCo Foods. This truck access appears to be eliminated by the proposed project, yet the IS/ND makes no mention of this impact.

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).

Response to Comment Rutan-11

Under CEQA, the individual effects of a project may be individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The City of Perris is aware of projects that are proposed within the City of Menifee south of Ethanac Road.

In the case of the proposed Amendments, the Negative Declaration/Initial Study concludes that the proposed Amendments would not contribute to cumulative impacts within Perris or elsewhere in Riverside County. An evaluation of the projects in Menifee is not required since the proposed Amendments would not contribute any impacts.

As discussed above in the Response to Comment Rutan-4, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG properties could occur within the City of Menifee from Barnett Road via McLaughlin Road and other roadways internal to the EDC-NG 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 above in the Response to Comment Rutan-6, the City of Perris completed roadway and median improvements along this segment of Ethanac Road based on the City of Perris General Plan not having industrial uses planned for within this area of the City of Perris or further to the west. The City of Menifee chose not to participate in the improvement process. The median within Ethanac Road has not been designed for truck traffic and the City of Perris does not plan to modify the median to accommodate truck traffic.

Pursuant to Vehicle Code Section 35703, trucks would continue to be able to travel to the commercial properties along Ethanac Road 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.

Comment Rutan-12

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.

Response to Comment Rutan-12

As discussed above in the Response to Comment Rutan-11, the Negative Declaration/Initial Study concludes that the proposed Amendments would not contribute to cumulative impacts within Perris or elsewhere in Riverside County. An evaluation of the projects in Menifee is not required since the proposed Amendments would not contribute any impacts.

As discussed above in the Response to Comment Rutan-8, the Ethanac Expressway Corridor Development Report was prepared by the Riverside County Transportation Department in August 2020. The City of Perris has been unable to confirm whether that report went to the Riverside County Board of Supervisors for receipt and file. A comprehensive traffic analysis was used for long-term and short-term planning. A preliminary environmental review was conducted to evaluate development constraints. However, Ethanac Road through Perris and Menifee was planned to be evaluated as a separate project and that roadway segment was planned to be constructed by others. The City of Perris participated in an outreach event (bus tour) in 2019 and provided feedback to the County. The City of Perris has not adopted any of the suggestions of the report. Because the report has not been adopted and Ethanac Road through Perris and Menifee is an unplanned future project, it is not a related project subject to a cumulative analysis at the present time.

Comment Rutan-13

Vehicle Code:

Applicable Vehicle Code provisions serve to prohibit Perris from adopting size and weight restrictions on Ethanac as contemplated by the project. Vehicle Code § 35702 states: "No ordinance proposed under Section 35701 is effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting the ordinance..." "Highways" include streets. (Vehicle Code § 360.) Where a street serves as a dividing line between cities, § 35702 prohibits a city from establishing weight and size restrictions pursuant to § 35701. In *Skyline Materials, Inc. v. City of Belmont* (1961) 198 Cal.App.2d 449, the court was faced with a similar problem as here—a quarry operator challenged a city ordinance that regulated weight limits on certain streets in such a manner as to add about 5.3 miles of travel for quarry trucks to remove rock from the quarry. The plaintiff challenged the ordinance in part under § 35702, claiming that the city there was prohibited from passing the ordinance because the preferred road originated in the county's jurisdiction. The court rejected this argument because the preferred road ran in orthogonal manner between the city and county's jurisdiction, and thus, once the preferred route entered city limits, "it is wholly within that city." (Id. at p. 458.) The court explicitly acknowledged that there would be a different result under §

35702 if the street served as a dividing line between jurisdictions: "It is not a boundary street separating one city from another or from unincorporated territory and lying partially in each. Such a boundary street doubtless would be within the prohibition [of § 35702]." (Ibid.) As such, the City of Perris does not have exclusive jurisdiction over Ethanac, and § 35702 would prohibit Perris from adopting size and weight restrictions on it pursuant to § 35701.

Response to Comment Rutan-13

As discussed above in the Response to Comment Rutan-4, trucks could continue to travel to and from the EDC-NG. Access to the EDC-NG 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 Rutan-14

Piecemealing of Project:

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.'" (Ibid.)

Here, the City altered the truck routes within the northern part of the City in the past 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.

Five months after the approval of the original action, the City is again proposing to alter the truck routes throughout the rest of the City. Based on public documents, 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 the 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.

Response to Comment Rutan-14

As stated in this comment, the goal of piecemealing is to chop a large project into little ones in an effort to minimize the potential impacts associated with the overall larger project. The City of Perris did not do this with its recent efforts to adjust its designated truck routes. As discussed in the Negative Declaration/Initial Study, the City Council approved an update to the City's designated truck routes within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area in January 2022, that excludes Perris Boulevard, Ramona Expressway, and Harvill Avenue. As part of the approval process, the Perris Municipal Code, the Circulation Element, and the PVCCSP were amended to be consistent with each other. This occurred because numerous projects have been proposed, approved, and developed within the PVCCSP planning area and making the documents consistent with each other was a priority for the City. The City of Perris has the discretion to evaluate and consider projects as they are proposed and prioritized. The proposal for the truck routes in the southern portion of Perris was not finalized at the time that the truck routes in the PVCCSP planning were proposed. The Negative Declaration/Initial Study determined that the proposed adjustments in the PVCCSP planning area would not result in any environmental impacts. Likewise, the Negative Declaration/Initial Study for the proposed Amendments has determined that the proposed Amendments would not result in any environmental impacts.

Comment Rutan-15

General Plan Inconsistencies:

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 *Leshner 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 Perris proceeds with its plan to de-designate Ethanac Road as a truck route, such a change would be inconsistent with the Circulation Element of the City's General Plan, both as it currently stands as well as with the proposed amendments. The Circulation Element identifies Ethanac Road's future condition in 2030 as an "expressway" accommodating six lanes of traffic and including an extremely 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 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.

Response to Comment Rutan-15

Comment Rutan-16

We strongly urge the City Council 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, City of Lake Elsinore, County of Riverside, and Riverside County Transportation Commission.

Response to Comment Rutan-16

This comment is noted for consideration by the City of Perris.

June 13, 2022

VIA E-MAIL

Mayor and City Councilmembers
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 Mayor and City Councilmembers:

This office serves as the City Attorney for the City of Menifee. The purpose of this letter is to express Menifee's strong opposition to the above-referenced project, which proposes 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 documents and offers the following comments.

First of all, the City of Menifee takes great exception to the City of Perris' complete lack of collaboration regarding this project. Menifee and Perris staff had been working together regarding industrial proposals in Menifee and access/truck route options along Ethanac over the course of the last six months. Menifee staff spoke with Perris staff as recently as May 6, and Perris staff did not mention the proposed project, even though the notice of public hearing relating to the project was already mailed. With a shared roadway and project immediately adjacent to Menifee, the City of Perris should have consulted Menifee when the project was initiated. This lack of consultation fits with Menifee's belief that the decision to approve the project was already made by Perris prior to any Planning Commission or City Council hearings or environmental analysis, as was made apparent by comments made at the Planning Commission hearing and by public documents. For example, the Planning Commission Chairman stated prior to the vote: "I think this was a no-brainer before I even started. We can go through the motions..."

The Initial Study/Negative Declaration 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

Mayor and City Councilmembers
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Page 2

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

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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.

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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

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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.

It should also be noted that a driveway along the north side of Ethanac in Perris west of Barnett provides truck access to an existing commercial center, which houses, among other things, a Home Depot and WinCo Foods. This truck access appears to be eliminated by the proposed project, yet the IS/ND makes no mention of this impact.

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.

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Vehicle Code:

Applicable Vehicle Code provisions serve to prohibit Perris from adopting size and weight restrictions on Ethanac as contemplated by the project. Vehicle Code § 35702 states: “No ordinance proposed under Section 35701 is effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting the ordinance...” “Highways” include streets. (Vehicle Code § 360.) Where a street serves as a dividing line between cities, § 35702 prohibits a city from establishing weight and size restrictions pursuant to § 35701. In *Skyline Materials, Inc. v. City of Belmont* (1961) 198 Cal.App.2d 449, the court was faced with a similar problem as here—a quarry operator challenged a city ordinance that regulated weight limits on certain streets in such a manner as to add about 5.3 miles of travel for quarry trucks to remove rock from the quarry. The plaintiff challenged the ordinance in part under § 35702, claiming that the city there was prohibited from passing the ordinance because the preferred road originated in the county’s jurisdiction. The court rejected this argument because the preferred road ran in orthogonal manner between the city and county’s jurisdiction, and thus, once the preferred route entered city limits, “it is wholly within that city.” (*Id.* at p. 458.) The court explicitly acknowledged that there would be a different result under § 35702 if the street served as a dividing line between jurisdictions: “It is not a boundary street separating one city from another or from unincorporated territory and lying partially in each. Such a boundary street doubtless would be within the prohibition [of § 35702].” (*Ibid.*) As such, the City of Perris does not have exclusive jurisdiction over Ethanac, and § 35702 would prohibit Perris from adopting size and weight restrictions on it pursuant to § 35701.

Piecemealing of Project:

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 designated numerous roadways as truck routes all while purporting to keep 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.*)

Here, the City altered the truck routes within the northern part of the City in the past 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

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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.

Five months after the approval of the original action, the City is again proposing to alter the truck routes throughout the rest of the City. Based on public documents, 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 the 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.

General Plan Inconsistencies:

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 Perris proceeds with its plan to de-designate Ethanac Road as a truck route, such a change would be inconsistent with the Circulation Element of the City's General Plan, both as it currently stands as well as with the proposed amendments. The Circulation Element identifies Ethanac Road's future condition in 2030 as an "expressway" accommodating six lanes of traffic and including an extremely 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 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.

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We strongly urge the City Council 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, City of Lake Elsinore, County of Riverside, and Riverside County Transportation Commission.

Sincerely yours,

RUTAN & TUCKER, LLP



Robert O. Owen

ROO:pc

cc: Armando Villa, City Manager
Cheryl Kitzerow, Community Development Director
Nicolas Fidler, Director of Public Work and Engineering

EXHIBIT 4

Additional emails in support of Ethanac Road
truck removal designation

From: [Kenneth Phung](#)
To: [Mary Drake](#)
Cc: [Nathan Perez](#)
Subject: RE: I STRONGLY support removing Ethanac as a truck route,
Date: Monday, June 13, 2022 10:13:19 AM

Received. This will be provided to the City Council for tomorrow night's meeting.

From: Mary Drake <tisdrake67@yahoo.com>
Sent: Monday, June 13, 2022 9:59 AM
To: Kenneth Phung <kphung@cityofperris.org>
Subject: I STRONGLY support removing Ethanac as a truck route,

Hi my name is Mary Drake, and I live in the Monument Park Housing community in the southern part of Perris California. I STRONGLY support removing Ethanac as a truck route, because of my many concerns, such as safety, traffic, congestion and pollution. I have lived in this community for well over 10 plus years and love this area. This is my home, our home. I find it unfair that the city of Menifee is only going to allow warehouses to be built on the northern boundaries. Why would they only pick the northern boundaries? Why, well because, they don't want the traffic, the congestion, the pollution in their community that they are trying to inflict on us, they'd like to push it as far away as they can, yet close enough so that they can still benefit and gain tax revenues, thus bordering our community, our area that I live in, that we live in! Values of property are finally up and this is a wonderful place to live I'd like it to continue to stay that way. Perris is doing so much better than in the past. I'd like to see our city to continue to move onward and upward.

I ask again that you please take consideration and remove Ethanac as a truck route. Thank you in advance for your consideration in this matter.

Concerned citizen, Community member and longtime resident!

Mary Drake

[Sent from Yahoo Mail on Android](#)

From: [Kenneth Phung](#)
To: carmenslo@aol.com
Cc: [Nathan Perez](#)
Subject: RE: Truck route Ethanac
Date: Monday, June 13, 2022 8:43:17 AM

Received. This will be provided to the City Council for tomorrow night's meeting.

From: carmenslo@aol.com <carmenslo@aol.com>
Sent: Monday, June 13, 2022 8:31 AM
To: Kenneth Phung <kphung@cityofperris.org>
Subject: Truck route Ethanac

Hi, my opinion on the truck route on Ethanac is that it is dangerous and will cause terrible traffic issues. Perris has turned into a traffic nightmare do to all the warehouse traffic . I have been living in Perris since 1990 when it was a quite simple place. Now it's dirty , crowded and the traffic makes doing simple trips to the store miserable. Please no truck route it's one of the very few exits that is easy to travel.

[Sent from the all new AOL app for iOS](#)

From: [Kenneth Phung](#)
To: [Raquel Holguin](#)
Cc: [Nathan Perez](#)
Subject: RE: Regarding Ethanac truck route
Date: Monday, June 13, 2022 3:06:18 PM

Received. This will be provided to the City Council for tomorrow night's meeting.

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

From: Raquel Holguin <rocknjay@gmail.com>
Sent: Monday, June 13, 2022 3:05 PM
To: Kenneth Phung <Kphung@cityofperris.org>
Subject: Regarding Ethanac truck route

Good afternoon,

We write to you today in support of removing Ethanac as a truck route. We are owners In the Monument Ranch area. The traffic in the morning taking our children is already at a all time high and the new houses haven't even been built.

One can only imagine how bad it will get. Most importantly the pollution it will bring to our area. We are seeing more and more children playing outside, enjoying our beautiful parks. As a parent with two children with severe asthma this is a major concern. Let's talk about safety issues. Case rd and Barnett are not equipped for larger vehicles let alone semi trucks. Please take these issues into consideration and vote in favor of removing Ethanac as a truck route!

Thank you,
Gabriel and Raquel Holguin

From: [Kenneth Phung](#)
To: [Elise Madden](#)
Cc: [Nathan Perez](#)
Subject: RE: Truck route
Date: Monday, June 13, 2022 5:46:02 PM

Received. This will be provided to the City Council for tomorrow night's meeting.

From: Elise Madden <monkeypodbowl@gmail.com>
Sent: Monday, June 13, 2022 5:42 PM
To: Kenneth Phung <kphung@cityofperris.org>
Subject: Truck route

Hello, please remove Ethanc as a truck route. It is a traffic hazard, and it slows the compute and makes it more dangerous for my family and myself on a daily basis. The trucks do not follow the speed limit and act as if the road belongs to them, driving on both sides of the road day and night. I am an early morning driver, as is my niece, a young driver who is unsure of her skill. This a terrible route and should be changed to a more accessible route. Our family would greatly appreciate this plan.

Thank you,
Elise

From: [Kenneth Phung](#)
To: adamgaylor69@gmail.com
Cc: [Nathan Perez](#)
Subject: Re: Ethanac truck route
Date: Monday, June 13, 2022 6:40:35 PM

Received. This will be provided to the City Council for tomorrow night's meeting.

Sent from my iPhone

On Jun 13, 2022, at 6:30 PM, adamgaylor69@gmail.com wrote:

I am totally against Ethan Ack being a truck route I live in the Monument Ranch subdivision and there is already too much traffic on either neck more trucks will make it more congested more opportunities

Adam Gaylor
266 Caldera St
Perris, CA
92570

From: [Kenneth Phung](#)
To: navman9@aol.com
Cc: [Nathan Perez](#)
Subject: Re: Ethanac truck route
Date: Monday, June 13, 2022 6:53:14 PM

Received. This will be provided to the City Council for tomorrow night's meeting.

Sent from my iPhone

On Jun 13, 2022, at 6:45 PM, navman9@aol.com wrote:

Dear sir or ma'am,

I am a citizen of South Perris I live near and utilize the Ethanac area that is being considered for a truck route. I am totally against this action and would like this email to serve as my disapproval to this consideration. This route is already becoming congested with traffic from the trucking fueling station and will only be exacerbated with the housing development in the area.

As you are well aware, warehousing and these huge trucks that support these warehousing facilities are set up in lower income areas, and or serve to bring down the home values of the middle and lower middle class homes in the area. Let the developers suck up the expended fuel exhaust in to their lungs, as well as ingesting the rubber particulates in the atmosphere due to the many semi truck tires that will be on the road in that area.

Thank you for your time.

Very Respectfully,

Mr. Jesus Soto

[Sent from the all new AOL app for iOS](#)

From: [Kenneth Phung](#)
To: [Shelley Aguilar](#)
Cc: [Nathan Perez](#)
Subject: Re: Ethanac as a truck route
Date: Monday, June 13, 2022 9:41:25 PM

Received. This will be provided to the City Council for tomorrow night's meeting.

Sent from my iPhone

On Jun 13, 2022, at 9:39 PM, Shelley Aguilar <shelleyaguilar@yahoo.com> wrote:

To Whom It May Concern:

I am strongly opposed to allowing Ethanac as a truck route. This is especially true for trucks who want to use the gas station off of Barnett. This is a safety and congestion issue. If a truck traveling south on I215 wanted to fuel up on Barnett, they would be required to cross 3 lanes of traffic. These trucks are approximately 72 feet long which would create a safety issue, not to mention the congestion they would cause attempting to gain access to the left turn lane. There simply is not sufficient space for a large truck to make a left turn between Case Rd and Barnett. The same issue applies to trucks turning right onto Ethanac from Barnett, they would have to cross multiple lanes to make the turn to access the freeway heading south.

This is also true of any trucks traveling East on Ethanac who are attempting to gain access to the I215 heading north from Barnett. They would be required to travel east on Ethanac crossing multiple lanes of traffic before turning north onto the freeway onramp. The Ethanac bridge is a single lane bridge heading east. This would also create extreme congestion plus the same safety concern. There is no reason why these trucks could not move down one offramp to McCall where the bridge is 2 lanes moving east and west.

I implore you to protect the residents of Perris and our community.

Best Regards,
Dr. Shelley Aguilar
Resident of Perris, Monument Ranch

From: [Kenneth Phung](#)
To: [Janet Moore](#)
Cc: [Nathan Perez](#)
Subject: Re: Oppose Ethanac as a truck route
Date: Monday, June 13, 2022 10:16:58 PM

Received. This will be provided to the City Council for tomorrow night's meeting.

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On Jun 13, 2022, at 9:55 PM, Janet Moore <mzzmoore3704@gmail.com> wrote:

I have lived in this area as a single woman homeowner for 18 years. Ethanac was a two lane road. I have been very skeptical of the growth in the areas, but it has maintained its value, cleanliness and continues to feel safe.

One of the reasons I did not purchase a home off of Ramona Expressway was because of all the warehouses and the trucks and the roads being so raggedy and torn up. That is the last thing we need or we want in this area.

Menifee needs to do what they want in Menifee and leave this side of Perris alone.

I stand with all the other neighbors and homeowners against that proposal. We are not second class, we are first class and our opinions count.

JMoore